

Learning Interrupted

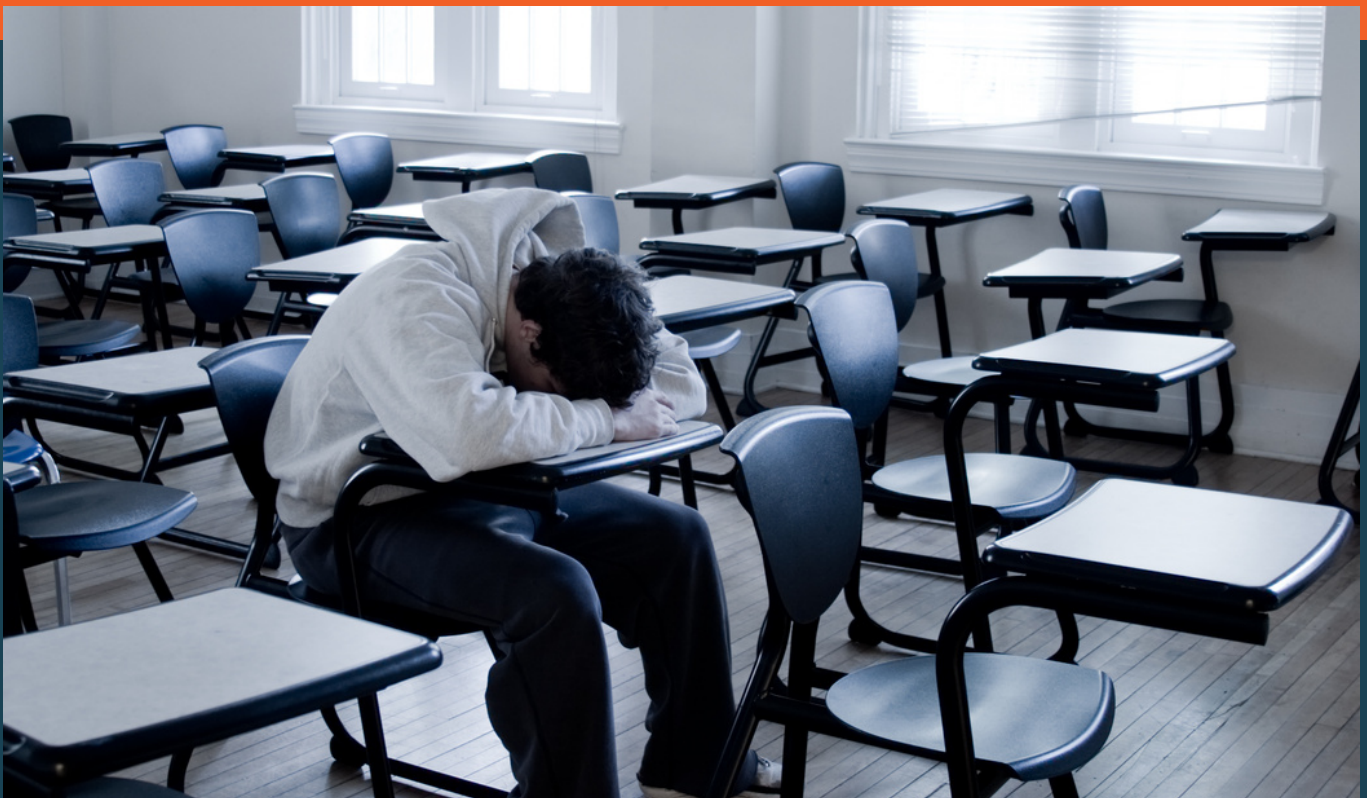
The Educational Crisis in Louisiana's
Juvenile Secure Care Facilities

LOUISIANA
CENTER FOR
CHILDREN'S
RIGHTS



**“I never felt like I was in a
classroom.... I didn't feel like I was
getting what I needed.”**

— OJJ Student



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EXECUTIVE SUMMARY



“No one ever talked to me about my credits. I don’t even know if I got credits. I don’t remember any conversation about graduation.”

— OJJ Student

When Terrance¹ was in 7th grade, he liked school. His teachers cared about him and they showed him respect. They listened when he was struggling and they gave him the tools he needed to succeed. When he started having trouble focusing in a big classroom, they moved him to a therapeutic program for part of the day and gave him one-on-one time with a special education instructor. “Anytime I needed help, a teacher would be right there next to me. There were fewer distractions. I liked how they pulled me to the side and helped me by myself.”

Things were going well for Terrance until he became involved in the juvenile legal system. After spending several months at the local pretrial detention center, Terrance was moved to a secure care facility² operated by the Louisiana Office of Juvenile Justice (OJJ) and enrolled in the on-site school run by OJJ. He immediately began to feel forgotten and left behind. “They put us in a room that looked like a typical classroom—with a board, a teacher table, and desks—but there were no teachers, just guards.” There was no one to turn to for help, and aside from a few minutes of special education instruction each week, he rarely got to speak with a teacher who could answer his questions. “I’m not slow, but I need teachers to sit there and walk me through things. I didn’t get that when I was in OJJ.”

For students like Terrance, everything changes when they enter OJJ custody. Their educational futures, goals, and self-worth are all impacted by the time they spend enrolled in OJJ schools.

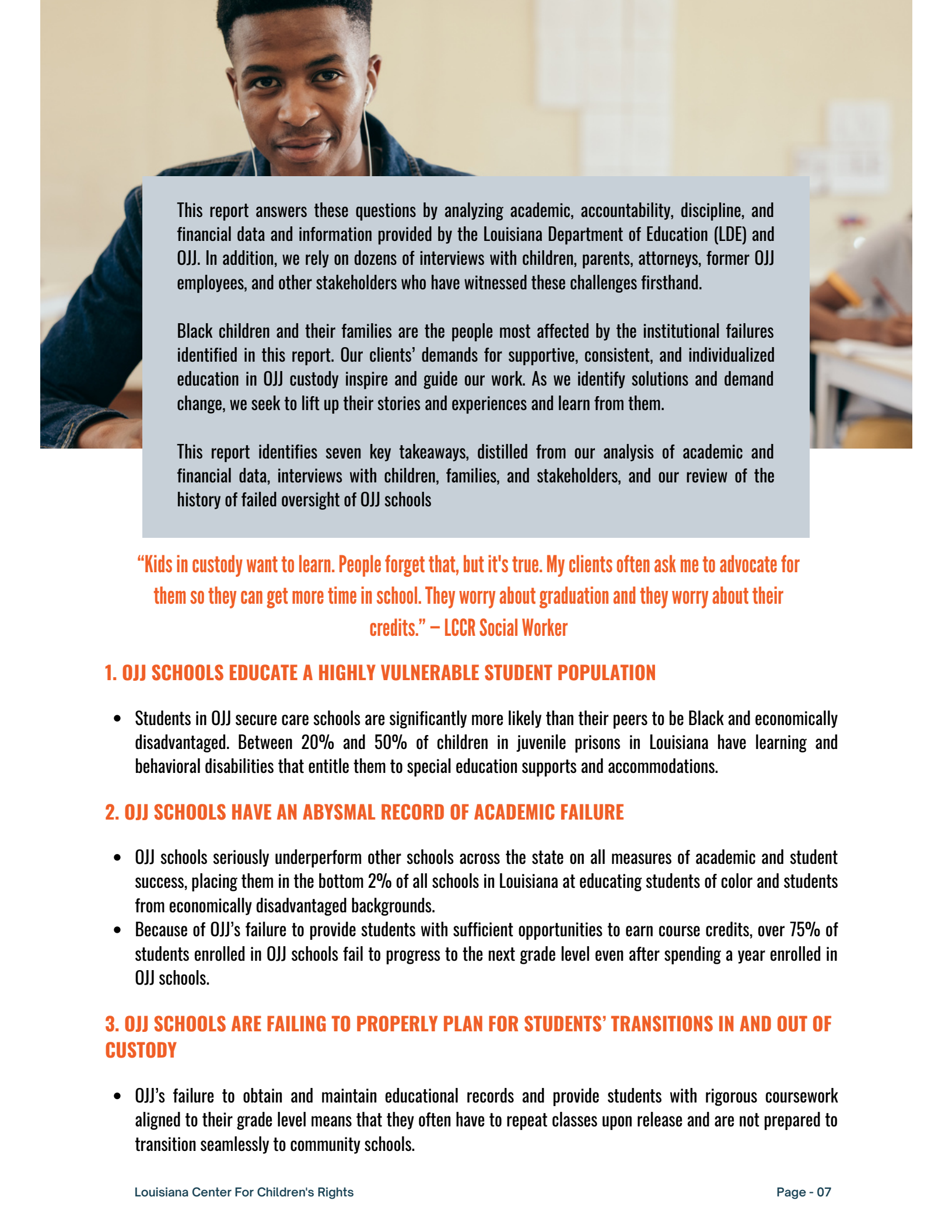
Terrance returned home three years later. At the time, he knew he was behind, but he wasn't prepared for just how difficult it would be to readjust to a traditional school. Some of his grades and records were misplaced while he was in OJJ custody, so he had to repeat classes he had already taken. In his new school, he had trouble focusing and frequently fell asleep in class. The material was hard and he often worried that his classmates knew more than he did. "It felt like I fell back, like my mind couldn't focus on school. I was trying and they were still giving me Fs." Terrance ended up dropping out of high school just a few credits short of graduation, and he isn't sure whether he will ever reenroll in a traditional school program again.

At the Louisiana Center for Children's Rights (LCCR), we hear stories like Terrance's every day. We are the public defender assigned to represent the vast majority of children in juvenile court in New Orleans. We regularly work with children at the deepest end of the juvenile legal system: those placed in juvenile prisons operated by OJJ, also known as secure care facilities. In addition to our holistic advocacy practice in New Orleans, our team in Baton Rouge supports the needs of children in the juvenile legal system in Baton Rouge through a partnership with the East Baton Rouge Public Defender's Office. Before LCCR was renamed and reorganized into its current structure, our two predecessor organizations—the Juvenile Justice Project of Louisiana (JJPL) and Juvenile Regional Services (JRS)—provided individual legal advocacy and engaged in systemic and policy reform efforts on behalf of Louisiana children in the juvenile legal system. Both JJPL and JRS worked tirelessly to improve conditions of confinement in juvenile prisons across the state.

Collectively, LCCR, JJPL, and JRS have over 25 years of experience working with children who attend school in secure facilities operated by OJJ. The systemic failures each of these children experience in custody are remarkably similar yet uniquely devastating. Too frequently, the children we work with report a range of preventable and deeply consequential challenges during their time attending school in OJJ facilities: inadequate educational materials and books, understaffing and frequent staff turnover, poorly trained teachers and teachers who are unable to provide assistance, limited communication with families, and regular interruptions in both general and special education classes.

Nearly all of our clients are Black, reflecting alarming disparities across the nation in the juvenile justice system and in the juvenile prison population. All of our clients are economically disadvantaged, and nearly half have a learning or behavioral disability that impacts their ability to participate in the classroom. Our clients are among the most vulnerable students in the state and the most in need of educational support. Yet for them, school often feels like an afterthought at OJJ secure facilities—not one of the primary functions of a statewide agency tasked with providing treatment and care to children with significant needs. By statute, OJJ is explicitly required to provide rehabilitation and treatment in secure care facilities, and education is an essential, necessary part of that obligation. Tragically, OJJ is failing at this fundamental duty.⁴

Through this report, we set out to understand the problems that are endemic to OJJ secure care schools so that we could better advocate for solutions. What accountability structures are already in place to monitor the results of OJJ schools and provide support when they are failing? What are the academic results of OJJ secure care schools and how do they compare to the results of other local education agencies (LEAs) in Louisiana, especially those in large urban districts with demographically similar populations? What legal rights are afforded to students in OJJ custody and is OJJ failing to fulfill its obligations? What efforts have been taken to reform schools in OJJ secure facilities and have OJJ schools improved over time?



This report answers these questions by analyzing academic, accountability, discipline, and financial data and information provided by the Louisiana Department of Education (LDE) and OJJ. In addition, we rely on dozens of interviews with children, parents, attorneys, former OJJ employees, and other stakeholders who have witnessed these challenges firsthand.

Black children and their families are the people most affected by the institutional failures identified in this report. Our clients' demands for supportive, consistent, and individualized education in OJJ custody inspire and guide our work. As we identify solutions and demand change, we seek to lift up their stories and experiences and learn from them.

This report identifies seven key takeaways, distilled from our analysis of academic and financial data, interviews with children, families, and stakeholders, and our review of the history of failed oversight of OJJ schools

“Kids in custody want to learn. People forget that, but it's true. My clients often ask me to advocate for them so they can get more time in school. They worry about graduation and they worry about their credits.” – LCCR Social Worker

1. OJJ SCHOOLS EDUCATE A HIGHLY VULNERABLE STUDENT POPULATION

- Students in OJJ secure care schools are significantly more likely than their peers to be Black and economically disadvantaged. Between 20% and 50% of children in juvenile prisons in Louisiana have learning and behavioral disabilities that entitle them to special education supports and accommodations.

2. OJJ SCHOOLS HAVE AN ABYSMAL RECORD OF ACADEMIC FAILURE

- OJJ schools seriously underperform other schools across the state on all measures of academic and student success, placing them in the bottom 2% of all schools in Louisiana at educating students of color and students from economically disadvantaged backgrounds.
- Because of OJJ's failure to provide students with sufficient opportunities to earn course credits, over 75% of students enrolled in OJJ schools fail to progress to the next grade level even after spending a year enrolled in OJJ schools.

3. OJJ SCHOOLS ARE FAILING TO PROPERLY PLAN FOR STUDENTS' TRANSITIONS IN AND OUT OF CUSTODY

- OJJ's failure to obtain and maintain educational records and provide students with rigorous coursework aligned to their grade level means that they often have to repeat classes upon release and are not prepared to transition seamlessly to community schools.

4. SYSTEMIC PROBLEMS WITH MANAGEMENT, STAFFING, AND A FAILURE TO PRIORITIZE EDUCATION HARM STUDENTS IN OJJ CUSTODY AND LEAD TO INCONSISTENT, FREQUENTLY-INTERRUPTED SCHOOLING

- At many OJJ facilities, it is common for schools to be shut down—with little explanation or warning—for weeks at a time. In two particularly egregious examples during the 2021-2022 school year, students assigned to the school at Acadiana Center for Youth – St. Martinville went four months without school, and students at Acadiana Center for Youth – Bunkie experienced a gap in educational services for over a month.
- When students are in school, they experience significant classroom disruption and safety concerns that are not appropriately addressed by OJJ staff members.
- OJJ schools are seriously understaffed, experience frequent teacher turnover, and hire teachers without appropriate credentials and experience.
- Students are assigned to courses by dorm, which results in a mismatch between course assignments and the material actually taught in each class.

5. OJJ SCHOOLS ARE FAILING TO COMPLY WITH THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) AND SECTION 504 OF THE REHABILITATION ACT

- Ineffective and inconsistent communication between the Special School District and OJJ means that students are not reliably receiving their special education and related services, and teachers are not always following Individualized Education Programs (IEPs) and Section 504 Plans.

6. THE LOUISIANA DEPARTMENT OF EDUCATION IS FAILING TO PROPERLY OVERSEE OJJ OR ADDRESS THE SIGNIFICANT DEFICIENCIES IN OJJ SCHOOLS

- Although LDE has been aware of the extensive failures in OJJ schools for years, there has been limited change or improvement in OJJ schools over time.
- OJJ schools refuse to track discipline data required by LDE and by state law, and OJJ is not held accountable when the attendance data it submits is inaccurate.
- OJJ does not take advantage of the support offered by LDE—including additional funding and technology that can help students learn.

7. OJJ SPENDS OVER 8 TIMES MORE PER STUDENT THAN THE AVERAGE SCHOOL IN THE STATE

- Although OJJ spends considerably more per student than other schools in the state, it is failing to direct funding to the most critical needs—books, technology, and other academic materials for children.

Something must change. This report closes with recommendations directed at a range of stakeholders and leaders responsible for ensuring the education of children in state custody: OJJ, the Louisiana Department of Education, legislators, judges, and advocates. Our youth deserve and require education. Long-fought legal battles have confirmed every child's right to education and reaffirmed the importance of school for every student's future. OJJ has been given numerous chances to improve the education in its secure facilities, yet these problems persist today.

“They would give us the answers, but they didn't teach us. I would have to teach myself. I really wanted to be taught.” – OJJ Student

This report leads to one unavoidable conclusion: Black children in youth prisons in Louisiana are being deprived of their right to education. Sadly, many of us have come to expect educational failure in jails and prisons. While horrible, the stories and data shared in this report may be unsurprising or even predictable to many readers. But just because something has always been the case does not make it right. OJJ's failure to educate the youth in its custody is a legal and a moral catastrophe. We cannot look away.

In the next year, we call on OJJ to commit to a vast systemic overhaul of its education system. OJJ must learn from and listen to experts in education in secure settings who have transformed failing schools and achieved academic success for their students. We call on the Louisiana Department of Education to hold OJJ accountable to improvement and to create real consequences if and when OJJ fails to perform. We call on judges to allow children to return home, where they can get the education and supports they need and deserve. And finally, we call on all concerned stakeholders—parents, legislators, members of the media, community members, and students—to be vigilant monitors of OJJ's progress, advocating for change and insisting that the needs of students in OJJ custody are not forgotten.

INTRODUCTION: WHY FOCUS ON EDUCATION?

Vulnerable children need care and treatment, not incarceration.⁵ Unfortunately, despite years of data demonstrating the harms caused by youth incarceration, children in Louisiana with the most serious needs frequently receive the most restrictive sentence (referred to as a “disposition”) in the juvenile legal system: confinement to juvenile prisons operated by OJJ.

The youth prison population is disproportionately Black and low-income. Black children in Louisiana are more than six times as likely as white children to be incarcerated.⁶ Many of these children have been failed for years by the adults and institutions tasked with serving them. The stakes are high: Without intensive interventions and supports, research demonstrates that incarcerated children are at serious risk of falling deeper into the juvenile legal system or entering the adult criminal legal system.

Louisiana law acknowledges the significant needs of children who end up in state custody by strictly limiting the purpose of juvenile incarceration. In contrast to the adult criminal legal system, children in the juvenile legal system who are in the custody of the Office of Juvenile Justice have a legal right to rehabilitation and treatment.⁷ Punishment is not an acceptable purpose of confinement in the juvenile legal system.⁸

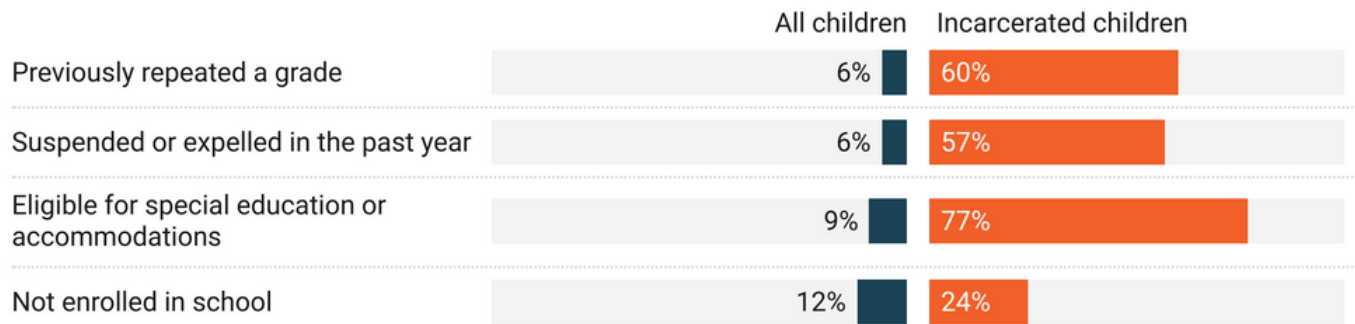
Treatment and education—not deprivation and punishment—are the legally-mandated functions of OJJ.⁹ Because of the statutorily-defined purposes of juvenile incarceration, a child's right to due process requires that they be provided with conditions and programs that are “reasonably related” to rehabilitation and treatment.¹⁰ This important framework is a touchstone and a goal, but unfortunately does not reflect the reality of youth prisons in Louisiana today.¹¹

As one of the most important functions of the state, education is “critical to the rehabilitation for troubled youth.”¹² When students are not provided with high quality education, their risk of future incarceration grows.¹³ Unless education is consistently provided in an effective, individualized, and supportive manner, the state is failing to provide rehabilitation and treatment to kids in its custody.

Unmet educational needs are both a predictor of juvenile incarceration and a cause of recidivism for children who have already spent time in juvenile secure facilities.

Research demonstrates that the majority of children in juvenile prisons have experienced significant educational challenges prior to their incarceration.

Prevalence of educational challenges

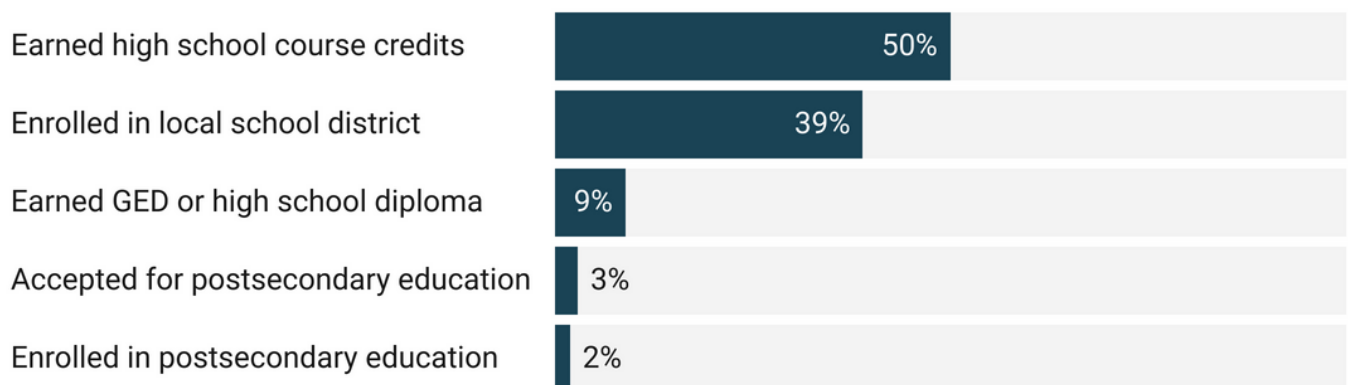


According to a literature review conducted by the Office of Juvenile Justice and Delinquency Prevention (OJJDP),¹⁴ youth in custody are more likely than their peers to report a number of educational challenges, including suspension or expulsion (57%) and disconnection from school at the time of arrest (24%).¹⁵ Up to 60% of incarcerated children have previously repeated a grade.¹⁶ Children in juvenile prisons are also significantly more likely than other students to have a learning, behavioral, or emotional disability that impacts their ability to learn or progress academically at the same rate as their peers. According to the OJJDP report, at some juvenile prisons across the country as many as 77% of students have disabilities,¹⁷ including emotional disturbances, specific learning disabilities, and other health impairments, that entitle them to special education services.

In addition to these educational challenges, students in juvenile secure facilities frequently perform significantly below grade-level at the time of incarceration, and they often experience low or failing scores on standardized tests as well as low overall grades. According to one study, 93% of youth in the juvenile legal system have experienced trauma during their childhood, and arrest, incarceration, and contact with the court have all been shown to exacerbate existing trauma.¹⁸ Students who have experienced trauma are more likely to require special education services and other interventions and supports to succeed in school.¹⁹ Youth in custody across the country are overwhelmingly male children of color,²⁰ and the majority are 16 or 17 years old—in the prime of their high school years.²¹

All children with a history of behavioral struggles and special education needs benefit from individualized and consistent educational programming.²² Yet for kids in juvenile prisons, the stakes are even higher. Incarcerated children are at an especially high risk of educational failure if they are not given appropriate educational supports.

Educational outcomes after juvenile incarceration





As many as two-thirds of children who exit schools in juvenile jails and prisons drop out upon release,²³ with over 25% dropping out within the first six months of release.²⁴ A study conducted by The Quarterly Journal of Economics found that youth incarceration itself decreases high school graduation rates by at least 13% as compared to children who are not incarcerated.²⁵ Data collected by the United States Department of Education in 2009 reveals that juvenile justice schools across the country are failing to provide children with the means to achieve academically. According to that study, just 47% of children in schools in juvenile facilities earned high school course credits during their time in custody, while only 9% earned a GED or high school diploma and 2% enrolled in postsecondary education upon release.²⁶ Unfortunately, many students who leave schools in juvenile prisons never reenroll in a community school upon release.²⁷

By contrast, when students receive the education they need and deserve in custody, they are more likely to reconnect to school and graduate.

According to research led by Professor Thomas G. Blomberg, kids who perform well in schools in juvenile prisons are more likely to reenroll in school in their community when they are released.²⁸ When educators devote time, resources, and care to schools in juvenile prisons, kids benefit. In one particularly notable example, the Maya Angelou Academy in Washington, D.C.'s New Beginnings Youth Development Center was transformed from a failing school to an “extraordinary educational program”—according to a report from an independent monitor overseeing court-ordered reform of Washington, D.C.'s juvenile justice agency.²⁹ A study conducted in Chicago also found that appropriate education for disadvantaged youth can be effective at reducing criminal activity and advancing academic achievement.³⁰ Another report has found that investing in high quality education in prison is one of the most effective forms of crime prevention.³¹ Education in secure custodial settings has been consistently linked with a variety of benefits, including reduced rates of recidivism, improved school attendance upon release, and reduced expenses for the state over time.³²

In short: school is one of the central and defining forces in the lives of children, and it is the obligation of the state to provide a system of public schools for all children.³³ The most vulnerable children in the state—those who have experienced trauma and a range of educational and personal challenges throughout their lives—are also the children most in need of consistent and high quality education.

When the state fails to meet its obligation to educate children in custody, children and their communities suffer.

We focus on education in this report because it is both crucially important in its own right and is also a signifier of the state's failures to provide rehabilitation and treatment to the children in its custody. Unless children in OJJ custody are receiving the education they need and deserve, the state is violating its legal obligation to provide rehabilitation and treatment.³⁴

“I thought I was getting what I needed, but it turns out I didn't. Now that I'm home, I can't find a job, the trades didn't give me what I needed.”
— OJJ Student

Kyle's Story

When Kyle was in OJJ custody, his self-esteem plummeted. “The teachers would put you down, say you won’t amount to anything. They would try to bash you.”

The constant negativity was hard for Kyle to handle. After hearing so many messages telling him he couldn’t do it, he began to doubt himself. School was rarely in session, so he didn’t get many opportunities to prove his abilities. “School was cancelled all the time. Any time there were two kids who were fighting, they would shut school down for two days, even a week.” When he was in school, it barely felt like school at all. “We had no books, no access to the internet.” The classes felt easier than his school at home, but only because the teachers gave him the answers. “They really didn’t teach us. In real school, they tell you how to approach the problem. At OJJ school, they gave us the answers.”

Now that Kyle is back home, he is struggling to adapt to a school where kids have to use their own skills to arrive at the answer. “It’s definitely harder. I sometimes feel like I can’t do it.”

“The system is confusing. The only time I have gotten information about my son’s education is when I ask for it, and I never knew how to do that without an advocate. If I didn’t have an advocate helping me, no one would ever talk to me. They wouldn’t have tried to help me and they wouldn’t have respected me.”

– Parent of OJJ Student

LOUISIANA’S SECURE CARE FACILITIES

This report focuses on the schools in OJJ’s juvenile prisons, also known as secure care facilities. OJJ operates five secure care facilities for boys: Bridge City Center for Youth (Riverside Alternative School), Swanson Center for Youth in Monroe (Southside Alternative School), Swanson Center for Youth in Columbia (Pinehill Alternative School), Acadiana Center for Youth in Bunkie (Central Southwest Alternative School), and Acadiana Center for Youth in St. Martinville (Central Southwest at St. Martinville).³⁵



When a child has been adjudicated delinquent, the court holds a disposition hearing to determine the child’s placement and treatment program. After considering several disposition factors, the court may decide to place the child in the custody of OJJ.³⁶ Once a child is placed in OJJ’s custody, it is generally up to OJJ whether or not to place the child in a secure or non-secure facility, although the court may make a non-binding recommendation that the child be placed in a non-secure facility.³⁷ For certain felony-grade delinquent acts, the court is required to place the child in the custody of OJJ, and OJJ is required to confine the child in a juvenile prison until the age of 21.³⁸ Although OJJ is responsible for overseeing both secure and non-secure facilities, this report focuses on secure facilities.

By statute, OJJ bears responsibility for the “care, custody, security, and treatment of children adjudicated delinquent” if those children are “committed to the custody of or placed under the supervision of the office of juvenile justice.”³⁹

Among other things, OJJ is required to provide “[t]reatment services” to children who are placed in OJJ secure facilities.⁴⁰ Louisiana law requires OJJ to directly provide or contract with other agencies to provide education to children in secure facilities as a key part of its treatment obligations.⁴¹ As a statewide entity, OJJ operates secure facilities across the state, each located in different parishes, with a central office located in Baton Rouge.

Importantly, by statute and cooperative agreement, the Louisiana Special School District (SSD) is responsible for providing special education and related services to students with disabilities who are placed in OJJ secure facilities.⁴² SSD is an education service agency that serves students with exceptionalities in a range of settings, including “any state-operated facility that provides only a general education program” and facilities “where public agencies place students who are in the care and custody of the public agency or students whose education is the responsibility of the public agency.”⁴³

OJJ School Accountability

Like all public schools, schools located in OJJ secure facilities are required to participate in Louisiana’s school accountability system. OJJ schools participate in the alternative school accountability program.⁴⁷ All schools in the state annually receive a school performance score between 0 and 150 points.⁴⁸ Each alternative school’s score is based on a variety of metrics, including academic credit and credentials earned by students. Schools that repeatedly earn “D” or “F” performance scores for multiple years in a row are designated in need of “comprehensive intervention” and must participate in state-mandated improvement activities.⁴⁹

Beginning in the 2017-2018 school year, OJJ schools also began to participate in a specialized school accountability program.⁵⁰ Under this program, OJJ schools are provided with specialized report cards that assess additional data points, including the percentage of students earning a traditional diploma or a high school equivalency credential and the percentage of students earning course credits while in custody.⁵¹ As part of the accountability process, the Louisiana Department of Education assigned a special advisor to work with OJJ, engage in regular, in-person monitoring of each OJJ school, and provide comprehensive yearly school improvement plans.⁵² The Louisiana Department of Education must provide supports, interventions, and other remedies to all OJJ schools earning scores indicating that the school is “academically unacceptable.”⁵³

SSD is also responsible for providing education to students across the state who are deaf and visually impaired.⁴⁴ This means that while general education services—including the fundamental courses that prepare students for standardized tests—are provided by OJJ, special education services for students with disabilities are provided by SSD. This shared structure of responsibility necessitates collaboration between multiple statewide agencies to ensure seamless services for vulnerable students.

Before 2021, SSD was directly overseen by the Louisiana Department of Education. In 2021, legislation established a Board of Directors to serve as the governing authority of SSD.⁴⁵ The Board is composed of twelve members who are confirmed by the state Senate. By statute, only one member of the Board is appointed with the specific purpose of representing students who receive “special education services at facilities operated by the office of juvenile justice.”⁴⁶





Education in Youth Prisons Across the Country

OJJ serves as both the juvenile justice agency and the provider of general education in secure facilities across the state. Louisiana's model of educational oversight in juvenile prisons has been designated the "statewide school district model."⁵⁴ In this model, "the juvenile justice agency oversees and governs the educational services as a statewide school district."⁵⁵

This statewide school district model differs from the organizational model used by many other states. Some states empower a state education agency or local education agency—in contrast to the statewide juvenile justice agency—to oversee education in all secure facilities.⁵⁶

For example, students in Nevada's juvenile prisons receive special and general education provided by the local school district.⁵⁷ By contrast, in Georgia, a single statewide charter school was established by state law to provide all education services to children who are incarcerated in a facility operated by the state's Department of Juvenile Justice.⁵⁸ Unlike these states, Louisiana places educational responsibility in the state juvenile justice agency, rather than a statewide or local educational agency.

There are also a wide variety of ways in which special education services are delivered to students in juvenile prisons. Some states use a decentralized process where services are directed by the "institutional superintendent," while other states deliver services through a local education agency.⁵⁹ Louisiana appears to be one of the few—or possibly only—states that divides responsibility for general and special education across two separate agencies. In Connecticut, for example, the local or regional board of education where the juvenile facility is located is responsible for the provision of both general education and special education and related services.⁶⁰ Likewise, in Florida, the local school board must either provide or contract to provide general and special education services to students in juvenile residential treatment programs.⁶¹

Ultimately, no matter how educational services are delivered in juvenile prisons, all children deserve high-quality and consistent education. This report focuses on outcomes, while also identifying ways in which the structure of education in OJJ schools impacts the outcomes children experience in OJJ facilities.

THE LEGAL RIGHTS OF STUDENTS IN OJJ CUSTODY



A CHILD IN LOUISIANA DOES NOT FORFEIT HIS RIGHT TO EDUCATION UNDER ANY CIRCUMSTANCES.

Every student in Louisiana has the substantive right to an education under state law. The Louisiana Constitution grants all students the right to a free public education and the support and resources they need to “develop to [their] full potential.”⁶² Public school boards are obligated to provide education to students who are 18 and under, and in some cases schools must provide education to students through their 20th birthday.⁶³ Louisiana law requires all students to participate in at least 360 minutes of instructional time per day and 177 days of instruction per year,⁶⁴ and makes no distinctions between students who attend schools in the community and those who are incarcerated. Children in juvenile prisons have the same rights to education as their peers in community schools.

Special Education Protections

Children with disabilities in juvenile prisons are protected by the federal Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act, and the Rehabilitation Act, as well as federal and state regulations.⁶⁵ The IDEA provides a right to “special education and related services” for children with disabilities.⁶⁶ Among other agencies responsible for providing special education to kids with disabilities, “[s]tate and local juvenile and adult correctional facilities” must comply with the IDEA.⁶⁷ The IDEA’s regulations require responsible public agencies, including juvenile prisons and state juvenile justice agencies like OJJ, to ensure that kids with disabilities receive a free appropriate public education (FAPE) no matter where they attend school. This means that kids in juvenile prisons have a right to the same special education that they would receive if they were enrolled in schools in their community.

Students can receive special education under the IDEA if they fit the criteria for at least one of thirteen disability classifications,⁶⁸ including emotional disturbance, speech or language impairment, and specific learning disability.⁶⁹ Schools, including juvenile prisons, have an affirmative obligation to identify students who may have a qualifying disability under the IDEA.⁷⁰ The United States Department of Education has made clear that this duty extends to incarcerated youth: “It is not sufficient to assume that a student that enters a correctional facility is not a student with a disability simply because he or she has not yet been identified as such.”⁷¹

If a student qualifies for special education and related services under the IDEA, he must be provided with an Individualized Education Program (IEP). An IEP describes the individualized services, including education, speech therapy, and counseling, that are necessary to provide the student with FAPE.⁷² Louisiana law allows students to continue to receive services outlined in their IEP until their 22nd birthday, no matter where they go to school.⁷³

Juvenile prisons may not change a student's IEP simply because of a lack of resources or staffing. Schools that educate students in juvenile prisons are required to provide their students with services that are “comparable” to those they received in the community.⁷⁴ Although a new IEP meeting may be held to change a student's IEP, all changes must be based on the individual needs of the student, not the resources or limitations of the school.⁷⁵

General Education Protections

When a state accepts funding under the federal Every Student Succeeds Act (ESSA),⁷⁶ it must make assurances that it will give incarcerated students the “same opportunities to achieve” and the same opportunities to take “credit-bearing coursework” as they would have in a school outside of prison.⁷⁷ Louisiana receives funding under ESSA and therefore must abide by these principles for all students in OJJ secure facilities.

Louisiana law places additional requirements on OJJ to provide general education in secure care facilities. For example, state law mandates that OJJ schools provide students with “appropriate educational programs,” conduct an “interview” with incoming students to ensure that they are placed in suitable courses,⁷⁸ and develop individualized academic plans to help bring each child up to grade level.⁷⁹

“Each time I speak with a client in OJJ custody, I ask about school. I am constantly told that my clients are not getting the education they need. Kids don’t have class daily or any consistent schedule. When they do go to class they are learning material that isn’t suited to their needs, and they don’t feel supported by their teachers.” – LCCR Social Worker

Dante's Story

Dante had always struggled to manage his emotions and behaviors. When OJJ decided to move him to Acadiana Center for Youth – St. Martinville, a new facility for students with behavioral challenges, he was placed in solitary confinement. He was left in a cell for up to 24 hours a day and shackled whenever he left his cell to go outside or use the bathroom. Solitary confinement can lead to depression and it has been strongly denounced by experts in childhood development and children's rights.⁸⁰ In 2016, the federal government banned solitary confinement for youth at federal facilities, and the Louisiana legislature passed a bill to strictly limit the use of solitary confinement in OJJ facilities during the 2021-2022 legislative session.⁸¹

During his time at St. Martinville, Dante and the other youth at the new facility were deprived of an education. The St. Martinville facility had no school at all for at least the first five months of its operation. Although Dante had an IEP that entitled him to one-on-one lessons multiple times a week and 30 minutes of individual school-based counseling once a week, he did not receive any of those services. Dante remained at St. Martinville for three months, and only resumed school when he was transferred to another OJJ facility. He has had a difficult time catching up and continues to struggle to get back up to speed with the work he missed.

FINDINGS: A TRAGIC HISTORY OF SCHOOL FAILURE AT LOUISIANA'S SECURE CARE FACILITIES

In the pages that follow, we provide an assessment of the education system in OJJ secure care facilities. Our findings are informed by analysis of documents from Public Records Act requests to the Louisiana Department of Education (LDE) and the Office of Juvenile Justice; interviews and conversations with students, parents, former OJJ staff members, attorneys, and social workers; our direct experience representing dozens of OJJ students in secure care facilities; and publicly-available data from a range of sources, including the Louisiana Department of Education, state competitive grant databases, and the Louisiana Board of Elementary and Secondary Education.⁸²

The rights of students in OJJ custody are repeatedly violated by the state agencies required to serve them. It is important to be clear about the disproportionate impact of these violations on Black children. As we explain below, Black students from economically disadvantaged families are overrepresented in OJJ custody, and they are routinely denied access to a consistent, supportive education. They are excluded from the classroom for months at a time, or worse—caged in cells for 23 hours a day with no education at all.

Official LDE data demonstrates that OJJ is performing worse than 95% of all schools in the state at educating a highly vulnerable student population, including economically disadvantaged students, students of color, and students with disabilities.

As our findings also demonstrate, the current accountability framework for OJJ's schools has failed to produce meaningful change, demonstrating the necessity of more significant oversight and reform.

Despite years of intervention plans designed to yield improvement, the results remain the same: OJJ students are significantly more likely than their peers to drop out of school, to be retained in the same grade, to receive a failing score on end of course exams, and to earn inadequate credits while attending school in custody. Shamefully, all of this occurs even as OJJ schools spend 8 times more per pupil than the average school district in Louisiana.

These results are a powerful indictment of the juvenile legal system in Louisiana. Under the authority of that system, children are routinely forced out of their community schools and into the custody of OJJ. As this report shows, the decision to place a child in a juvenile prison in Louisiana condemns that child to educational failure. Forcibly removing children from higher performing community-based schools and placing them in failing ones is not a recipe for rehabilitation and treatment. Instead, it interferes with the hopes, dreams, and goals of vulnerable children, and continues the disgraceful history of undermining the educational rights of Black and low-income children in America.

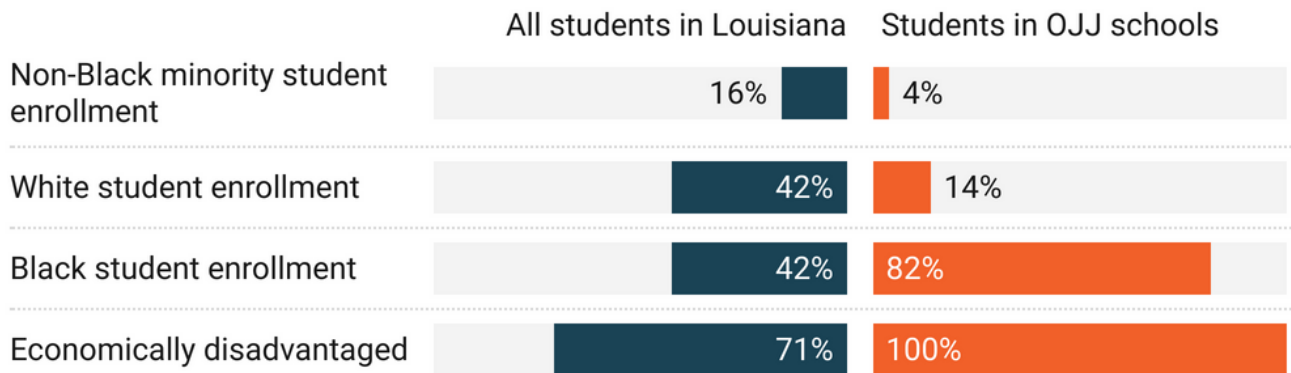
By highlighting the appalling status quo in OJJ schools, it is our sincere hope that this report spurs action.

1. OJJ SCHOOLS EDUCATE A HIGHLY VULNERABLE STUDENT POPULATION

A. Students in OJJ secure care schools⁸³ are significantly more likely than their peers to be Black and economically disadvantaged. Between 20% and 50% of children in juvenile prisons in Louisiana have learning and behavioral disabilities that entitle them to special education supports and accommodations.

The vast majority (over 80%) of students in OJJ secure care schools are Black. By contrast, fewer than 15% of students enrolled in OJJ secure care schools over the past three years have been white, despite a statewide student population that is 42% white.⁸⁴ According to the Louisiana Department of Education, for the past three years, 100% of all students enrolled in OJJ secure care schools have met the definition of “economically disadvantaged.”

Student demographics in Louisiana



These figures are significantly higher than the Black and economically disadvantaged student populations in other districts in the state. In October 2021, just 42% of all public school students in the state were Black and 71% were economically disadvantaged.

Although LDE publicly reports that fewer than 5% of students in OJJ secure care schools are students with disabilities,⁸⁵ there is significant reason to doubt the veracity of that statistic. First, as explained above, children in youth prisons across the country are significantly more likely than their peers to have learning disabilities, emotional disturbance, and other qualifying exceptionalities that entitle them to special education.⁸⁶ From LCCR's own experience conducting intake assessments with new clients and providing legal and social work support services, we estimate that 50% of our clients in OJJ secure custody have an IEP or 504 Plan. An unknown, additional number of students are eligible for such services but have not yet been identified or evaluated by their schools.

Moreover, data provided to LCCR by the Special School District indicates that approximately 20% of students at OJJ secure care facilities receive special education and related services from the Special School District at any given time—a figure that likely still underrepresents the total population of students with exceptionalities.⁸⁷ By contrast, according to the Louisiana Department of Education's specialized report card for OJJ schools, 41% of students at Riverside Alternative School, 38% of students at Central Southwest Alternative School, and 33% of students at Southside Alternative School meet the definition of "students with disabilities."⁸⁸

It is alarming that there is such a large disparity between the data provided by the Special School District and the multiple data available across the Louisiana Department of Education website. These disparities raise serious concerns about the accuracy of OJJ's reporting and the efficacy of LDE's monitoring and oversight.

Even assuming that just 20% of students in OJJ secure custody are eligible for special education and related services, it is clear that OJJ students are more likely to have special education needs than their peers. In 2022, just 13.4% of all public school students in Louisiana were students with disabilities.⁸⁹ Across the state, just 13.6% of students in Orleans Parish, 10.6% of students in East Baton Rouge Parish, 13.4% of students in Jefferson Parish, and 12.6% of students in Caddo Parish had disabilities.⁹⁰ Given national data on the under-identification of students with disabilities and the more intensive needs of students in the juvenile justice system,⁹¹ it is likely that even a 20% estimate underrepresents the total rate of students with disabilities in OJJ schools.



2. OJJ Schools Have an Abysmal Record of Academic Failure

A. OJJ schools seriously underperform other schools across the state on all measures of academic and student success, placing them in the bottom 2% of all schools in Louisiana at educating students of color and students from economically disadvantaged backgrounds.

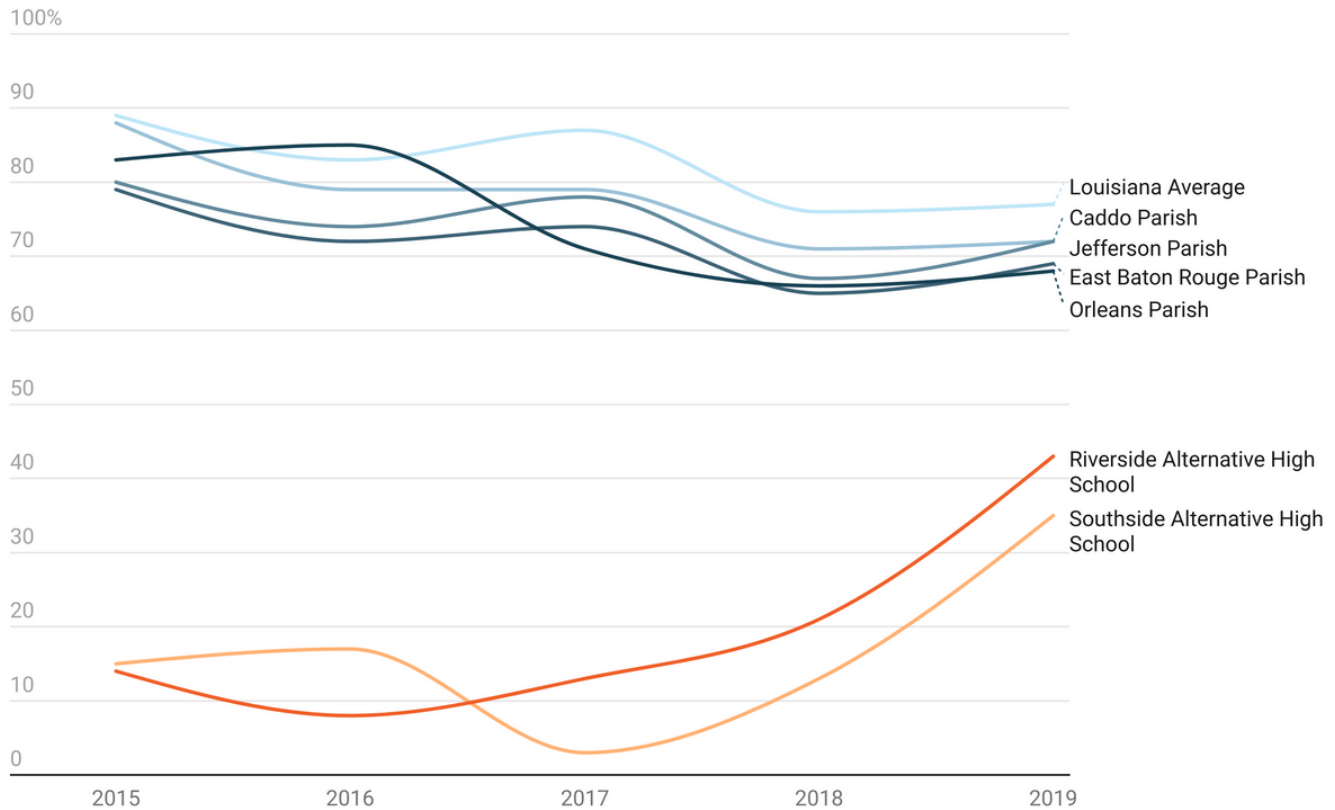
OJJ schools perform significantly worse than other schools in Louisiana on all measures of academic achievement and student success: standardized test scores, graduation rates, dropout rates, grade retention rates, and college enrollment rates. In fact, by LDE's calculations, OJJ schools perform lower than 98% of all schools across the state when it comes to supporting low-income students of color, students with disabilities, and other vulnerable student populations.

In this section of the report, we rely upon the OJJ school performance data available on the LDE website. That data is not comprehensive and, particularly with respect to attendance data, it is not always reliably reported by OJJ (see page 44). Additionally, given the years that some schools and facilities opened and the interruption in data reporting since COVID-19, the majority of metrics are available for only two of OJJ's schools: Riverside Alternative School, located at Bridge City Center for Youth, and Southside Alternative School, located at Swanson Center for Youth in Monroe.⁹²

SCHOOL PERFORMANCE SCORES

For at least the past five years,⁹³ OJJ schools have received “F” scores on the statewide school performance score system, scoring well below 50 points on a scale of 0-150 points.⁹⁴ As alternative schools, OJJ's schools are reviewed on the alternative schools rubric, unlike the majority of schools across the state. Still, a comparison of school performance scores across the state demonstrates that OJJ schools perform far worse than other schools in the state—particularly the schools located in the parishes where the majority of OJJ students were adjudicated: Orleans, Jefferson, East Baton Rouge, and Caddo.

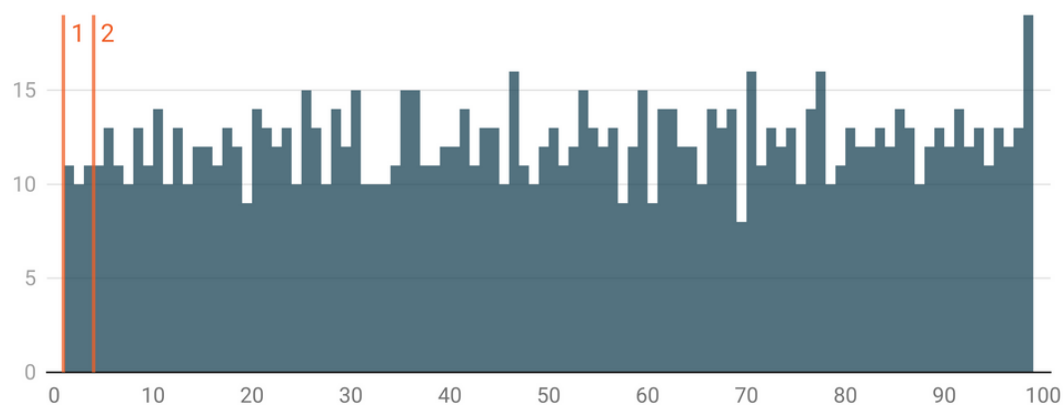
Louisiana school performance scores, 2015-2019



Although OJJ schools have made some improvements over time, they still perform far below other schools in the state.

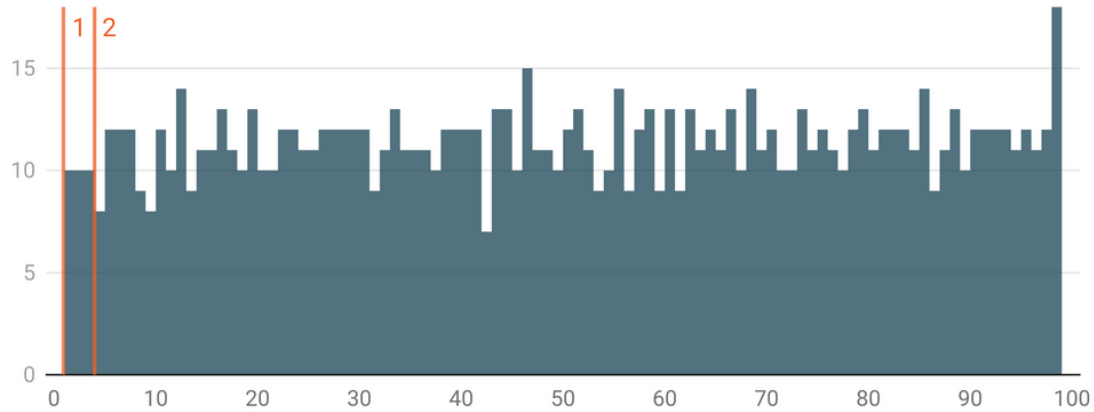
OJJ's failure to support its highly vulnerable student population is further illustrated by the most recent full-scale report card prepared by LDE. According to the 2018-2019 report card, OJJ's schools are among the worst schools in the state at preparing students of color, economically disadvantaged students, and students with disabilities for future education opportunities.⁹⁵ The charts below depict how well each school in Louisiana prepares the most vulnerable students for the next grade. For each student population, OJJ schools perform worse than at least 98% of all schools in the state, placing them at the bottom of all school performance metrics.

Percentile distribution for how well schools prepare economically disadvantaged students for the next grade



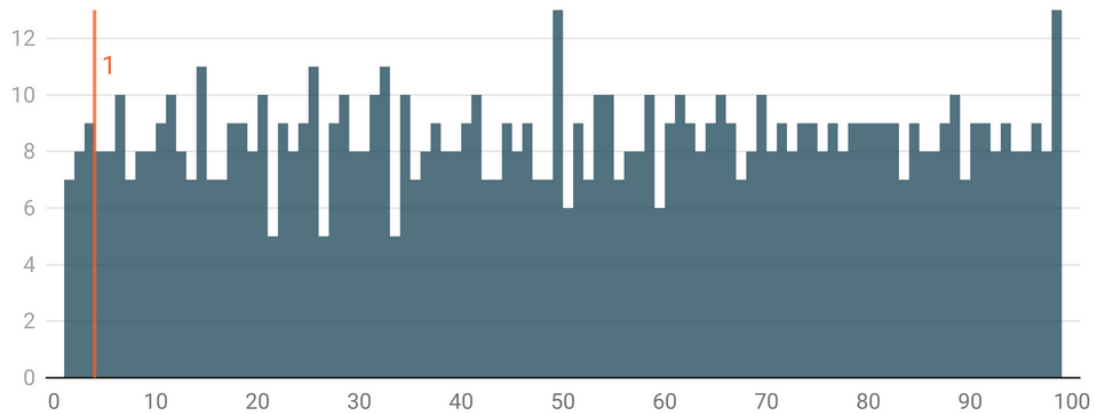
1 - Southside Alternative High School, 2 - Riverside Alternative High School

Percentile distribution for how well schools prepare *students of color* for the next grade



1 - Southside Alternative High School, 2 - Riverside Alternative High School

Percentile distribution for how well schools prepare *students with disabilities* for the next grade



1 - Riverside Alternative High School

“The classes are all mixed up. All the youth take different classes. It is confusing. There’s only one teacher who is teaching a bunch of things. And I’m just sitting there, yelling ‘I need help, I need help!’”

— OJJ Student

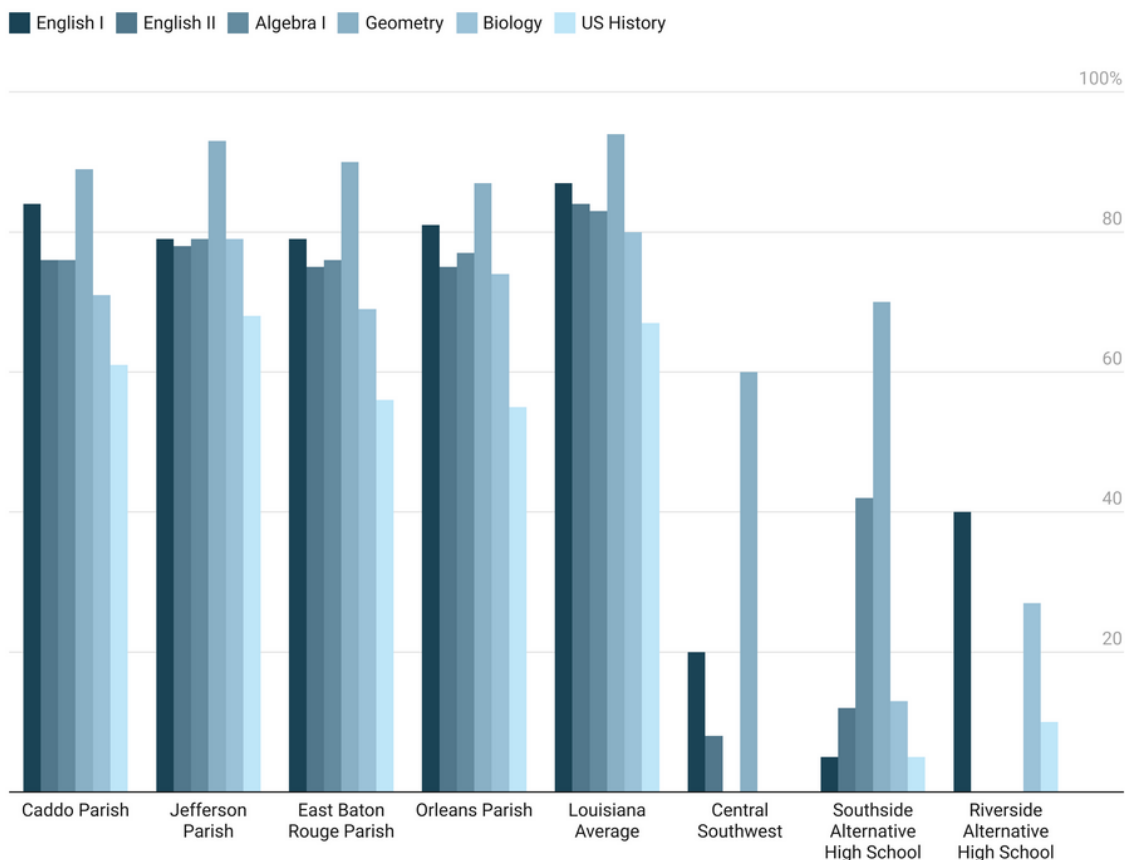
Notably, OJJ's poor performance is not simply a reflection of the students it educates. Even when comparing OJJ's 2019 school performance scores to the scores of other alternative schools in the state, Riverside Alternative School performed worse than 80% of all alternative schools, and Southside Alternative School performed worse than 92% of all alternative schools. Like OJJ schools, alternative schools across the state educate a vulnerable student population with significant needs, including students who have been expelled or suspended and students who struggle with certain behavioral disabilities.⁹⁶

OJJ's school performance scores distill data points across academic and student success measures to arrive at an overall assessment of school functioning. A review of the inputs used to calculate OJJ's school performance scores reveals just how poorly OJJ schools are performing in a range of areas. As the data below demonstrate, students in OJJ schools are significantly less likely than their peers to pass required end-of-course exams and to graduate in four years, and they are also more likely to be required to repeat a grade. **In short, OJJ schools have among the worst performance results of all schools in the state.**

LEAP DATA

Students across the state take LEAP 2025 standardized assessments at the end of each school year.⁹⁷ With some exceptions, a student must score "approaching basic" or above on multiple tests in order to receive a high school diploma.⁹⁸ In comparison with their peers across the state, OJJ students were significantly more likely to earn a score of "unsatisfactory" on LEAP 2025 assessments in 2021 and 2019,⁹⁹ which meant that they were required to retake the tests in order to earn a diploma. Students across the state outperformed students in OJJ schools by several orders of magnitude. On some tests, the state average score was over 20 times higher than the score at OJJ schools.

Percent of students scoring 'approaching basic' or above, 2021



ANNUAL DROPOUT RATE

OJJ's high schools (grades 9-12) have a higher annual dropout rate than 93% of all high schools in the state.¹⁰⁰ Louisiana calculates dropout rates annually by identifying the number of students who exited each year without graduating, transferring to another school, or otherwise exiting without earning a diploma.¹⁰¹ In 2019, the dropout rate was:

- 21.90% at Riverside Alternative School
- 21.39% at Southside Alternative School
- 21.52% at Central Southwest Alternative School

By comparison, the average dropout rate in the state was just 3.20%. And in Orleans Parish, which has historically had a high dropout rate,¹⁰² the rate was just 6.61%.

Only 35 out of 510 schools (approximately 7%) in the state had a higher annual dropout rate for grades 9-12 than OJJ's two schools. These results indicate that OJJ students are much more likely than their peers to exit school before earning a diploma. Many of the students we work with exit school after release without ever reconnecting to school in the community.



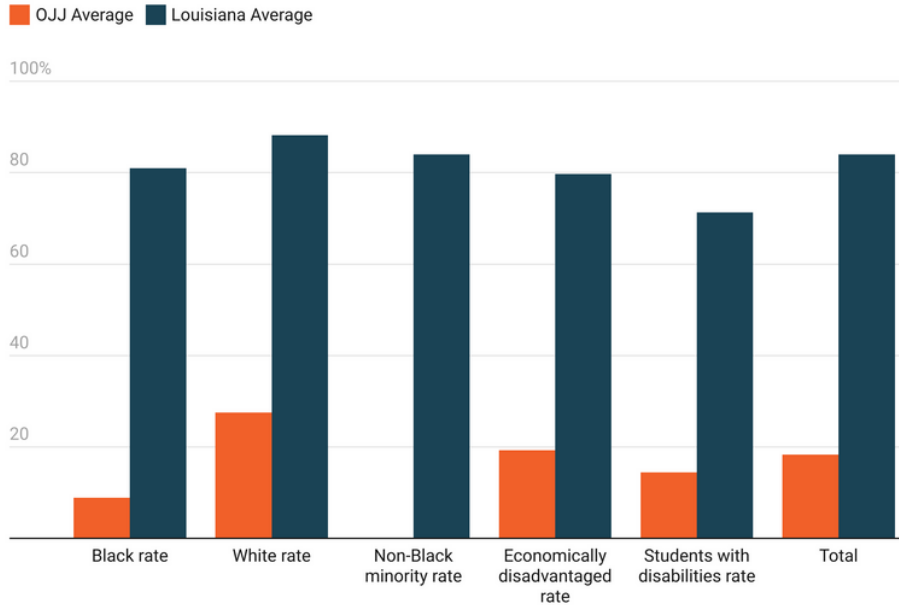
GRADE RETENTION DATA

Although there is significant variability among OJJ's schools, students who attend OJJ schools are also much more likely to repeat a grade¹⁰³ than their peers in community schools. According to student retention data maintained by LDE, 5.8% of high school students at Riverside Alternative School were required to repeat a grade in 2020. By contrast, nearly a quarter of high school students at Southside Alternative School—23.2%—were required to repeat a grade. Across all OJJ sites with available data, 17% of students were required to repeat a grade, compared with just 3.5% across the state, 2.9% in Orleans Parish, 4.6% in East Baton Rouge Parish, 5.1% in Jefferson Parish, and 2.8% in Caddo Parish. OJJ's 2020 average grade retention rate of 17% was higher than 95% of all school districts across the state.

COHORT GRADUATION RATE

Louisiana calculates cohort graduation rates annually to identify the percentage of students who graduate high school in four years.¹⁰⁴ As with other measures of student success, OJJ's schools have significantly lower cohort graduation rates than other schools across the state.¹⁰⁵

Cohort graduation rates by institution, 2020

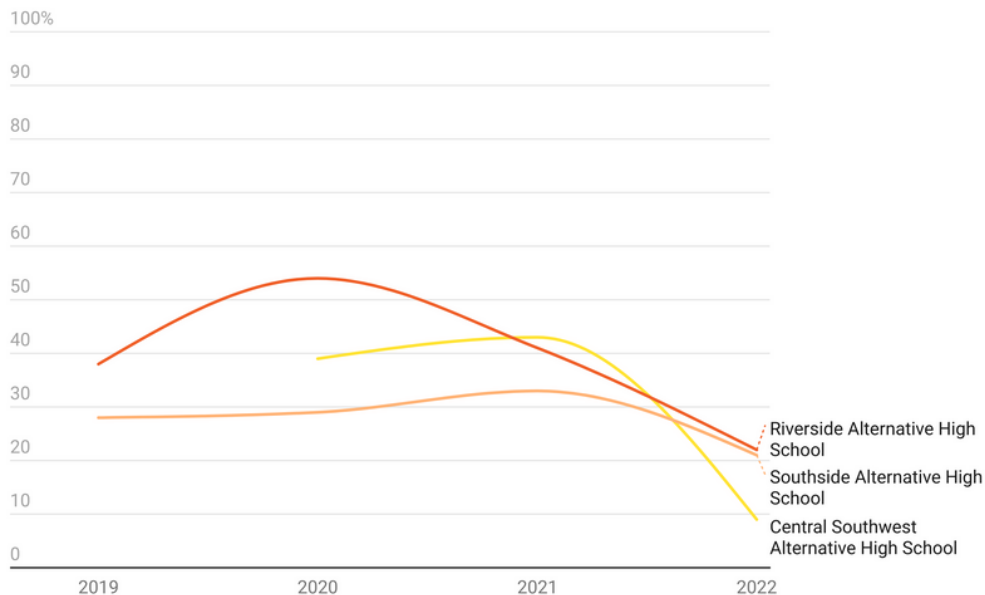


OJJ's 2020 cohort graduation rate placed its two schools in the bottom 2% of all schools in the state.

B. Because of OJJ's failure to provide students with sufficient opportunities to earn course credits, over 75% of students enrolled in OJJ schools fail to progress to the next grade level even after spending a year enrolled in OJJ schools.

Under the state's specialized accountability system, LDE calculates the percentage of students in OJJ schools who earn credits towards graduation each year. In order to graduate from high school, students need either 23 or 24 total credits, or an average of between 5 and 6 credits per year of high school.¹⁰⁶ Even though 4 credits is not sufficient to move up to the next grade, LDE annually calculates the percentage of students who earn at least 4 core credits per year at OJJ schools. Despite this low bar, OJJ schools routinely fall short of providing all students in custody with opportunities to earn sufficient credits.¹⁰⁷

Percent of students in OJJ schools earning at least four core credits each year



To put these figures into perspective, in 2020, fewer than 25% of students in OJJ schools (and as few as 9% of students at Central Southwest Alternative High School) earned enough credits to continue their journey towards graduation.¹⁰⁸ Because of the low rate of credit attainment at OJJ schools, the large majority of OJJ students were required to spend at least one extra year in high school even after spending a full year enrolled and passing classes in an OJJ school. These figures reinforce the study conducted by the Quarterly Journal of Economics, which found that youth incarceration decreases high school graduation rates by at least 13 percent.¹⁰⁹ Compared to students at schools in the community, students enrolled in OJJ schools are more likely to be required to repeat a grade or retake classes due to insufficient credits.

Notably, the average credit attainment at OJJ schools dropped significantly in the 2021-2022 school year, illustrating the serious toll that COVID-19 has had on the educational progress of students in OJJ secure custody as well as the continued challenges caused by staffing shortages and a failure to prioritize education at OJJ facilities. As we explain later in this report, even as students in the community have long since returned to school in-person, students at OJJ schools are routinely subjected to weeks-long school closures due to staffing issues and COVID-19 quarantines, which result in fewer credit opportunities and serious learning loss and regression.

The figures presented above represent the percentage of students earning 4 core credits each year at OJJ schools.¹¹⁰ Separately, LDE calculates the percentage of students earning at least 6 total credits each year, which includes non-core and elective courses.¹¹¹ According to data obtained from LDE, just 38% of students at Riverside, 14% of students at Southside, and 2% of students at Central Southwest met this standard during the 2021-2022 school year, demonstrating that the majority of students at OJJ's schools were required to repeat at least part of a grade even after spending a full year enrolled in OJJ schools. These results also underscore the large disparities between performance at different OJJ schools, demonstrating that a student's performance and progress towards graduation may depend in large part on the OJJ facility in which they are placed.¹¹² As a result of their low performance on credit attainment metrics, both Riverside and Southside scored "F" scores on the "core credit accumulation" metric in 2018-2019, which measures the number of core academic credits students earn each year at alternative schools.¹¹³

Given this data, it is not surprising that so few OJJ students graduate or earn their HiSet, the high school equivalency credential, within four years. According to cohort graduation data LCCR obtained in a public records request, in the 2018-2019 school year, less than 10% of students at both Riverside and Southside Alternative Schools graduated with a diploma within four years.¹¹⁴ Likewise, less than 10% of students at Riverside and 13% of students at Southside successfully earned their HiSet, or high school equivalency credential, within four years of entering high school.

"I thought I was getting what I needed, but it turns out I didn't. Now that I'm home, I can't find a job." – OJJ Student

LDE has been aware of these challenges for many years. As described earlier in this report, the Louisiana Department of Education engages in comprehensive monitoring of OJJ schools pursuant to regulations promulgated by the Board of Elementary and Secondary Education in Louisiana Bulletin 111. As part of LDE's oversight of OJJ schools, a special advisor makes regular visits to OJJ schools, observes courses, reviews documents, and speaks with teachers and students. According to a 2017-2018 report on OJJ schools submitted to the legislature by LDE and the special advisor:

Course offerings and the curriculum observed in classes [at OJJ schools] are not designed to lead students toward successful completion of a diploma pathway and/or career choice. A student who was in grade 7 science was given the same work as a high school student who was earning a Carnegie credit. Assignments were not given to students based on their appropriate grade level or academic ability. Students reported having an option to substitute daily assignments with word puzzles to earn an A. Students from Riverside shared that academic credit was awarded for completion of work and not based upon an evaluation of the work's content. A review of current student transcripts revealed that transcripts were often incomplete.¹¹⁵

The legislative report also noted that students' "transcripts evidence very limited progress toward a high school diploma for most students."¹¹⁶

Likewise, the 2018 monitoring report from the special advisor observed that some students in OJJ high schools "take only elective classes, some of which are described as middle school grade electives."¹¹⁷ If a student's schedule is filled with electives, they are not taking the courses mandated by the state Board of Elementary and Secondary Education to satisfy graduation requirements. The report also noted that while there are "Supplemental Allocation/Course Choice" funds available for OJJ to increase the variety of courses available to students and help them satisfy graduation requirements, "many of these options are not utilized in the OJJ sites."¹¹⁸

It is clear that these challenges have continued well into the current school year. LCCR's discussions with former staff members at OJJ in the past few months reveal that students continue to be awarded credit for things other than academic coursework, including how well the teacher "likes" a student and "word searches and crossword puzzles." In a "Focus Group Matrix" from 2018 provided to LCCR by LDE, monitors from the department reported that teachers told them it is optional for students to participate in school, and there are "no consequences when students refuse to complete their work."¹¹⁹ In the same document, students reported that teachers start using the "big books" just before end-of-course testing, but it is often too late to learn all of the material necessary to pass the exam. Similarly, in a document containing takeaways from a 2018 site visit, an LDE staff member noted that students reported their classwork "is evaluated for completion[,] not content/accuracy" and students and teachers both expressed that education was not a priority for leaders at the facility.¹²⁰ In October 2020, Anna Bryant, a former school counselor at Bridge City Center for Youth, wrote a complaint to the Louisiana Department of Education, explaining that "[s]tudents are often left to figure out what they are supposed to do on their own which often leads to work incompleteness."¹²¹

The takeaway from this information is distressing: when students spend time enrolled in OJJ schools, they actually fall further behind—even if they are passing their classes and taking advantage of the opportunities presented to them. This illogical outcome contradicts the rehabilitative purpose of juvenile prisons.

3. OJJ Schools are Failing to Properly Plan for Students' Transitions In and Out of Custody



A. OJJ's failure to obtain and maintain educational records and provide students with rigorous coursework aligned to their grade level means that they often have to repeat classes upon release and are not prepared to transition seamlessly to community schools.

Louisiana law requires OJJ to assign all students in custody to “appropriate educational programs and schools.”¹²² In order to assist with the course assignment process, OJJ must utilize an “enrollment interview protocol” and develop an “individual learning plan” for each student.”¹²³ The goal of these legal requirements is simple: schools serving students in prison must ensure that they are preparing children to succeed upon release.

Like all schools, OJJ must request and obtain an entering student's educational records to ensure that course assignments do not duplicate classes they have already taken or credits they have already earned.¹²⁴ This practice is crucial—many students (including many LCCR clients) are released from OJJ custody well before their 20th birthday, and they therefore have the legal right to continue their educational journey until graduation.¹²⁵ In order to keep them on track, they must be placed in correct classes so that they can earn credits.

Unfortunately, despite these requirements, students in OJJ custody are frequently assigned to inappropriate classes and forced to repeat courses or grades when they return home.

Consider the experience of Malik, an OJJ student who spent time at several OJJ facilities over the course of two school years. We spoke to Malik about his experiences in OJJ schools after he left OJJ custody. When his first school at Swanson failed to access all of his educational records from his previous schools, he was placed in classes that he had previously passed. Malik tried to express his concern about his course schedule, but he was assured that it would all work out. The same scheduling error was repeated when he was moved to new OJJ facilities over the course of his incarceration. Although Malik passed all of his classes, most of the credits he earned could not be applied towards his graduation plan because they duplicated credits he had previously earned in the community. He had been looking forward to graduating with his classmates at his old school, but when he returned home he was forced to repeat classes and delay his graduation by a year. He had not previously been aware of the extent of the errors in his course assignments, and he was disappointed and discouraged upon returning home and learning that he would not be able to graduate on time. Although Malik has gotten back on track, it took him many months to feel ready to return to school and face the uphill battle of repeating a grade.

Students across OJJ schools report similar concerns about their courses and the rigor of the material they are taught. In the 2018 “Focus Group Matrix,” students reported that they had been “doing the same work for years,” and that they were learning material that had been taught years before.¹²⁶ Another student reported that none of his classmates were ready for college, and he was concerned that he and his peers would not be able to “do anything in the world” after leaving OJJ.

Even for students who are assigned to the right courses, it is difficult to advance and pass necessary end-of-course exams because the class material is not appropriately rigorous. Many students at OJJ reported to us that although they were getting straight As in courses, they failed all of their end-of-course exams and were not sure why the material was so much harder than what they received in class. Other students told us that they thought they were doing well in OJJ schools and then were shocked by how much more challenging the material was when they returned home and enrolled in community schools.

In the 2018-2019 monitoring report, LDE noted that OJJ frequently fails to request or access records for incoming students in a timely manner.¹²⁷ Far too often, OJJ schools do not have transcripts for some students “because they are awaiting academic records from a sending school.”¹²⁸ In many cases, however, OJJ can access records even before sending schools respond to records requests. As the 2017-2018 report notes, “within days of official enrollment to OJJ sites,”¹²⁹ OJJ schools have access to all student transcripts, and can thus learn about a student’s prior courses and assign them accordingly. Unfortunately, OJJ schools still seem to be struggling to access this material, and we continue to work with students for whom OJJ has not requested or acquired previous school records—a breakdown in communication across the many state and local education agencies responsible for ensuring a smooth transition for students in OJJ custody.

**“I’ve worked with kids
who never reenroll in
school after leaving OJJ.
Then they get arrested
again, and they never
attended school
between their release
and arrest.”**

**— Children’s Defense
Attorney**

OJJ’s failure to adhere to record-sharing and record-access requirements continues when students return home to community schools. In the 2018-2019 OJJ monitoring report, LDE observed that OJJ’s failure to use the student transcript system means that students who return home often do not have the transcripts and other records needed to properly enroll in classes in the community.¹³⁰ Our clients regularly reenter schools in the community without sufficient records, which makes it harder for them to reengage and contributes to the high drop-out rates discussed earlier. In many cases, our social workers and youth advocates must request records from OJJ repeatedly before the necessary records are shared with a student’s new school.

Planning for transition should begin at the very beginning of a student's enrollment in an OJJ school. Unfortunately, OJJ does not adequately plan for students' transition from custody and into community-based schools. Federal law requires states that receive funding from the Every Student Succeeds Act (ESSA) to devote between 15% and 30% of that funding to transition supports.¹³¹ According to public grant reporting information, LDE receives funding under ESSA, which it distributes to agencies including OJJ. In the 2021-2022 school year alone, OJJ received \$266,255 under ESSA to support the education and transition support of children in its custody. According to OJJ's official policy, there is a transition coordinator placed at each site to help children enroll in new schools. Despite this policy and OJJ's receipt of ESSA funds, our clients reported that they have never worked with an OJJ-based transition coordinator who has assisted them with this process. Instead, when they return home, they report feeling lost about which school to attend, the process to enroll, and the records they need to do so.

4. Systemic Problems with Management, Staffing, and a Failure to Prioritize Education Harm Students in OJJ Custody and Lead to Inconsistent, Frequently-Interrupted Schooling

A. At many OJJ facilities, it is common for schools to be shut down—with little explanation or warning—for weeks at a time. In two particularly egregious examples during the 2021-2022 school year, students assigned to the school at Acadiana Center for Youth – St. Martinville went four months without school, and students at Acadiana Center for Youth – Bunkie experienced a gap in educational services for over a month.

Nearly all of the students we spoke with while preparing this report expressed the same thing: school in OJJ secure facilities is cancelled multiple times a week, shortened or delayed due to staffing, security, or other constraints, or shut down for weeks at a time without a reopening plan. These recurrent issues have only gotten worse in recent years and during the COVID-19 pandemic, with serious understaffing and regular quarantines.

What's more, the impact of school shutdowns appears to be uneven across OJJ's facilities. Although all students expressed frustration that school was shut down whenever a single student in a dorm "refused" to attend, students at Bridge City Center for Youth (who attend Riverside Alternative School) generally stated that they had school five days a week for a full school day. By contrast, students at Acadiana Center for Youth at Bunkie and Acadiana Center for Youth at St. Martinville all stated that they would regularly go weeks or even months without any school.

Data submitted to LCCR by OJJ confirm the accuracy of these reports. According to unusual occurrence reports obtained from Central Southwest Alternative School, the school located at Acadiana Center for Youth at Bunkie, there were at least 21 distinct days over a three-month period when students missed school at that facility.¹³² To put that in perspective, from November 2, 2021 through February 11, 2022, there should have been 12 weeks of school. Instead, for at least four of those weeks, at least one dorm at Acadiana Center for Youth at Bunkie did not attend school. Furthermore, from January 10, 2022 through February 11, 2022, there was a three-week period of time when there was no school scheduled for any dorm at the facility, either because of staff shortages, "lockdown," or computer issues.

It is also entirely possible that these reports underrepresent the problem. As we explain below, OJJ consistently reports inaccurate attendance data or fails to report attendance data at all. Without consistent attendance data as well as publicized goals around attendance, leaders at OJJ schools and the facilities do not have shared values around prioritizing schools. Kids are often not brought to school because it is not prioritized by the facility, and there is little consequence for facility guards or leaders who decide it is too much trouble to take kids to school on any given day. In order to develop baseline goals and an understanding of the educational access challenges across OJJ schools, OJJ must keep and report accurate school attendance results.

Acadiana Center for Youth – St. Martinville, a new OJJ facility opened in the summer of 2021, presents the most egregious example of OJJ’s failure to prioritize school for children in its custody. From July 2021, when the St. Martinville facility opened, until at least November 2021, there was no education at all at the St. Martinville facility. The facility was opened specifically to serve children with severe behavioral needs, including serious mental health concerns and emotional and behavioral conditions that can impact learning.¹³³ In national media reports¹³⁴ and communications with LCCR, OJJ admitted that there was no school for many months at St. Martinville. Although OJJ eventually hired a teacher to serve students at St. Martinville, that teacher died just a few weeks after he was hired, and, until at least April 2021, students at the facility continued to receive all of their general education through occasional, inconsistent worksheets rather than live instruction.

Across facilities, students report that school is regularly canceled any time a single student declines to attend or a handful of students get into a small argument. According to one student we spoke with, “School was always closed. They cancel school all the time. If someone runs away, we’ll be on lockdown for a week. If someone is fighting, they cancel school.” Another student agreed, adding, “We’re supposed to have school every day, but sometimes they just don’t come get us. Every week there is at least one day they decide not to bring us to school.” Our discussion with a former OJJ teacher echoed many of these themes. According to that former employee, school at Acadiana Center for Youth at Bunkie was only opened on the days when the Deputy Director was present. Although members of OJJ leadership reported that school was closed because of staffing or security reasons, she disagreed. “I believe that excuse was false and that there were sufficient staff to operate the school throughout the year. I believe that school was closed at Acadiana so regularly because OJJ officials do not prioritize education and believe that it is an inconvenience to move children to the classroom.”

Regular COVID-19 quarantines and staffing challenges continue to disrupt school at OJJ schools. Even as students across the state have long since returned to a regular school schedule,¹³⁵ children in OJJ custody continue to experience significant gaps and disruption in their education due to COVID. Unlike students in the regular school system who can attend virtual classes when there are occasional outbreaks in schools, detained students have not been given this option. Children in OJJ custody frequently are not provided with the necessary technology to continue their education remotely, and staffing challenges mean that they struggle to fill open teacher positions, making the schools increasingly vulnerable to shut downs.

As a result, if there is a case of COVID in a dorm or facility, children in OJJ custody are often without school for weeks at a time. During these gaps, they fall further behind their non-detained peers academically.

Again, these results are antithetical to the state's purpose for incarcerating juveniles: treatment and rehabilitation.¹³⁶ Students who are already behind academically are forced by the state to fall further behind when they are placed in OJJ custody. When students are confined to the custody of OJJ, OJJ legally operates as their stand-in parent or guardian. Yet instead of providing "care as nearly as possible equivalent to that which the parents should have given" each child,¹³⁷ OJJ is abandoning them.¹³⁸ Where their parents would be in a position to ensure academic support and seek the resources their children need to thrive, OJJ is depriving children of services. Children emerge from these facilities with fewer skills, a lower likelihood of graduating, and less robust educational and career prospects. This can only be described as a crisis—not a solution to serious educational and behavioral needs.

Since 2017, LDE's monitoring reports have repeatedly identified the recurring problem of school closures across OJJ schools. These reports further demonstrate that OJJ's failure to prioritize education is the source of many of these challenges. In the 2017-2018 report to the legislature, LDE observed that, "When security is compromised by even a single student, an entire dormitory is often locked down and is not permitted to attend classes."¹³⁹

More recently, LDE expressed frustration in the 2020-2021 report that the school at Acadiana Center for Youth – Bunkie was closed during monitoring, and observed that staff and students across the facility report that there are "serious issues with conducting classes there."¹⁴⁰ The reports from OJJ acknowledge that virtual and packet-based learning is not an appropriate substitute for in-person learning, and even when work is sent to students' dorms, it is "not useful and often not done or checked." The reports further confirm that the top leadership at OJJ schools fail to prioritize education. During a focus group held by LDE on March 2018, teachers unanimously answered "no" when asked if education is a priority for OJJ leaders.¹⁴¹

LCCR Systemic Advocacy Regarding School Shutdowns

In response to recurrent school closures, LCCR spearheaded two advocacy campaigns during the 2021-2022 school year to provide students with the education they need and deserve in OJJ facilities.

1. Compensatory Education Advocacy

In the summer of 2021, we filed a formal demand letter with the Louisiana Special School District, which is responsible for providing special education and related services to students with disabilities in OJJ secure facilities. In our letter, we identified the serious gaps in special education programming experienced by students since the COVID-19 pandemic and demanded a more inclusive policy and process for identifying students who are eligible to receive compensatory education due to lost educational services. After a series of negotiation meetings, we collectively agreed to a remedial plan in January 2022. This plan will ensure that all students with disabilities who have been in the custody of OJJ since March 2020—including students who have since been released or moved to other facilities—will be evaluated for compensatory services, provided all necessary programs, and given the support they need to pursue their academic goals. The Special School District has also agreed to make the process more inclusive of parental input. Compliance with the agreement is being monitored by an independent monitor who will ensure that the Special School District meets the benchmarks and requirements of the agreement.

2. St. Martinville Advocacy

Along with the Loyola Youth Justice Clinic, LCCR filed a formal administrative complaint with the Louisiana Department of Education in November 2021 regarding the lack of education at the St. Martinville facility. In our complaint, we sought an order compelling OJJ to begin providing all necessary general and special education services to students at St. Martinville, as well as compensatory education for students who did not receive education for many months. We also asked OJJ to revise and strengthen its policy regarding the identification and evaluation of children who may have disabilities, an obligation known as “child find.” And finally, we asked that OJJ be ordered to work with an independent monitor who would verify compliance with these obligations. After negotiations, OJJ and SSD agreed to settle the complaint and implement these necessary changes. Still, however, there are gaps in the provision of education at St. Martinville, and as recently as the spring of 2022, students were being placed in solitary confinement cells and denied access to the classroom or to comprehensive educational materials. During the 2022 legislative session, the Louisiana legislature passed a law that will sharply limit the use of solitary confinement in OJJ facilities.¹⁴² We are hopeful that this bill, in addition to our agreement with OJJ and SSD regarding St. Martinville, will result in improved education for students at the facility.

B. When students are in school, they experience significant classroom disruption and safety concerns that are not appropriately addressed by OJJ staff members.

The classroom environments at OJJ schools are not conducive to learning. LDE's monitoring reports describe serious and frequent classroom disruptions that are not adequately addressed by facility or school staff at OJJ facilities. This creates an environment in which students have trouble focusing, and sometimes even feel unsafe at school.



In the 2017-2018 legislative report, members of the LDE monitoring team reported observing “frequent instances of disorderly conduct that [were] not addressed by anyone.”¹⁴³

The report went on to state:

The level of disruption observed in Southside Alternative School and Riverside Alternative School made the learning environment so challenging many students simply did not participate during the allocated instructional time or during class time.

Although there are Juvenile Justice Specialists (JJS) present at the OJJ school sites, the LDE monitoring reports noted that they either fail to intervene to keep the classroom safe, or actively interfere with the learning environment. According to LDE:

In one class, the Juvenile Justice Specialists were talking so loudly to each other that students in the class were distracted by their conversation. In other cases where the disruption elevated to students confronting each other, moving desks, and verbally assaulting the teacher, the JJS offered no intervention and sometimes only serve[d] to block the classroom exit door.¹⁴⁴

Classroom management problems have continued well past the 2017-2018 school year. Although LDE noted in the 2018-2019 report that the JJS were “more responsive to potential student behavior that could create an interruption in the classroom,” they also observed that “[t]here is still a need for better classroom management.”¹⁴⁵ At the time of LDE’s visit, one dormitory was unable to attend class at Southside Alternative School because of a fight. Students we spoke with explained that there were frequently fights that broke out in class, and when that happened there would either be no response from leaders or school would be canceled and kids would have to return to their dorm. “It would happen a lot,” one student said. “It made it so that school felt both harder and easier at OJJ. The work was easier, but it was a lot harder to concentrate.” According to one monitor from OJJ in March 2018, students are often disengaged and distracted. “Students in classrooms at both sites were completely disengaged from instruction. Disengagement included napping at the desk, walking around the room, conversing loudly with fellow students and near physical altercations in two rooms without correction from JJS.”¹⁴⁶ During that same visit, both teachers and students expressed concern about violence and safety in the classroom.

More recently in the 2020-2021 report, LDE wrote that OJJ continues to “have difficulty maintaining enough juvenile justice specialists . . . to provide a safe environment in some cases.”¹⁴⁷ As a result, at some facilities—particularly Acadiana Center for Youth at Bunkie facility—school feels unsafe. In the report, LDE told OJJ that it must devote additional time to considering the day-to-day operations of school at that campus. “Teachers expressed fear of students and juvenile justice specialists expressed a lack of general support from facility leadership.”¹⁴⁸

To be clear, behavioral issues happen at schools across the state—both in the community and in institutional settings. In other contexts, we understand that these challenges are a normal part of school, but we also expect schools to address misbehaviors in a developmentally appropriate and productive way. Just as with other schools, it is OJJ’s responsibility to establish classrooms that are conducive to learning and to respond to students’ behavioral needs in meaningful and supportive ways that acknowledge the relationship between behavior and disabilities. The very purpose of school is to help students develop the habits and behaviors that will help them succeed in the future. All students deserve to learn in a safe environment. Children in juvenile prisons are no exception.

“There were always distractions. Noise, kids being noisy, walkie-talkies from the guards. It made it hard to focus.”
– OJJ Student

C. OJJ schools are seriously understaffed, experience frequent teacher turnover, and hire teachers without appropriate credentials and experience.

Although OJJ schools have struggled with staffing since before the pandemic, the COVID-19 pandemic has only exacerbated staffing issues. In the 2019-2020 monitoring report, LDE noted that there had been an open school leader position at Central Southwest, the school located at Acadiana Center for Youth in Bunkie, “for most of the school year.”¹⁴⁹ According to data LCCR obtained from OJJ, there were 6 open positions at Central Southwest Alternative as of February 10, 2022, including 5 instructor positions and one tutor position¹⁵⁰—all for a school that only educated 36 students during the 2018-2019 school year.¹⁵¹ One of the instructor positions had been open since October 19, 2020—nearly a year and a half before. OJJ teachers generally describe dissatisfaction with their jobs, and there is a very high rate of staff turnover, even in the middle of the school year. As one student reported to us, “The teachers are always changing. They quit all the time. They hire new people, and then those people quit too. They need more teachers.”



Even when teachers are hired, they are not always qualified for their positions. According to Anna Bryant, a former OJJ school counselor who wrote a complaint regarding the quality of school at OJJ facilities in October 2020, OJJ “has instructors teaching subjects they are not certified to teach. In some instances, the instructors do not even hold a bachelor’s degree and have been instructors of classrooms teaching credit bearing courses for over a year.”¹⁵²

The 2018-2019 report cards from LDE for both Riverside and Southside demonstrate that many teachers employed by OJJ are not properly certified. According to those report cards, just 66% of the classes at Riverside and 68% of the classes at Southside were taught by “appropriately certified teachers” in 2018-2019, compared with 80% of all classes across the state.¹⁵³

D. Students are assigned to courses by dorm, which results in a mismatch between course assignments and the material actually taught in each class.

Students at OJJ schools assigned to a dorm of approximately 10 students, all of different ages and educational backgrounds. Despite the varying educational needs of the students in each dorm, students take all of their classes with the other students on their dorm. According to one student we spoke with, “We take all of our classes with our dorm. But everyone’s a different age. Everyone is doing different stuff on the computer. There’s just one teacher, but he doesn’t know what we are all working on.”

Structurally, this creates numerous challenges for ensuring an individualized and appropriately rigorous learning environment. LDE has repeatedly observed that dorm-based assignments make it difficult to ensure that students are receiving grade-level instruction tied to their class assignments. In the 2020-2021 report, OJJ observed that “[t]he practice of multi-grade level students in a single subject class continues to present challenges to providing quality instruction, especially to important credit-bearing courses.”¹⁵⁴ These challenges persist when children receive instructional packets in their dorms: “[T]eachers confirmed that some packets were identical for students who were in very different courses.”¹⁵⁵ During the 2019-2020 monitoring visit, one OJJ monitor noted that there were 6 different grade levels in one classroom alone, which creates an “unrealistic” set of expectations and challenges for teachers.¹⁵⁶ Because it is too challenging to teach 6 different classes to one group of students, Anna Bryant reported that teachers often simply teach “one concept to all,” which means that students do not receive the coursework aligned with their class assignments.¹⁵⁷

During the 2022 legislative session, the Louisiana Legislature passed a law that will classify children into different risk categories upon entry to an OJJ facility.¹⁵⁸ Under the new law, children will be assigned to different facilities depending on those risk categories. If students are also reassigned to school courses based on these categories, it will only serve to reinforce the mismatch between course assignments and educational needs. Students will be placed into classes based on factors outside of their educational attainment levels and support needs and will thus continue to receive inadequate supports in school.

In LDE's monitoring documents, students at OJJ schools share these same concerns, and they report that they do not believe they are receiving grade-level materials. In the 2018 focus group, one student explained that it is "really hard for me to learn" with everyone on different levels.¹⁵⁹ Another student asked whether all of the 11th graders could be assigned to classes with other 11th graders. During our research for this report, one student summed it up this way: "The classes are all mixed up, all the youth are taking different classes. It is confusing. There's only one teacher who is teaching a bunch of things. And I'm just sitting there, saying 'I need help, I need help!' But it's hard with just one teacher who has to teach all these different classes."

5. OJJ Schools are Failing to Comply with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act

A. Ineffective and inconsistent communication between the Special School District and OJJ means that students are not reliably receiving their special education and related services, and teachers are not always following IEPs.

As explained above, OJJ and the Special School District (SSD) share responsibility for providing education in OJJ facilities, with SSD bearing responsibility for providing special education and related services to students with disabilities. Even though SSD is responsible for providing special education in secure facilities by statute,¹⁶⁰ OJJ also has an obligation to comply with the IDEA as a public agency involved in the education of students with disabilities.¹⁶¹ Unfortunately, this division of responsibility leads to communication breakdowns and inconsistent service delivery. Although there is a letter of cooperation between the two agencies that requires collaboration, including when students transition between facilities,¹⁶² it is common for students to go weeks without special education services due to staffing issues or lack of communication. Since COVID-19 school shutdowns began in March 2020, the vast majority of students who qualify for special education services in OJJ secure facilities have missed service hours owed to them under their Individualized Education Programs (IEPs). As a result of these breakdowns, dozens of children in OJJ facilities are eligible for hundreds of hours of compensatory education, and SSD has agreed to provide those services under our compensatory education agreement (see pages 31-32).

More recently, when the St. Martinville facility opened without a school in the summer of 2020, students with disabilities went months without receiving any of the legally-mandated special education and related services required by their IEPs.¹⁶³ Even after SSD and OJJ both agreed to a settlement agreement with LCCR and the Loyola Youth Justice Clinic in January 2022, it wasn't until April 2022 that SSD hired a special education teacher for the purpose of providing special education and related services to students with disabilities at St. Martinville.

According to Anna Bryant, the former OJJ school counselor, many OJJ teachers are not even aware that their students qualify for special education services.¹⁶⁴ As a result, these teachers do not provide students with disabilities with the accommodations they require under their accommodations plans.

Another former OJJ teacher reported to us that special education teachers employed by SSD often ignore the requirements of individual students' IEPs. In many cases, teachers provide a few minutes of pull-out time each week—rather than integrating their lessons with the general education program, as required by the majority of students' IEPs. In the 2020-2021 report, OJJ observed that "school leaders continue to voice concerns, similar to prior year concerns, regarding the inability to fully staff special education teachers at all sites."¹⁶⁵ The 2020-2021 and 2018-2019 reports from LDE both emphasized the need for improved cooperation and communication between OJJ and SSD.¹⁶⁶

6. The Louisiana Department of Education is Failing to Properly Oversee OJJ or Address the Significant Deficiencies in OJJ Schools

A. Although LDE has been aware of the extensive failures in OJJ schools for years, there has been limited change or improvement in OJJ schools over time.

As this report lays out in detail on page 13, OJJ schools are subject to both the state-wide school performance review process and a separate specialized accountability process. Under the specialized OJJ monitoring provisions, which became law during the 2017-2018 school year, representatives from LDE as well as an independent special advisor make regular visits to OJJ schools, prepare reports on areas of growth and areas of concern, and provide recommendations to help OJJ schools improve. Additionally, the special advisor engages in monthly activities, including technical support calls and professional development sessions, with staff members across OJJ facilities to support the implementation of new curricula and interventions. Because OJJ's schools have earned F letter grades for three consecutive years, OJJ is subject to increased oversight and interventions under the accountability system.¹⁶⁷

Unfortunately, despite these extensive supports and regular monitoring over the past four years, the LDE monitoring reports highlight the same recurrent concerns year after year: disruptive classrooms that are distracting at best or dangerous at worst; OJJ's failure to implement and integrate Tier 1, high quality and rigorous academic curricula; and the failure to individualize academic materials to students' grade level and course assignments. Further, as laid out above, from 2017 through the current school year, OJJ's academic results have remained stagnant and poor across the board. Most notably, the percentage of children enrolled in OJJ schools who earned a sufficient number of credits to remain on track to graduate declined in some schools by as much as 80% from the 2020-2021 to the 2021-2022 school years.

We believe that these results are not the fault of the monitoring process itself, but instead reflect LDE's failure to properly hold OJJ accountable. Although LDE has made real and admirable efforts to support OJJ in spurring improvement, leaders at LDE have failed to establish genuine consequences when OJJ fails to abide by intervention plans and to make progress over time. In the 2018-2019 report cards for Riverside and Southside, both OJJ schools demonstrated limited progress. Riverside Alternative received a progress rating grade of "D," demonstrating that only 18% of high school students achieved top academic growth that school year, compared with 45% of students in the state.¹⁶⁸ Southside Alternative also received a progress rating grade of "D," with just 17% of students demonstrating top academic growth that year.¹⁶⁹



To be clear, this is not the fault of any individual at LDE, many of whom are working hard to make improvements; structurally, however, it appears that LDE has displayed limited will to use the variety of drastic improvement measures available to hold OJJ accountable. Specifically, under Louisiana Bulletin 111, LDE has the option to seek “reconstitution” of OJJ schools subject to BESE’s approval: “Reconstitution may include, but shall not be limited to required actions related to school leadership, personnel, structure, operations, budgeting, program offerings, professional development, and contracting with one or more external partners.”¹⁷⁰

We recognize that the COVID-19 pandemic has led to learning loss and regression across the state and country, not only in OJJ schools. LDE has numerous obligations and must work to improve education for all students across the state. But it is important to understand the extent of failure in OJJ schools.¹⁷¹ OJJ schools educate a disproportionate number of students with the most serious needs. OJJ’s student body includes students with disabilities, students who are extremely behind academically, students who have experienced trauma, low-income students, and students of color. Research has demonstrated that the impacts of educational failure are most pronounced on these most vulnerable students.¹⁷² Because students in OJJ schools are disproportionately members of those disadvantaged communities, they need extra support to learn.

OJJ’s students do not forfeit their right to learn when they enter state custody. We should all care about the educational deprivation faced by children in juvenile prisons across the state. Many of the children in OJJ custody are at a point of crisis when they enter custody; if the state continues to ignore their educational needs, they will face ever steeper hurdles upon release. It is clear that the status quo is not working. Children emerge from OJJ prisons with fewer skills and less resources than when they entered, and they have an extremely low likelihood of continuing their education upon release. OJJ’s schools do a disservice to communities, families, Louisiana’s economic future, and youth themselves. LDE must step in and hold OJJ accountable if we are ever going to see meaningful change.

B. OJJ schools refuse to track discipline data required by LDE and by state law, and OJJ is not held accountable when it submits inaccurate attendance data.

Data reporting is a critical component of the state monitoring process, but OJJ has neglected its duty to submit comprehensive and accurate data in two important areas: attendance and discipline.

Although it is well-documented that OJJ schools regularly deny individual dorms or even the entire facility access to the classroom due to safety, staffing issues, or student refusals, data reported by OJJ inaccurately states that OJJ schools experience an average daily attendance of 95% or higher across facilities. Both LDE and former staff members have acknowledged that this figure is almost certainly incorrect. In the 2017-2018 legislative report, LDE reported that the current average daily attendance rate of 95% or higher “does not reflect the average attendance of students observed on the days of monitoring,” and reminded OJJ to mark students absent any time they are required to remain in their dorms.¹⁷³

OJJ told LDE in July 2018 that it accurately reports attendance data,¹⁷⁴ but Anna Bryant’s October 2020 ESSA complaint indicates that OJJ’s reporting remains inaccurate. According to Ms. Bryant, when students refuse school, their attendance is often coded incorrectly to make it appear that they were present even when they were not.¹⁷⁵ Ms. Bryant stated that she believes other facilities, including Swanson Center for Youth, do not provide instruction to students who remain in their dorms, “yet the students still receive grades and credits for courses on their schedule.” Data available on the LDE website from the 2020-2021 school year continues to state that OJJ facilities have a 92% or higher daily attendance rate.¹⁷⁶ It does not appear that LDE has imposed any consequences to hold OJJ accountable for correctly reporting this data.

Without consistent and accurate attendance reporting, it is nearly impossible for OJJ’s teachers, leaders, and facility staff to align around education goals or assess progress towards those goals. Accurate attendance keeping is the bare minimum—all schools across the country determine on a daily basis which students are present and establish interventions when students do not show up. This simple practice will of course not be sufficient to reform education in juvenile prisons, but it is a necessary precondition for addressing the problem.

By statute and regulation, OJJ is also required to report the rate of discipline incidents that occur in the classroom setting. Since at least 2017, OJJ has persistently refused to provide this data to LDE, despite repeated requests and acknowledgments that it is required. Most recently, in the 2020-2021 report, LDE noted simply that “OJJ does not submit discipline records to the state’s collection system despite continued requests by the department.”¹⁷⁷ At this time, it does not seem that there have been any consequences imposed by LDE for this flagrant violation of law.

C. OJJ does not take advantage of the support offered by LDE—including additional funding and technology that can help students learn.

Because OJJ’s schools have been designated in need of “comprehensive intervention” under Louisiana Bulletin 111, they must follow certain intervention plans set forth by LDE pursuant to the federal Every Student Succeeds Act (ESSA). Unfortunately, many of these interventions are not faithfully followed by OJJ, or are entirely ignored—including opportunities for increased funding and support that could make a meaningful difference for children.

For example, in Anna Bryant’s complaint to the LDE in October 2020, she stated that OJJ schools are not using Tier 1 curricula, the highest quality curricula identified by LDE, in classrooms, even though OJJ has access to those materials.¹⁷⁸ According to Ms. Bryant, teachers don’t utilize rigorous curricula and instead print worksheets for students without providing instruction.

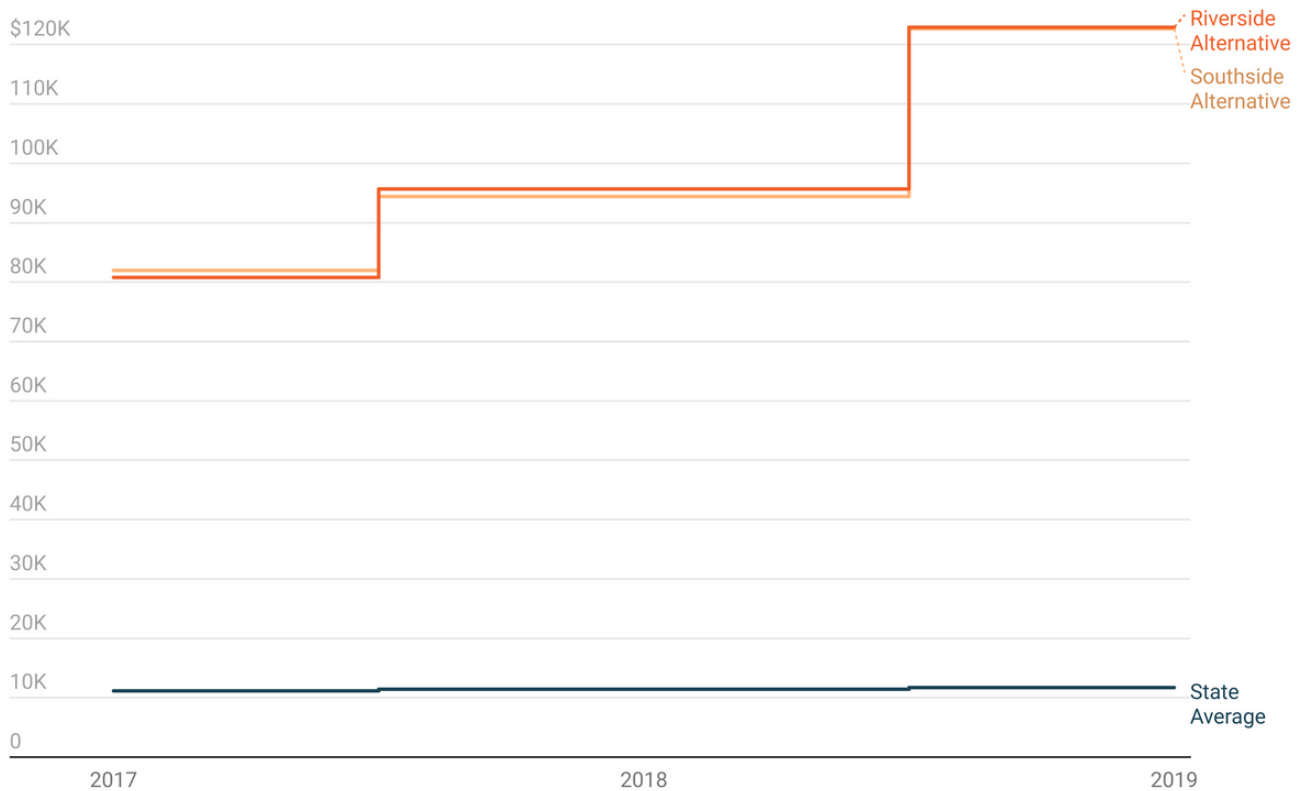
Furthermore, LDE has repeatedly informed OJJ of the availability of extra funding that could support the agency in solving many of the problems identified in the monitoring reports, including diversifying course options. In the 2017-2018 school year, LDE reminded OJJ that the state provides “supplemental allocation/course choice funds” of \$59 per student, which would have yielded an additional \$13,865 for OJJ in 2017-2018.¹⁷⁹ OJJ did not access these funds or seek out other programs, including credit recovery opportunities and electives options available on the Edgenuity computer system. OJJ also has access to funds under Title 1, Part D of ESSA, but regularly fails to use substantial portions of that funding. In 2018, OJJ rolled over \$34,000 of funding received from ESSA—considerably less than the \$565,000 the agency rolled over in 2017 and the \$765,000 the agency rolled over in 2016.¹⁸⁰

7. OJJ Schools Spend Over 8 Times More Per Student Than the State Average—Even While Performing Significantly Worse Than The Vast Majority of Schools in the State

A. Although OJJ spends considerably more per student than other schools in the state, it is failing to direct funding to the most critical needs—books, technology, and other academic materials for children.

In 2017-2018, the average per pupil expenditure at schools across the state was \$11,669. By contrast, during that same year, Riverside Alternative spent \$97,383—nearly \$100,000—per student.¹⁸¹ During that same year, Southside Alternative spent \$96,150 per student.¹⁸² According to the LDE report cards produced the following year, 2018-2019, OJJ per pupil spending continued to increase at OJJ’s schools. That year, Riverside Alternative spent \$122,920 per student, compared with the state average of \$11,708,¹⁸³ while Southside Alternative spent \$122,656 per student.¹⁸⁴

Average Louisiana school funding per pupil



While those numbers are alarming on their own, the way that OJJ is spending its funding is particularly notable. In 2017-2018, both Riverside and Southside spent 25% of their total school budget on “central office overhead,” which is defined as the “pro rata share of expenditures at central office and other non-school sites providing LEA-wide support.”¹⁸⁵ In contrast, the average school in the state spends just 14% on central office overhead.¹⁸⁶

Although OJJ schools appeared to devote the majority of their 2017-2018 and 2018-2019 budgets to instruction, teachers reported to LDE that they were missing necessary materials in the classroom. In the 2020-2021 report, for example, LDE observed:

Teachers often expressed a lack of materials and textbooks needed for instruction. It is unclear to department monitoring staff where funding from various streams (school improvement grants, MFP funds, etc.) are not properly aligned to procure needed materials.¹⁸⁷

In a 2018 monitoring report, an LDE staff member observed that teachers reported that they “have no access to books and instructional materials. They shared that they have to reach out to neighboring schools to gain access to that LEA’s old books/materials for use in the classroom.”¹⁸⁸

To be sure, it is not unreasonable for OJJ’s small schools to spend more per pupil than much larger schools across the state given the lack of economies of scale otherwise present in larger districts.¹⁸⁹ However, the extreme disparity between the funding that the state provides to OJJ schools and the abysmal academic results OJJ achieves further demonstrates the scope of the problem.

If the students in OJJ schools had continued to attend schools in their community, they would almost certainly be attending schools with higher rates of achievement—and significant financial resources devoted to OJJ schools could instead be redirected to community-based schools and other community investments. Instead, the state is devoting significant resources to removing students from higher achieving schools and enrolling them in failing ones—placing the students, their families, and our communities at risk.

RECOMMENDATIONS

Children do not belong in prison. The devastating consequences of juvenile incarceration are abundantly clear from decades of research and a history of failed investments in the juvenile justice system.¹⁹⁰ Juvenile incarceration makes our communities less safe, has extremely negative impacts on the health, wellbeing, and future potential of children, and fails to address the root cause of system-involvement.¹⁹¹ In Louisiana, over one-third of children incarcerated in secure facilities end up back in juvenile or adult prisons three years after they are released from custody.¹⁹² For an agency that is statutorily obligated to provide rehabilitation and treatment to vulnerable children with significant needs, that is an unacceptable statistic.

The educational failures identified in this report underscore the many ways in which OJJ's programs fail kids. Placing a child in an OJJ facility not only means that they and their families will experience the well-documented mental and physical health consequences of incarceration,¹⁹³ but it also makes them significantly more likely to fall behind in their courses, regress academically, drop out of high school, or never enroll in school again. Children who are allowed to remain in their communities do far better both academically and in their future life outcomes.¹⁹⁴ Closing youth prisons in Louisiana is the necessarily systemic solution to the endemic educational failures identified in this report.

Youth prisons should be closed. However, so long as we continue to remove children from their communities and place them in prison, we have a legal and moral obligation to provide them with quality education.

The remainder of this report identifies specific actions that stakeholders across a range of agencies and roles—the Office of Juvenile Justice, the Louisiana Department of Education, the Louisiana Legislature, judges, and advocates working with children in secure custody—must take to safeguard the educational rights of children in custody.

A History of OJJ Education Reforms

Since at least the late 1990s, advocates have been working to improve the conditions of confinement in secure care facilities, with a focus on educational failures. After a 1995 report from Human Rights Watch detailed a variety of abuses in juvenile prisons in Louisiana, including a near total lack of programming, education and treatment,¹⁹⁵ the United States Department of Justice (DOJ) began investigating violations across the state's juvenile justice system. In its findings letter, DOJ reported that “the education programs in the facilities ‘operate completely outside the bounds of acceptable educational practice.’”¹⁹⁶ DOJ also noted that the LDE is failing to properly monitor education at secure facilities.

In 1998, the Juvenile Justice Project of Louisiana filed a class action lawsuit challenging these conditions, and DOJ filed its own suit later that same year.¹⁹⁷ In a sweeping settlement agreement in 1999, the parties agreed to resolve the educational claims raised in each lawsuit. Among other things, the settlement agreement required OJJ to hire a Director of Education to oversee, monitor, and develop adequate educational programming; hire sufficient staff to ensure that students can attend school full-time; ensure teachers have appropriate qualifications and training; provide teachers with adequate instructional materials; and ensure the delivery of consistent and appropriate special education services.

It has now been 23 years since the settlement agreement was signed, yet in many respects not much has changed: OJJ continues to struggle to maintain a sufficient teaching staff, children are denied special education services, and teachers report that they do not have access to necessary materials.



1. Office of Juvenile Justice

i. Consult with juvenile justice school experts and publicly and transparently commit to implementing recommended interventions and plans

OJJ must take swift action to implement the advice of experts in order to drastically improve the quality of education in secure care schools. Independent school groups like Breakfree Education, professors and scholars of education in confined settings, and veterans of juvenile justice and education agencies can all add value to OJJ's operations and provide expert guidance to overhaul the school system in OJJ secure facilities. Comprehensive guidance and research from governmental agencies, including the United States Department of Education, also provide valuable insights into the programming and supports that are proven to result in higher quality secure care education.¹⁹⁸

It is not sufficient, however, for OJJ to simply learn about what it must do. OJJ must also publicly and transparently commit to implementing the interventions and plans proposed by expert consultants. There must be accountability for OJJ to follow through on implementation and devote the necessary staffing, financial and management resources, and vision to improve the quality of education at its facilities. A true commitment to educational reform in OJJ schools will necessarily require action from leaders at the very top, including the Deputy Secretary and facility-level staff and leaders. If the only people focused on education in OJJ facilities are the people who work in schools, change will not be lasting or effective.

OJJ leaders must hold all staff members accountable to prioritizing education. OJJ must transparently provide reports to legislators, advocates, and other stakeholders about its educational commitments, a timeline for its activities, and the goals it seeks to achieve. And, as we describe below, there must also be increased pressure and oversight from the Louisiana Department of Education, the legislature, and advocates and members of the public in order to spur lasting and effective reform.

ii. Strengthen communications and collaboration with the Special School District

Because so many of OJJ's students have disabilities that entitle them to receive special education and related services like school-based counseling and speech therapy, it is crucial that OJJ improve its relationship with the Special School District. It is unacceptable that when students are moved within OJJ facilities or when new facilities like St. Martinville open, SSD is often not made aware and therefore fails to provide necessary services to children for weeks at a time. OJJ and SSD must commit to regular meetings, a clear communication plan if new facilities or schools open, and shared responsibility for ensuring that students receive the services identified in their IEPs. Special education services must be more robust than a few minutes of tutoring each week. OJJ general education and SSD special education teachers must work together to evaluate and understand the needs of students, deliver services, and review data to make changes to academic programming. OJJ recently hired a new Supervisor of Special Education, which is a step in the right direction. OJJ must continue to sustain those efforts to work with SSD and ensure appropriate collaboration so that special education services are not forgotten.



iii. Provide compensatory education for all students who have lost instruction due to school closures

When students with disabilities experience gaps in their special education services, the appropriate remedy is compensatory education.¹⁹⁹ Compensatory education includes special education and related services designed to “place children in the position they would have been in but for the violation of the [IDEA].”²⁰⁰

Although there is no equivalent right to compensatory education for students who are not eligible for special education, general education students also require make-up services and work opportunities when they are denied time in the classroom. Regardless of disability status, the vast majority of students in the juvenile justice system enter custody significantly behind their peers academically. For these vulnerable students, continued educational deprivations only serve to set them further behind and make them more vulnerable to educational failure.²⁰¹ The frequent educational disruptions in OJJ facilities exacerbate the regression and learning loss experienced by children in custody. Providing make-up services to help mitigate these effects is one concrete way that OJJ can support students in custody.

iv. Develop a robust transition program that immediately begins serving students upon entry

It is crucial that OJJ begins planning for a student’s eventual exit from a facility immediately when a student enters custody. Practically, this means that OJJ must:

- Develop and adhere to a consistent, thorough, detailed interview protocol²⁰² to ensure that incoming students are placed in the proper classes upon arrival;
- Faithfully create and share detailed individualized academic plans²⁰³ with the court, students, families, and counsel, so that each student’s course enrollment and progress can be monitored and tracked;
- Utilize available funding streams to expand course choice opportunities for students in custody;
- Comply with applicable timelines for requesting and providing student records; and
- Access available student records in the state’s Student Transcript System and ensure that the database is updated with student records upon release.

OJJ must also hire and train staff who are responsible for supporting children in the educational transition process, and make transition staff available to students even after they have left custody. This will help resolve the frequent issues students face when they try to enroll at schools in the community, including lack of necessary records and confusion about the course credits that students have earned.

v. Develop accelerated credit and credit recovery opportunities for children who are behind

Many students enter OJJ custody already behind academically, and many have experienced academic challenges in the past, including repeating a grade or being under-credited for their age. OJJ must address this by providing students with opportunities to recover necessary credits or to earn credits on an accelerated basis.



If students end up even further behind when they leave custody, it is significantly less likely that they will enroll and remain in school. OJJ can help students by assisting them in earning more credits while in OJJ facilities that they can bring with them to community-based schools.

vi. Promote transparency by accurately reporting on attendance and discipline data to ensure transparency

OJJ must report data consistently and accurately. It is unacceptable for OJJ to simply reject its obligations to report discipline data and to inaccurately report attendance data. Both LDE and the public deserve to be able to review and monitor data to have a better understanding of the frequency of school sessions at OJJ schools, the percentage of students who routinely miss class, and the prevalence of behavioral incidents that occur on campus. Attendance data provides a crucial baseline understanding of the extent of school closures and school exclusion.

Discipline reporting is important for helping to understand the safety of the classroom, the need for additional staff, and the types of disciplinary responses that are used to address behavior.

While we understand that OJJ does not want to report individualized discipline incidents, we believe that aggregate, non-individualized school-based discipline data must be collected to ensure that students with disabilities are receiving appropriate due process protections and to allow discipline and exclusion patterns to be analyzed and addressed.

2. Louisiana Department of Education

i. Engage in increased monitoring and oversight of OJJ schools

Although LDE currently makes annual monitoring visits to OJJ schools and communicates frequently with OJJ school staff, this level of oversight is not sufficient to properly hold OJJ accountable. In particular, LDE was not aware that the St. Martinville facility had been open without a school for many months,²⁰⁴ and it does not seem that LDE was aware of the frequent disruption to school services at Acadiana Center for Youth in Bunkie until the monitoring visit it made last year. More regular monitoring and reporting from OJJ will help to keep both LDE and the public more informed about the status of education in OJJ facilities. Only with this level of information will LDE be able to swiftly act to address deficiencies.





ii. Ensure that data and monitoring documents are made available to the public

In preparing this report, we located data in a variety of places: individual school report cards, data spreadsheets available on the LDE website, and documents obtained from public records requests. This is a complicated process and would be especially challenging for individual parents or members of the community to undertake on their own. It is also worrisome that data does not appear to be calculated in a standardized way. We experienced significant confusion when trying to locate credit attainment data at OJJ schools, with LDE sharing multiple inconsistent versions of the same data before eventually providing finalized figures.

It is important for both OJJ and LDE to make accurate and transparent data available in a centralized place so that it is accessible to the public and available for analysis and review. The public would also be aided by increased data reporting on OJJ's budget and finances, including a breakdown of how the agency's per pupil funding is spent.

Additionally, it would be valuable for OJJ to make the monitoring reports it develops available so that members of the public can review insights and observations on OJJ school performance in addition to data.

iii. Hold OJJ accountable by utilizing the consequences available by law

Section 3607 of Louisiana Bulletin 111²⁰⁵ permits LDE to engage in a variety of more drastic interventions to remedy school failures at OJJ schools, including reconstituting the school subject to the approval of BESE. Even after four years with extremely minimal progress and recurrent violations—including the failure to report on data—it does not seem that LDE has attempted to conduct an intervention of this kind. LDE must begin to use the tools that are legally available to it to improve OJJ schools. Even if OJJ refuses to act on the recommendations in this report, LDE can force some of the remedies identified here, particularly “contracting with . . . external partners” or insisting on certain program offerings or professional development to improve teacher training and student outcomes.²⁰⁶

3. Legislators

i. Require OJJ to engage in regular reporting and testimony about education in secure facilities

OJJ engages in regular data reporting on certain metrics, including safety and recidivism, and provides testimony to the legislature on the operation of the agency.

However, there is currently no formal mechanism for education updates to be made a part of OJJ's reporting to the legislature. Legislators must recognize the imperative for OJJ to provide quality education as part of its rehabilitation and treatment obligations. They can learn more about the schools in OJJ facilities by insisting on regular reports and regular status updates from OJJ about education.

The legislature must also hold OJJ accountable not only by asking about the status of education, but by requiring OJJ to report on a regular basis about how it is committing to improving its schools over time. OJJ must be required to provide concrete improvement plans that can be monitored and tracked—not simply share excuses for the educational results it achieves.

Additionally, the legislature should hold LDE accountable for fulfilling its reporting obligation under Section 3607 of Bulletin 111. That section requires LDE to “submit an annual report to the Juvenile Justice Reform Act Implementation Commission and the House and Senate Committees on Education detailing any supports, interventions, and remedies implemented for each OJJ school earning a progress label indicating the school is academically unacceptable.”²⁰⁷ LCCR requested that LDE share all legislative reports in a series of public records requests, but the only legislative report we received was the report from 2017-2018. It does not seem that either OJJ or LDE have made subsequent reports to the legislature or legislative committees regarding the improvement process for OJJ schools.

ii. Consider engaging the Louisiana Legislative Auditor on issues of OJJ education

In recent years, the Louisiana Legislative Auditor has issued impactful and meaningful reports on the operations at OJJ in a variety of areas, including COVID-19 impacts²⁰⁸ and the use of room confinement and room isolation.²⁰⁹ The involvement of the Louisiana Legislative Auditor could help add another voice to the chorus of agencies and advocates seeking reform of education at OJJ schools.

4. Judges

i. Hold OJJ accountable to providing necessary education services

Judges have an obligation to ensure that children receive rehabilitative services in the least restrictive setting possible.²¹⁰ This means that if children are not receiving the education and other programming they need, judges must modify their disposition so that they may receive those services in another setting. Even for those children who are required to remain in a secure facility, judges retain an obligation to hold review hearings every six months to ensure that children are receiving “necessary treatment and services and all terms and conditions of [the child’s] disposition are followed.”²¹¹ In review hearings, judges have an obligation to monitor the educational progress of youth in custody and to impose consequences when OJJ is failing to deliver on his legal obligations.

Although review hearings must be held on a regular basis, not all judges across the state abide by those timelines. Review hearings are a crucial way to hold OJJ accountable. They bring information to light that judges must consider when ruling on modification motions and making disposition decisions in other cases. Judges can be a positive voice for change, periodically reviewing OJJ operations and services and holding OJJ accountable when it falters. Above all else, judges must remain committed to the principles of rehabilitation and treatment set forth in the Louisiana Children’s Code and remove children from OJJ custody when OJJ is not providing those legally required services.

5. Advocates

i. Ensure that OJJ complies with its legal obligations

Advocates can also make important systemic impacts by insisting on legal compliance in individual cases. It is important for attorneys and other advocates working with children in secure custody to understand each child’s educational rights in custody (see pages 15-16).

If a child is not receiving educational services or has not been provided with a comprehensive academic plan, it is incumbent on attorneys to insist that their clients receive those services. Individual advocacy alone will not solve the grave educational challenges in Louisiana's juvenile prisons, but it can make a meaningful difference in the lives of children who deserve the opportunity to learn.



Systemic Advocacy around the Country

Outside of Louisiana, advocates have successfully challenged the quality of education in youth prisons for many years. As a result of these legal challenges, attorneys have secured educational services for children in secure custody in four key areas: high quality general and special education programming; transition services in and out of secure care; stronger school and staff management; and school accountability and monitoring.

For example, in *Casey A. v. Robles*, attorneys from the ACLU of Southern California and their partners successfully challenged the failure of state officials to provide educational transition planning to kids in a juvenile secure facility. The attorneys reached a settlement agreement that required Los Angeles County to appoint a member from a community-based organization to ensure the development of transition guidelines to assist students exiting secure care facilities. Likewise, in *R.J. v. Bishop*, attorneys from Sidley Austin and the Roger Baldwin Foundation of ACLU reached a consent decree that addressed significant gaps in the delivery of education at youth secure facilities operated by the Illinois Department of Juvenile Justice. Among other things, the agreement between the parties requires non-interrupted education and mental health services for youth placed in non-punitive isolation.

Successful class action lawsuits against juvenile justice facilities have relied on claims under the Individuals with Disabilities Education Act (IDEA) and the Due Process Clause of the Fourteenth Amendment. These cases have advanced a theory of constitutional law that requires a “minimally adequate education,” arguing that juvenile justice facilities have a constitutional obligation to provide services appropriate to the needs of the children they serve, yet frequently fail to meet this standard. Advocates interested in improving OJJ’s education services can look to these lawsuits as an example of the claims and remedies that have helped spur necessary systemic change.

CONCLUSION

“I worry about my son. I don’t think he’s prepared. He’s in the wrong grade, he’s behind. I don’t know what will happen when he leaves OJJ.”

– Parent of OJJ Student

This report lays out the tragic state of education at juvenile prisons in Louisiana. Instead of support, care, and consistency, students in OJJ’s secure care facilities are being denied access to the classroom. These children are among the most vulnerable students in Louisiana, and their need for intensive academic and behavioral supports in a supportive and individualized classroom setting is especially acute. By depriving them of their right to education, OJJ is also denying them the means to succeed upon release.

The violations described in this report are both serious and ongoing, and they reflect endemic challenges in the provision of education at OJJ’s secure care facilities. If children at the deepest end of the juvenile legal system are to receive true treatment and rehabilitation, they must have access to education. We call on all stakeholders to ensure that OJJ prioritizes the high-quality education of students in custody at all of its facilities.



ENDNOTES

- [1] The names and identifying details of all children have been changed to ensure confidentiality.
- [2] Throughout this report, the terms “secure care facility,” “youth prison,” and “juvenile prison” are used interchangeably to refer to the post-disposition secure facilities operated by the Louisiana Office of Juvenile Justice. See La. R.S. § 17:3912(A); La. R.S. § 17:10.9(A); Louisiana Bulletin 111, § 3601.
- [3] Joshua Rovner, *Disproportionate Minority Contact in the Juvenile Justice System*, Sent’g Project (May 1, 2014), <https://www.sentencingproject.org/publications/disproportionate-minority-contact-in-the-juvenile-justice-system/>.
- [4] See La. R.S. § 15:906(B).
- [5] See, e.g., Barry Holman & Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, Just. Policy Inst., https://justicepolicy.org/wp-content/uploads/2022/02/06-11_rep_dangersofdetention_jj.pdf.
- [6] Joshua Rovner, *Black Disparities in Youth Incarceration*, Sent’g Project (July 15, 2021), <https://www.sentencingproject.org/publications/black-disparities-youth-incarceration>.
- [7] See La. R.S. § 15:906(B).
- [8] *Id.*; *State v. J.R.S.C.*, 788 So.2d 424, 424 (La. 2001).
- [9] La. R.S. § 36:408(H)(1); see also La. Ch. C. art. 906(B)(2).
- [10] *Morgan v. Sproat*, 432 F. Supp. 1130, 1135 (S.D. Miss. 1977). See also *Alexander S. v. Boyd*, 876 F. Supp. 773, 796 (D.S.C. 1995) (holding the same) (first citing *Martarella v. Kelley*, 349 F. Supp. 575, 585 (S.D.N.Y. 1972); then citing *Pena v. New York State Div. for Youth*, 419 F. Supp. 203, 206-07 (S.D.N.Y. 1976)).
- [11] See, e.g., Jacqueline DeRobertis, *At Least 2 Youths in Louisiana Custody Sent to Alabama Amid Turmoil, Advocacy Group Says*, The Advocate (June 22, 2022), https://www.theadvocate.com/baton_rouge/news/crime_police/article_502f15f2-f242-11ec-aa56-5b30a9fe803b.html (reporting that OJJ has begun to move children out of OJJ facilities to facilities operated by agencies in other states, rather than provide treatment within OJJ facilities).
- [12] *The case for quality education in juvenile correctional facilities*, Nat’l Center on Educ., Disability, and Juv. Just., <http://www.edjj.org/focus/education/#:~:text=Because%20education%20is%20critical%20to%20rehabilitation%20for%20troubled,prevention%20of%20delinquency%20and%20the%20reduction%20of%20recidivism>.
- [13] See *id.*
- [14] Off. Juv. Just. & Delinq. Prevention, *Education for Youth Under Formal Supervision of the Juvenile Justice System*, January 2019 OJJDP Model Programs Guide Literature Reviews 1, 3-4, <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/education-for-youth-in-the-juvenile-justice-system.pdf>.
- [15] *Id.* at 2.
- [16] Council of State Gov’ts Just. Ctr., *Locked Out: Improving Educational and Vocational Outcomes for Incarcerated Youth* 1 (2015), https://csgjusticecenter.org/wp-content/uploads/2020/01/LOCKED_OUT_Improving_Educational_and_Vocational_Outcomes_for_Incarcerated_Youth.pdf.
- [17] Off. Juv. Just. & Delinq. Prevention, *supra* note 14, at 2.
- [18] Ellen Morrow, *Best Practices for Implementing Trauma-Informed Care with Youth who are Homeless or At-Risk of Being Homeless*, <https://cornerstone.lib.mnsu.edu/cgi/viewcontent.cgi?article=1864&context=etds>.
- [19] See, e.g., Nicole Tuchinda, *The Imperative for Trauma-Responsive Special Education*, 95 N.Y.U. L. Rev. 766, 769 (2020).
- [20] Southern Educ. Found., *Just Learning: The Imperative to Transform Juvenile Justice Systems into Effective Educational Systems* 7, 37 (2014), <https://southerneducation.org/wp-content/uploads/documents/just-learning-final.pdf>.
- [21] Andrea J. Sedlak & Carol Bruce, *Survey of Youth in Residential Placement: Youth Characteristics and Backgrounds*, May 2016, OJJDP Surv. of Youth in Residential Placement Series 2, <https://www.ojp.gov/pdffiles1/ojjdp/grants/250753.pdf>.
- [22] See, e.g., U.S. Dep’t of Educ., *Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs*, <https://www2.ed.gov/documents/students/supporting-child-student-social-emotional-behavioral-mental-health.pdf>.
- [23] Southern Educ. Found., *supra* note 20, at 18.
- [24] Off. Juv. Just. & Delinq. Prevention, *supra* note 14, at 6.
- [25] Anna Aizer & Joseph J. Doyle, Jr., *Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges* 3 (Nat’l Bureau of Econ. Rsch., Working Paper No. 19102, 2013), https://www.nber.org/system/files/working_papers/w19102/w19102.pdf.
- [26] Southern Educ. Found., *supra* note 20, at 15.
- [27] *Id.* at 16.
- [28] See Off. Juv. Just. & Delinq. Prevention, *supra* note 14, at 2 (citing Thomas G. Blomberg, William D. Bales, & Alex R. Piquero, *Is Educational Achievement a Turning Point for Incarcerated Delinquents Across Race and Sex?*, 4 J. Youth Adolescence. 202 (2012)).
- [29] David Domenici & James Forman, Jr., *What it Takes to Transform a School Inside a Juvenile Facility: The Story of the Maya Angelou Academy*, in *Justice for Kids: Keeping Kids Out of the Juvenile Justice System* (Nancy Dowd, ed., NYU Press 2011).

- [30] Southern Educ. Found., *supra* note 20, at 15.
- [31] Committee on Assessing Juvenile Justice Reform, *Reforming Juvenile Justice: A Developmental Approach* 393-409 (Richard J. Bonnie et al. Eds., National Academies Press, 2013).
- [32] Katherine Twomey, *The Right to Education in Juvenile Detention Under State Constitutions*, 94 Va. L. Rev. 765, 773 (2008).
- [33] *See* La. Const. of 1974, art. VIII, pmbl. *See also* La. Const. of 1974, art. VIII, § 1; La. R.S. § 17:1. et seq.
- [34] *See* La. R.S. § 15:906(B).
- [35] *Youth in Secure Care Facilities*, Off. Juv. Just., <https://ojj.la.gov/serving-youth-families/youth-in-secure-care-facilities> (last visited June 30, 2022); *Educating Youth in Secure Care*, Off. Juv. Just., <https://ojj.la.gov/serving-youth-families/youth-in-secure-care-facilities/educational-services/> (last visited June 30, 2022).
- [36] *See* La. Ch. C. art. 897; La. Ch. C. art. 901.
- [37] *See* La. Ch. C. art. 897; La. Ch. C. art. 908.
- [38] *See* La. Ch. C. art. 897.1.
- [39] La. R.S. § 36:408(H)(1).
- [40] La. R.S. § 36:408(H)(2)(d).
- [41] *See e.g.*, La. R.S. § 17:100.1(C); La. R.S. § 17:3912(A); La. R.S. § 17:10.9(A); La. Admin. Code. tit. 28 pt. XI § 3601.
- [42] La. R.S. § 17:1945(C); *see also* La. Admin. Code. Tit. 28 pt. I § 311(A)(b).
- [43] La. R.S. § 17:1945(C).
- [44] La. R.S. § 17:1945(B)(2).
- [45] La. R.S. § 17:1945.1; La. Admin. Code tit. 28, pt. XLIII § 401.
- [46] La. R.S. § 17:1945.1(A).
- [47] La. Admin. Code. tit. 28 pt. XI § 3605(A).
- [48] La. Admin. Code. tit. 28 pt. XI, § 301(A); La. Admin. Code. tit. 28 pt. XI § 3503(9).
- [49] La. Admin. Code. tit. 28 pt. XI, § 909.
- [50] La. Admin. Code. tit. 28 pt. XI, § 3605(B); *see also* La. R.S. § 17:10.9.
- [51] La. Admin. Code. tit. 28 pt. XI, § 3605(B).
- [52] La. Admin. Code. tit. 28 pt. XI, § 3607.
- [53] *Id.*
- [54] Dominic Pechota, Educ. Comm’n of the States, *State Governance Models for Educating Youth in Juvenile Detention Facilities* 3.
- [55] *Id.*
- [56] Council of State Gov’ts Just. Ctr., *supra* note 16, at 2
- [57] *See* N.R.S. 62B.510(4); Summit View Youth Center, Nev. Dep’t of Health & Human Servs. Div. of Child & Family Servs., https://dcfs.nv.gov/Programs/JJS/SUMMIT_VIEW_YOUTH_CENTER (last visited June 30, 2022).
- [58] Ga. Comp. R. & Regs. § 20-2-2084.1.
- [59] *Special Education in Correctional Facilities*, Nat’l Center on Educ., Disability, and Juv. Just., http://www.edjj.org/Publications/pub05_01_00.html#:~:text=The%20education%20programs%20in%20juvenile%20halls%20and%20detention,school%20and%20work%20related%20to%20operating%20the%20facility.
- [60] *See* Conn. Gen. Stat. § 10-253(g).
- [61] Fla. Stat. § 1003.52(3).
- [62] La. Const. of 1974, art. VIII, pmbl. *See also* La. Const. of 1974, art. VIII, § 1; La. R.S. § 17:1 et seq. *See generally* 20 U.S.C. § 6301 et seq.
- [63] *See* La. R.S. § 17:221.
- [64] La. R.S. § 17:154.1(A)(1).
- [65] The few exceptions that exist apply to students with disabilities incarcerated in adult jails and prisons. Although students in those facilities retain the majority of their federal special education rights, there are a few exceptions that are outside the scope of this report.
- [66] 20 U.S.C. § 1400(d)(1)(A).
- [67] 34 C.F.R. § 300.2(b)(1)(iv). *See also* Statement of Interest of the United States at 1, *G.F. v. Contra Costa Cnty.*, 2915 U.S. Dist. LEXIS 159597 (N.D. Cal. 2015); Arne Duncan & Eric H. Holder, Letter to Chief State School Officers and State Attorneys General (June 9, 2014), <https://www2.ed.gov/policy/elsec/guid/secletter/140609.html> (“[W]ith regard to students with disabilities, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990 . . . obligate specific public agencies . . . to provide educational services to eligible youth in confinement.”).
- [68] *See* 20 U.S.C. § 1401(3)(A)(i); La. Admin. Code. tit. 28 pt. XLIII, § 905.
- [69] 20 U.S.C. § 1401(3)(A)(i).
- [70] *See* 34 C.F.R. § 300.111; La. Admin. Code. tit. 28 pt. XLIII, § 111.
- [71] Melody Musgrove & Michael K. Yudin, U.S. Dep’t of Educ., Off. Spec. Ed. & Rehab. Servs., Dear Colleague Letter (December 5, 2014), <https://sites.ed.gov/idea/files/idea-letter.pdf>.
- [72] *See, e.g.*, 20 U.S.C. § 1414(d)(1)(A).
- [73] La. Admin. Code. tit. 28 pt. XLIII § 101(A).
- [74] 34 C.F.R. § 300.323(e).

[75] *Id.*

[76] 20 U.S.C. § 6301 *et seq.*

[77] 20 U.S.C. § 6434(a)(2)(B).

[78] La. Admin. Code. tit. 28 pt. XLIII, § 3609.

[79] La. Ch. Code art. 905.1.

[80] *See, e.g.,* Annie Waldman, Beth Schwartzapfel & Erin Einhorn, *Louisiana Limits Solitary Confinement for Youth*, Pro Publica, June 22, 2022, <https://www.propublica.org/article/louisiana-limits-solitary-confinement-for-youth>.

[81] *Id.*

[82] Whenever possible, this report cites to publicly available data. In some cases, the data and documents relied upon are only available in records LCCR obtained through public records requests. In those cases, you may use the hyperlink in the endnotes to access the relevant documents.

[83] This report uses the term “OJJ secure care schools” to refer to the schools located in OJJ secure care facilities across the state. In many cases, educational data is only available for two or three of the OJJ sites given class size or the number of years that the facilities have been opened.

[84] *See* Enrollment Data, [Learning Interrupted Sources](#).

[85] *See* February 2022 Special Education Rates, [Learning Interrupted Sources](#).

[86] *See, e.g.,* Off. Juv. Just. & Delinq. Prevention, *supra* note 14.

[87] According to data received from the Special School District, 66 students in OJJ secure custody were eligible for special education services from March 2020 through June 2020. During the first and second quarters of 2020, OJJ reported that there were approximately 325 children served in all secure care facilities. *See* OJJ, 1st Quarter 2020, 2020 La. Q. Juv. Just. Indicators 1, 1, <https://ojj.la.gov/wp-content/uploads/2020/04/OJJ-Indicators-2020Q1-1.pdf>; OJJ, 2nd Quarter 2020, 2020 La. Q. Juv. Just. Indicators 1, 1, <https://ojj.la.gov/wp-content/uploads/2021/02/OJJ-Indicators-2020Q2.pdf>.

[88] *Riverside Alternative High School Report Card: Student Breakdown*, La. Dep’t of Educ., https://louisianaschools.com/schools/A02002/academic-performance/breakdown_student_groups (last visited June 30, 2022); *Central Southwest Alternative High School Report Card: Student Breakdown*, La. Dep’t of Educ., https://louisianaschools.com/schools/A02004/academic-performance/breakdown_student_groups (last visited June 30, 2022); *Southside Alternative High School Report Card: Student Breakdown*, La. Dep’t of Educ., https://louisianaschools.com/schools/A02003/academic-performance/breakdown_student_groups (last visited June 30, 2022).

[89] *See* February 2022 Special Education Rates, [Learning Interrupted Sources](#).

[90] *Id.* Throughout this report, we frequently compare OJJ results to the district-wide results in Orleans, East Baton Rouge, Caddo, and Jefferson Parishes because those are the four parishes that maintain specialized juvenile courts. *See* La. Justice Coalition, *Louisiana’s System of Juvenile Defense*, <https://lajusticecoalition.org/juvenile-defense/about+juvenile-defense>.

[91] *See, e.g.,* Gwen Aviles, *Study: Black Students Less Likely to be Identified as Having Disabilities*, NBC News, Aug. 27, 2019, <https://www.nbcnews.com/news/nbcblk/study-black-students-unfairly-labeled-learning-disorders-n1046836>; Off. Juv. Just. & Delinq. Prevention, *supra* note 14.

[92] According to the 2017-2018 legislative report presented by LDE, data from Pinehill Alternative School, the school located at Swanson Center for Youth in Columbia, was combined with data from Southside for the purposes of grading school performance scores during the 2017-2018 school year. *See* 2017-2018 Legislative Report, [Learning Interrupted Sources](#). It is unclear whether that is also true of the data reported in more recent years.

[93] 2019 was the last year that LDE published official school performance score and report card data. In 2021, LDE published “simulated” school performance scores, but did not provide full report cards for individual schools or school systems. *See* 2021 Simulated School Performance Scores, [Learning Interrupted Sources](#).

[94] *See* School Performance Scores, [Learning Interrupted Sources](#).

[95] *See* *Riverside Alternative High School Report Card* *supra* note 88; *Southside Alternative High School Report Card* *supra* note 88; *see also* Percentile Distribution Chart, [Learning Interrupted Sources](#).

[96] *See* La. R.S. § 17:100.5(A); La. Admin. Code. Tit. 28 pt. CXV, § 1301.

[97] *See* LEAP Scores, [Learning Interrupted Sources](#).

[98] *2021-2022 High School Assessments Frequently Asked Questions*, La. Dep’t of Educ., https://www.louisianabelieves.com/docs/default-source/assessment/high-school-assessment-frequently-asked-questions.pdf?sfvrsn=5beb971f_34 (last visited June 30, 2022).

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[101] *See* La. Dep’t of Educ., *Louisiana Believes: Dropout Reporting and Data Correction* 8, [https://leads13.doe.louisiana.gov/lug/SystemSupport/Dropout%20Reporting%20\(Official\).pdf](https://leads13.doe.louisiana.gov/lug/SystemSupport/Dropout%20Reporting%20(Official).pdf) (last visited June 30, 2022).

- [102] Danielle Dreilinger, *New Orleans' Graduation Rate Falls 5.7 Points in 5 Years*, NOLA.Com, June 23, 2017, https://www.nola.com/news/education/article_ae056e85-e0fa-5823-972e-b1acd25388b5.html#:~:text=New%20Orleans%27%20high%20school%20graduation%20rate%20has%20continued,graduation%20rate%20stayed%20just%20about%20steady%20at%20at%2077.
- [103] See 2020 Grade Retention Rates, [Learning Interrupted Sources](#).
- [104] See Cohort Graduation Rates, [Learning Interrupted Sources](#).
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- [106] *Jump Start TOPS Tech Course Requirements*, La. Dep’t of Educ. 4, https://www.louisianabelieves.com/docs/default-source/jumpstart/tops-tech-course-requirements.pdf?sfvrsn=3dbe8f1f_22 (last visited June 30, 2022); TOPS University Course Requirements, La. Dep’t of Educ. 10, https://www.louisianabelieves.com/docs/default-source/jumpstart/tops-university-course-requirements.pdf?sfvrsn=18be8f1f_55 (last visited June 30, 2022).
- [107] In order to be included in the data set, students must attend OJJ schools for a full academic year. See Louisiana Bulletin 111, § 3605(C).
- [108] See Credit Attainment Information, [Learning Interrupted Sources](#).
- [109] Aizer & Doyle, *supra* note 25.
- [110] See Credit Attainment Information, [Learning Interrupted Sources](#).
- [111] *Id.*
- [112] *Id.*
- [113] See 2019 School Performance Scores Data, [Learning Interrupted Sources](#).
- [114] See Credential Attainment Data, [Learning Interrupted Sources](#).
- [115] 2017-2018 Legislative Report, [Learning Interrupted Sources](#).
- [116] *Id.*
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- [119] Focus Group Matrix, [Learning Interrupted Sources](#).
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- [122] Louisiana Bulletin 111, § 3609.
- [123] *Id.*
- [124] See, e.g., La. Admin. Code tit. 28 pt. XI, § 3609.
- [125] See La. R.S. § 17:221. As explained previously, students with disabilities have the right to continue to receive special education services until their 22nd birthday. See Louisiana Bulletin 1706 § 101(A).
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- [127] 2018-2019 Monitoring Report, [Learning Interrupted Sources](#).
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- [129] *Id.*
- [130] *Id.*
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- [132] Acadiana Unusual Occurrence Reports, [Learning Interrupted Sources](#).
- [133] *Acadiana Center for Youth St. Martinville Transitional Treatment Unit Program Summary*, Off. Juv. Just. 1, 1 (2021) <https://ojj.la.gov/wp-content/uploads/2021/10/B.2.8.pdf#page=33>.
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- [135] See JC Canicosa, *71 Percent of Louisiana K-12 Students are Back in Classrooms Full-Time*, LA Illuminator, Apr. 7, 2021, <https://lailluminator.com/2021/04/07/71-percent-of-louisiana-k-12-students-are-back-in-classrooms-full-time/>.
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- [137] La. Ch. C. art. 102.
- [138] See also DeRobertis, *supra* note 11.
- [139] 2017-2018 Monitoring Report, [Learning Interrupted Sources](#).
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