



June 2016

# Realizing Youth Justice: Advancing Education and Employment through Public Policy and Investment

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## Introduction

Youth and young adults born between 1980 and 2000, often referred to as the *Millennial Generation* are purportedly the most diverse and educated American generation yet. They are typically described as having a more tech-savvy, creative, team-oriented, and entrepreneurial worldview than generations that preceded them.

However, current widely accepted perceptions about this generation do not take into account the full picture of *who* is part of this generation. Over 43 percent of this generation is non-White, the most of any generation yet.<sup>i</sup> Despite the dominant narrative, many young people in the Black Lives Matter and Dreamer movements strongly identify as millennials. Young people of color currently represent 48 percent of the population under age 20<sup>ii</sup> and the majority of K-12 public school students.<sup>iii</sup>

The share of the labor force held by people of color will increase as the nation becomes more diverse. By 2060, the share of White non-Hispanics is projected to be just 44 percent.<sup>iv</sup> And as the younger White population continues to shrink, the country's economic competitiveness, civic infrastructure, and social capital will largely be dependent on how well young people of color are able to be economically secure and achieve financial stability. As one demographer states, "the demographic reality is that America's youth—and more specifically its racial minority youth—is its future."<sup>v</sup>

Yet, far too many poor youth of color are growing up in economically and spatially segregated environments that are often plagued with inadequate and underfunded schools, crime and violence, and little to no economic opportunity. They are less likely than their White counterparts to finish high school on time, attend and complete postsecondary education, and have access to employment during their teen and young adult years. They are also more likely to suffer from harsh school discipline policies and have contact with law enforcement that leads to overrepresentation in the juvenile and criminal justice system than their White peers. Incarceration follows individuals long after the sentence is over. The collateral consequences of incarceration can impact a convicted person's long-term employment prospects, ability to access critical public benefits, including student loans and housing, and full participation in civic life,

such as voting (in many states).<sup>vi</sup> These barriers form a vicious cycle in which the lack of quality and accessible education, employment, and youth development opportunities can contribute to over-attachment to the juvenile and criminal justice system; and these very same supports that can help young people to get back on track, are in many instances denied because of that contact with the justice system.

Youth of color, especially those who grow up in high-poverty communities, must navigate complex situations daily, learning critical survival skills that allow them, in many ways, to survive. Through personal experiences that contribute to their resiliency, their own innate strengths as imaginative and optimistic problem-solvers, and their ability to overcome hard-hitting circumstances, young people of color hold the answers to solve these seemingly insurmountable challenges themselves. Millennials of color have ignited and joined movements across the country to fight against police brutality and demand fair and decent wages, quality and fully funded schools, jobs, safe communities, and immigration and criminal justice reform. They are coming of age during a period when the nation is coming to grips with the social and economic consequences of mass incarceration (which largely ballooned over the last 30 years) and heart-wrenching and visible national tragedies—from the deaths of Freddie Gray, Rekia Boyd, Laquan McDonald and far too many others—that have catapulted a sense of urgency to address our unjust criminal justice system. And they have displayed such resiliency and fierceness in spite of the challenges that confront them because of their race, place, and circumstance. In part because of the passion and commitment of these youth and young adults, this is an extraordinary moment of policy opportunity for fixing these longstanding systemic barriers.

All across the country, more and more courts, state and local governments, law enforcement agencies, and community stakeholders are moving towards restorative justice policies and implementing alternatives to youth incarceration.<sup>viii</sup> These are certainly welcomed changes. At the same time, we also see a moment of policy opportunity for economic justice reforms, including education, training, and employment pathways during the teen and young adult years as well as improved health, mental health, and social-emotional supports. The energy for reform in these areas arises from many sources—whether large-scale organizing for full employment, better wages, or better schools, the concerns of employers about the skills of tomorrow’s

Recent Census data show that economic struggles are pervasive for this generation of youth and young adults. Nearly 20 percent of all young adults ages 18-24 were poor in 2014. Poverty is particularly devastating for children (under age 18) and young adults of color. In 2014, 37.1 percent of Black children lived in poverty and 18.2 percent in deep poverty, compared to 12.3 percent and 5.4 percent for White non-Hispanic children. Hispanic children represented the largest share of poor children at 5.7 million, with 31.9 percent living in poverty and 12.9 percent in deep poverty. The poverty rate for Black and Hispanic young adults was 29 percent and 22.4 percent respectively, compared to 16.1 percent for White non-Hispanics and 19.8 percent for Asians.<sup>vii</sup>

workers, or new policy opportunities created in states and cities by recent federal legislation such as the Affordable Care Act and workforce and education legislation.

Yet to a large degree, these two strands of work—about justice reform and about education and employment opportunities and pathways—have proceeded in isolation from each other. While diversion strategies to keep young people out of the justice system, for example, have been considered, most of those proposed have been relatively small and limited to very narrowly defined groups of youth. On the other side, the education and employment fields frequently fail to take seriously enough the consequences of steps, like school discipline or dropout, that contribute to mass incarceration, and they have also failed in many cases to think through their roles in both prevention and re-entry.

This paper represents a first step towards a more powerfully linked agenda for reform. In particular, we propose policy strategies that envision work and educational opportunities, along with health and mental health supports, as part of the formula needed to dismantle structural barriers that push youth of color out of school and into detention and incarceration; prevent them from obtaining employment and entering careers with family sustaining wages; and lock them perpetually out of opportunity. Our goal is to provide a framework for recommendations to expand youth justice reform and diversion strategies based on these core ideas of education and employment pathways along with health and mental health supports that can prevent youth of color from entering the juvenile or criminal justice system in the first place and better support them during and after detention, placement, and/or incarceration.

Core elements of this framework include:

1. **Build employment and postsecondary pathways to careers that operate at a large scale and reach young people at risk of justice system involvement and those who are already involved.**
2. **Reform school discipline policies and practices, which now contribute to the pathway to prison, so they instead keep young people in school; and redesigning school strategies to keep young people in school and re-engage those who are out of school.**
3. **Address mental health needs, including seizing opportunities through the Affordable Care Act (ACA) and Medicaid.**
4. **Create new and expanded funding streams at the federal and state levels that can achieve the scale required.**
5. **Explore governance approaches at the local, state, and federal levels that ensure the connections across sectors that youth need.**

## Setting the Context

### The Challenge

Over 2 million people are currently incarcerated in our jails and prisons; this number increases to over 6 million, when accounting for those who are on probation or parole.<sup>ix</sup> On any given day, approximately 57,000 youth are confined in juvenile detention and correctional facilities and hundreds of thousands more are on probation.<sup>x</sup>

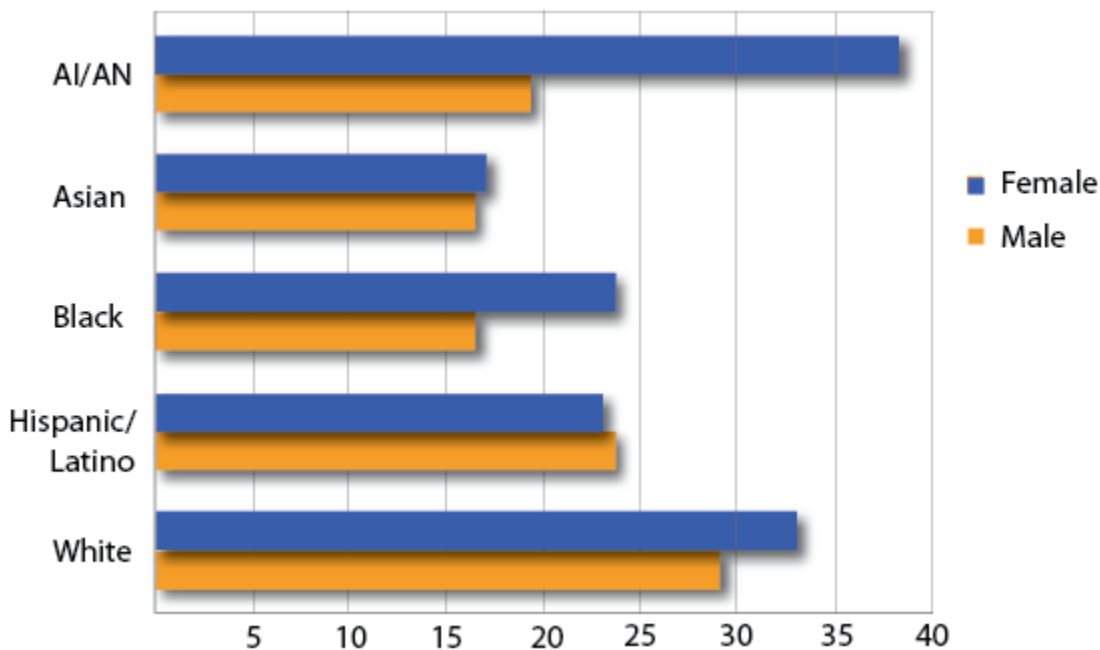
Many intersecting factors have driven the overrepresentation of people of color into our justice systems, from implicit biases and structural racism that are often manifested in federal and state criminal and juvenile justice statutes, judicial and law enforcement decision-making, sentencing and school discipline policies, to structural disadvantages, such as lack of investment in employment, training, and high-quality K-12 and postsecondary education opportunities in poor and low-income communities of color. Other individual and community-level factors such as poverty, education outcomes, unemployment history, and criminal history are also contributors to this disproportionality.<sup>xi</sup> A confluence of these issues has had a disparate impact on people of color and their interactions with the justice system, especially African Americans.

**Communities of color have more acutely experienced the effects of mass incarceration.** One in three young African-American men will serve time in prison if current trends continue<sup>xii</sup>, and in some cities, such as Baltimore, which has the highest percentage of the population in jail of any large city in the U.S., 9 out of 10 people in its jails (89 percent) are African American. In 2012 alone, more than 4,400 Baltimore City youth were referred to the juvenile justice system.<sup>xiii</sup> State courts are also twice as likely to incarcerate American Indian/Alaskan Native (AI/AN) teens for skipping school and alcohol use (both of which are “status offenses” that are only illegal because of a youth’s age) more than any other racial and ethnic group<sup>xiv</sup>. AI/AN youth are also less likely than White youth to receive probation for committing a status offense.<sup>xv</sup>

**Disparities in school discipline, juvenile justice involvement, and exposure to violence are among the factors driving far too many young men and women of color into—or deeper into—the criminal justice system.** This is not just an issue that impacts young men of color. Increasingly girls are becoming a larger proportion of youth involved with the juvenile justice system.<sup>xvi</sup> And young women of color experience high rates of school suspension and referrals to law enforcement. They are exposed to violence and are often dealing with mental health issues, such as depression<sup>xvii</sup>, which left unaddressed can facilitate ill-fated contact with the criminal justice system.

**At the same time, youth of color are experiencing an employment crisis.** Over the past 20 years, teen and young adult employment has been on a steady decline. Peak employment for teens which occurs during the summer has fallen to 34 percent, a 37 percent decline and near-record low.<sup>xviii</sup> The most recent labor force data show that despite improvements in the economy, teen employment remains low (see Figure 1).

Figure 1. 2015 Employment to Population Rates by Race and Gender (Ages 16-19)



Source: CLASP Analysis of U.S. Census Bureau Current Population Survey, Annual Social and Economic Supplement, 2015

**Lack of access to good schools and to jobs and employment most likely also contribute significantly to youth involvement in the criminal justice system.** The majority of Black and Hispanic incarcerated young men and women age 18-24 do not have a high school diploma. An alarming number were also unemployed before their arrest.<sup>xix</sup>

- 72 percent of incarcerated Black young men and 83 percent of Hispanic young men do not have a high school diploma;
- 52 percent of incarcerated Black young women and 67 percent of Hispanic young women do not have a high school diploma;
- 45 percent of incarcerated Black young men and 27 percent of Hispanic young men were unemployed before arrest.
- 44 percent of incarcerated Black young women and 45 percent of Hispanic young women were unemployed before arrest.

**Incarceration has negative lifelong impacts on employment, earnings, and health.** The consequences of incarceration are more known and written about than ever before. Children of incarcerated parents are more likely to end up in prison themselves. Involvement in the juvenile justice system has negative effects on adolescents' mental health and can cause unwarranted interruptions to their academic progress and work experience at a critical time in their biological and social development.<sup>xx</sup> Research also suggests that locking youth away or placing them into detention pulls youth deeper into the juvenile and criminal justice system.<sup>xxi</sup>

**Contact with the criminal justice systems plays a prominent role in the diminished employability of youth of color. Discriminatory hiring practices biased against people of color<sup>xxiii</sup> and individuals with criminal records make finding work an uphill battle.** In *The New Jim Crow*, Michelle Alexander suggests that the American criminal justice system, as it has come to be over the past 30 years, is a proxy for state-sanctioned discrimination against people of color, for it is, as she writes, “perfectly legal to discriminate against criminals in nearly all the ways that it was once legal to discriminate against African Americans.” Employment, housing, and education discrimination against felons is widely accepted in both policy and practice.<sup>xxiii</sup> In light of this discrimination, the implications of the disproportionate incarceration rates experienced by young people of color for their ability to achieve economic stability are staggering.”

Young men and women of color have high rates of incarceration.<sup>xxiv</sup>

- Black men ages 18-24 represent 12 percent of the total male population and account for 49 percent of the incarcerated male population;
- Hispanic men ages 18-24 represent 24 percent of the total male population and account for 19 percent of the incarcerated male population;
- American Indian/Alaskan Native men ages 18-24 represent 0.6 percent of the total male population and account for 3.6 percent of the incarcerated male population;
- Black women ages 18-24 represent 12 percent of the total female population and account for 32 percent of the incarcerated female population;
- Hispanic women ages 18-24 represent 17 percent of the total female population and account for 38 percent of the incarcerated female population;
- American Indian/Alaskan Native women ages 18-24 represent 0.5 percent of the total female population and account for 3.3 percent of the incarcerated female population.

### The Opportunity

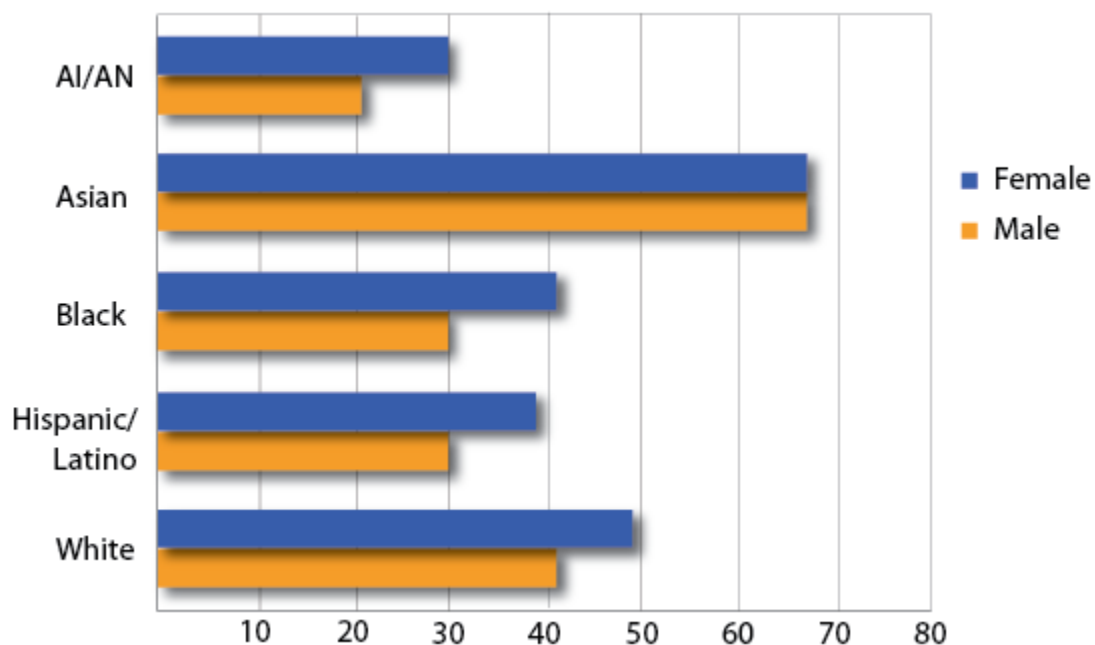
The opportunity today is to take action to turn around this tragic waste of talent and promise. This opportunity that arises from the intersection of passion and a movement on justice system reform and ending mass incarceration on the one hand, and on the other with a great deal of knowledge built up in recent years about how employment, career, and postsecondary pathways—along with high school experiences designed to engage and re-engage rather than push out youth—can be most successful. In addition, the ACA offers new opportunities to reach youth and young adults with mental health supports they may need to succeed in these pathways, and new federal statutes offer new tools for success in both the workforce and education arenas (as well as health and mental health) that state and local advocates and decision-makers should seize.

**The benefits of youth employment are well documented, especially for poor and low-income youth.** Youth employment contributes to improved school attendance and education outcomes, especially for those students at risk of dropping out.<sup>xxv</sup> Promising studies suggest that connecting youth to work can reduce involvement in the juvenile and criminal justice system.<sup>xxvi</sup> In order to be prepared for careers with family-sustaining wages, youth require a progression of education, training, and work experience. Work experience benefits youth by allowing them to gain “early work skills” in social interactions, communication, problem solving, critical thinking, and decision making. Youth who have acquired these

skills are more successful across all job-related outcomes, from the initial job search to promotion on the job<sup>xxvii</sup>. In a study about youth of color and job skills, the author found that youth who are most prepared for employment have had work experiences where they had meaningful discussions with adults and peers and where they were exposed to the norms of real workplaces. Furthermore, they develop ease with talking to adults, which makes their nonverbal communication more open and accommodating, and indicates maturity.<sup>xxviii</sup>

**Now more than ever, a postsecondary credential is the primary mechanism for social and economic mobility.** As teens move into young adulthood, they need work experiences that combine education and training that help them to advance into careers and attain postsecondary credentials. However, when looking at access to postsecondary education a disparate narrative of poor access unfolds, in particular for young men of color (Figure 2).

**Figure 2. Percentage of 18- to 24-year-olds enrolled in degree-granting postsecondary institutions**



Source: National Center for Education Statistics, Digest 2014 Table 302.62

Looking ahead, by the time African Americans and Hispanics are over 25, less than a quarter will have attained a Bachelor's degree and even fewer will have attained an Associate's<sup>xxix</sup>. This leaky pipeline does not pair well with the continuously changing workforce needs in the growing knowledge economy. By 2020, two-thirds of jobs will require a postsecondary credential at minimum, especially in the most high-demand sectors.<sup>xxx</sup> Employing a career pathways approach that would connect “progressive levels of education, training, support services, and credentials for specific occupations” to support low-income youth of color in earning marketable credentials and engaging in further education and employment offers infinite possibilities to engage employers and meet their workforce needs, while helping states and communities to strengthen their workforce and economy.<sup>xxxi</sup>

**School discipline reform can offer new approaches to keep youth engaged and in school rather than push them out.** Research documents the use of punitive school disciplinary measures—suspension, out-of-school suspension, expulsion, school-based arrest, and referrals to law enforcement—and the successive patterns of criminal supervision and incarceration.<sup>xxxii</sup> For example, 1 in 5 Black male students and 1 in 10 Black female students are suspended during the year. AI/AN students also experience high rates of discipline, with 1 in 10 male students and 1 in 20 female students being suspended during the school year.<sup>xxxiii</sup> Black and Hispanic female and male students are more likely to be referred to law enforcement from school than their White peers. Black and Hispanic male students represent just 39 percent of the K-12 male student population, and they account for 50 percent of referrals to law enforcement. Similarly, Black and Hispanic female students compose 40 percent of all female K-12 students and 55 percent of referrals to law enforcement.<sup>xxxiv</sup> School discipline practices and policies are needed to protect the safety and wellbeing of students, but these policies must also seek to address underlying causes of disruptive behavior, not penalize students for making mistakes.<sup>xxxv</sup> Efforts to implement common-sense disciplinary policies are being implemented in schools and districts all across the country, including early warning systems, data-driven responses, student support teams, community-based partnerships, and restorative practices that focus on repairing harm rather than punishing youth.

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**Young people who leave school early seek opportunities to re-enroll and re-engage**—but, too often navigating how to re-engage becomes difficult and/or finding education options that meet their needs either do not exist in their communities or where they do, there are waiting lists. Youth of color are disproportionately out of school and out of work. In 2013, 5.5 million 16-24-year-olds were not connected to school or work. Youth disconnection rates for Blacks (21.6 percent), Native Americans (20.3 percent), and Hispanics/Latinos (16.3 percent) are markedly higher than rates for Asian Americans (7.9 percent) or Whites (11.3 percent).<sup>xxxviii</sup> In cities like, Chicago, D.C., and Philadelphia, youth who live in majority-black neighborhoods are 10 times more likely to be disconnected than those living in predominantly White ones.<sup>xxxix</sup> A failure of systems, along with a lack of family and community support can lead to this disconnection. Young people deserve opportunities to get back on track, and education and other youth-serving systems need to be responsive to their circumstance. At the core of creating dropout recovery strategies and policies is the notion that young people want to succeed. Effective dropout reconnection efforts are “comprehensive, youth-centered, flexible, intentional, pragmatic, and inclusive of extensive post-graduation follow-up”<sup>xli</sup>. Other key elements of dropout recovery strategies includes dropout re-engagement centers<sup>xlii</sup>; flexible scheduling and year-round learning; real-world, career-oriented curricula; teachers as coaches and facilitators; opportunities for employment and civic engagement; and extensive support services.<sup>xlii</sup>

**Social-emotional supports are critical to ensuring the success of justice-involved youth in any education or work experience.** According to a nationally representative study, 90 percent of justice-involved youth have experienced multiple trauma types; the most frequently reported are loss and bereavement, impaired caregiver, domestic violence, emotional abuse/psychological maltreatment, physical maltreatment/abuse, and community violence.<sup>xliii</sup> Girls are more likely to experience sexual abuse and sexual assault. In fact, one in four incarcerated young women of color has a history of sexual assault.<sup>xliv</sup> Girls are also more likely to have PTSD<sup>xlv</sup>. In particular, boys and young men of color are more likely to experience violence as victims, perpetrators, and bystanders.<sup>xlvi</sup> Trauma can cause a range of mental health issues and can interrupt normal brain development, resulting in academic and workplace



difficulties, and behaviors that can lead to involvement with the justice system. With fewer family and community resources to rely on, poor and low-income youth of color need targeted supports that address their mental and behavioral health needs. Improved access to treatment has the potential to improve long-term outcomes for the most highly vulnerable youth and young adults.<sup>xlvii</sup>

**Now is the time to take these approaches—youth employment, postsecondary and career pathways, dropout prevention and recovery, and mental health supports—to scale, explicitly connect them to diversion practices and re-entry strategies, and integrate these investments as part of an approach to comprehensive justice reform.** Programs that divert youth from involvement in the juvenile justice system have become more frequent in response to the growing recognition that justice involvement is actually harmful to youth and that such programs can present cost savings to states and municipalities. While diversion programs have been around for over 40 years, there is limited consistency across states and localities, for instance in the target population, access points, services provided, and consequences and benefits for youth completers and non-completers.<sup>xlviii</sup> Diversion programs are most commonly designed to occur at the earliest stages of involvement with the juvenile justice system. They are also typically small scale, rather than designed to reach all the youth in a community or a school. Nevertheless, nothing precludes greatly expanding the scale and putting diversion initiatives and strategies in place earlier—at the first contact with school discipline, for example—and at later stages in the judicial process. Jail diversion programs for adults, in particular for those with mental health conditions, have also been found to be effective in saving money for states, municipalities, and courts. These strategies which include specialized courts, such as drug, mental health, and veterans’ courts have shown to be an effective way to divert people with behavioral health needs from incarceration and into treatment.<sup>xlix</sup>

## Investment in Jobs, Education & Healing: Toward an Expanded Anti-incarceration and Reinvestment Strategy

This is an opportune moment to bridge the justice, employment, education, and health fields to develop new comprehensive approaches and expand what works for youth and young adults at a large scale by harnessing the attention on reform across these sectors and the burgeoning federal, state, and local investment and commitment. We propose five themes as most important to explore—through both practical next steps and large-scale goals. These are initial proposals that should be fleshed out through engagement by both justice reform activists and experts and stakeholders in the employment, postsecondary, education, and health worlds.

### Build employment and postsecondary pathways to careers that operate at a large scale and reach young people at risk of justice system involvement and those who are already involved

Youth living in high-poverty communities (who are disproportionately young people of color) have less access to formal work opportunities and social networks that can help them to find leads for jobs, obtain references, and navigate the work environment. This does not mean young people of color are not looking for work, they are actually just not finding it. CLASP interviews with youth of color found that race and not having a reference and work experience were seen as the chief barriers by youth for not getting a job.<sup>i</sup> And one study found that while White youth are more likely to work, African-American youth apply for jobs more often than Whites.<sup>ii</sup> Moreover, it is well documented that discriminatory hiring practices, implicit bias, and corporate and institutional culture thwarts the job prospects of youth of color.<sup>iii</sup>

Our suggestions below include investments in employment and postsecondary pathways for youth of color broadly (as primary prevention for involvement in the justice system) and in large-scale diversion strategies at each point of contact with the justice system. We also propose employment and career pathways strategies targeted to youth who have had involvement with the juvenile/criminal justice system. According to the National Bureau of Economic Research, “having been in jail is the single most important deterrent to employment...the effect of incarceration on employment years later [is] substantial and significant.”<sup>iiii</sup> This suggests a public policy response is required to ensure youth of color, including those that are justice-involved, can gain a foothold in the workforce and have opportunities to advance in careers.

### New Ideas and Opportunities for Action and Exploration

- 1. Using funding streams such as the federal Workforce Innovation and Opportunity Act (WIOA), take immediate steps at the local and state levels to target workforce development and training to serve youth of color and justice-involved youth, including expanding diversion strategies at every step.**

Today, states and local communities have both the opportunity to draw on a new federal requirement to concentrate dollars on out-of-school youth and the authority to focus on serving low-income young adults. An immediate task for state and local activists, stakeholders, and decision-makers in the employment and justice worlds is to use this authority to (a) develop large-scale programs for youth of color in high-poverty communities, (b) design approaches to using the funding for large-scale diversion programs, (c) supplement federal funding with additional state/ local resources and with effective use of resources available to support postsecondary education, and (d) build new state and federal funding streams.

For justice activists, it is important to know that opportunities to affect decisions under WIOA are on an immediate timeline—for example, local planning and state and local policy guidance is being shaped by agency leaders, state officials, and workforce stakeholders to guide the implementation of WIOA now—and also to know that the new law includes many provisions that should be supportive of targeting resources to the youth most at risk of justice involvement. WIOA provides federal

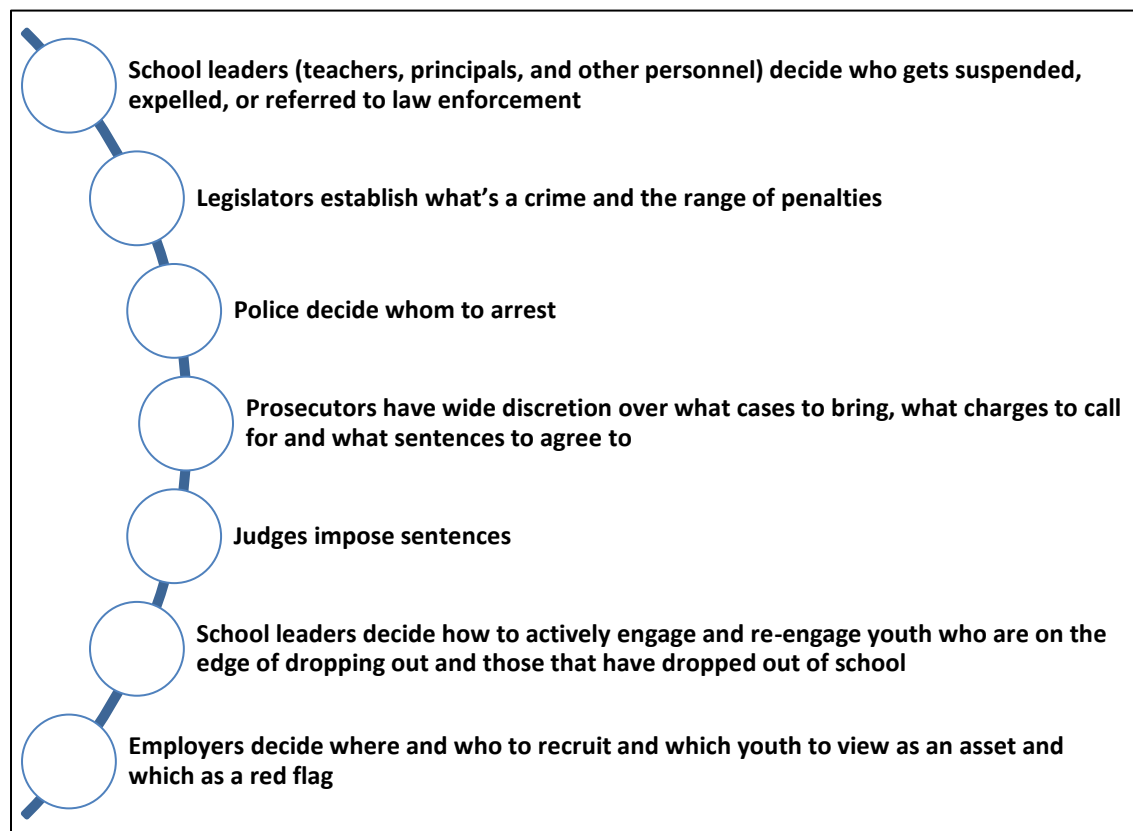
funding to states and local workforce areas to provide employment, education, and training services to low-income youth. WIOA implementation presents an opportunity for states and local communities to improve access to and quality of these services for low-income young adults, out-of-school youth, and young people of color. WIOA requires 75 percent of Title I Youth formula funds to be spent on employment and training interventions for out-of-school youth, ages 16-24.<sup>iv</sup> WIOA also requires that at least 20 percent of youth formula funds be spent on paid and unpaid work experiences that incorporate academic and occupational education (including summer jobs, pre-apprenticeships, and apprenticeships). In addition, WIOA includes a focus both on youth entrepreneurship and on serving the most vulnerable workers, expands education and training options, and allows unemployed adults and youth to “earn while they learn.”

States and local communities could better serve low-income young men and women of color, including out-of-school youth, by:

- Establishing a state and local budget line-item to complement the WIOA statute and provide workforce services to low-income in-school and out-of-school youth.
- Setting service goals, funding benchmarks, and prioritizing this population for career pathways and workforce services beyond Title I Youth funding (e.g. through governors’ statewide set-aside allocations).
- Implementing subsidized employment options (such as transitional jobs<sup>lv</sup>) using federal, state, and local funding to support short- and long-term job placements for youth of color with limited work experience and those who face other barriers as a result of homelessness, involvement with the justice system, and/or behavioral and mental health challenges.
- Making use of the on-the-job training emphasis in WIOA and connecting with employers to encourage utilization of the increased reimbursement rates to participating employers (up to 75 percent of wages, increased from 50 percent under the previous law).

**2. Draw on career pathways ideas to develop diversion strategies at a large scale.** Our current criminal justice system is a complex maze in which varying individual players have discretion over decisions that can either facilitate deeper involvement in and attachment to the juvenile or criminal justice system or allow individuals to be diverted, receive treatment, community-based services, and engage in a variety of restorative justice strategies. What’s more, school leaders and employers also act as gatekeepers to opportunity. The points within this decision-making chart (See Figure 3) present very important levers for systemic policy and institutional behavioral changes. Baked in at all of these points should be a predisposition to diverting youth and young adults to strong youth development, workforce, education, and training programs—all of which build on youth’s resiliency, assets, and experiences, rather than on their deficits, to design interventions. Public policies should mirror these approaches.

**Figure 3. Decision points that can impact youth contact with the justice system**



### Community Spotlight: Los Angeles

In Los Angeles (LA), a coalition of advocates and leaders spurred a groundbreaking partnership between Los Angeles city officials, police, the courts, and school officials that reformed school discipline policy to better address the unique needs of youth who were experiencing behavior problems at school. The partnership was a response to major pressure from a range of community advocates to change the Los Angeles Unified School District's (LAUSD) policy of criminalizing routine school infractions (such as skipping school) and establish new alternatives to suspensions, expulsions, and other punitive actions. Simultaneously, LA redesigned its youth workforce system into a comprehensive "Back on Track" dropout recovery system: a partnership between the workforce system and the school district targeting students who dropped out of school and students at high risk of dropping out<sup>lvi</sup>. This new partnership became a central alternative to the new school district discipline policy.

Research confirmed two disturbing truths: students who are arrested were more likely to drop out of high school; and African-American and Latino youth were disproportionately disciplined. The majority of young people received citations for truancy, disturbing the peace, and tobacco possession. In 2012, the City of Los Angeles amended its daytime curfew laws to drop basic fines of \$250, which youth and parents were assessed, for the first truancy infraction (missing or being late to school)<sup>lvii</sup>. As a result, LAUSD has experienced a sharp decline in suspensions and a reduction in student

arrests<sup>lviii</sup>. In 2014, LAUSD issued a policy that tickets would no longer be given for minor violations, such as most school fights, petty thefts, vandalism, trespassing, or possession of tobacco or small quantities of marijuana<sup>lix</sup>.

Instead of receiving tickets and court dates, students identified as at-risk of dropping out and facing other challenges are referred to the city's Back on Track dropout recovery network, where they engage in activities at any one of 16 YouthSource centers across the county, operated through the city's Economic & Workforce Development Department. The YouthSource centers offer services such as work readiness, college preparation, career exploration, job skills and training, and tutoring, along with connecting youth to employment and postsecondary pathways. The LAUSD police force has reduced its infraction citations by over 90 percent since the diversion programs initiated.

- 3. Build employment and career pathways opportunities after incarceration, and link them to expanded “Ban the Box” policies and enforcement.** Policy vehicles that remove barriers to work based on criminal history and involvement with the criminal justice system—such as “Ban the Box” legislation—can have a positive impact on the employment prospects of youth of color. Ban the Box fair hiring practices are now used in over a hundred counties and cities and 23 states. President Obama also endorsed Ban the Box by directing federal agencies to delay inquiries into job applicants' records until later in the hiring process.<sup>lx</sup> Ban the Box policies reduce the stigma of incarceration and base employment decisions on applicants' qualifications.

Ban the Box policies, while they open access to potential employment opportunities, do not on their own help people to secure a job—nor do these policies allow for those who have been formally incarcerated to enter and progress into a career. A critical next step for consideration in connecting these policies to career pathways is to link them with system-wide workforce and economic development planning, for example, through workforce development boards, youth workforce development providers, and specific interventions that address the preparedness, occupation, and training of youth and young adults.

A promising practice that could test this approach is Connecticut's Automatic Post-Prison Employment Program. This program utilizes the Integrated Basic Education and Skills Training (I-BEST) model<sup>lxi</sup>, which provides vocational skills training simultaneously with adult basic education. The curriculum is designed jointly and classes are co-taught by an adult education instructor and a specialist in the appropriate vocational field. The I-BEST model has proven to help participants improve their basic skills and/or achieve progress towards a secondary education credential while attaining an industry-recognized credential. The expansion of the Automatic Post-Prison Employment Program was part of the state's “Second Chance Society”—a collection of legislative reforms aimed at reducing the state's prison population and the likelihood of recidivism. Since the announcement of the Second Chance Society in 2015, Connecticut has dedicated a building at one of the state's correctional institutions to re-entry services, which consolidates re-entry services into one place and keeps participating inmates together prior to their release<sup>lxii</sup>. The program currently serves 110 inmates, but could ultimately serve 600.

Ban the Box is also important for admission at postsecondary institutions. Recent guidance from the U.S. Department of Education has encouraged postsecondary institutions to Ban the Box, or move beyond the box, on college applications because continuing to ask about justice involvement could

potentially disqualify an applicant from admission due to a criminal conviction without consideration of the holistic background, qualifications, and capabilities of the applicant.<sup>lxiii</sup> For young people of color, who are disproportionately incarcerated, the discriminatory effects of application screening can unreasonably affect their access to postsecondary education, thereby limiting workforce participation in the 21<sup>st</sup> century economy, which is increasingly hinged on postsecondary training.

**Reform school discipline policies and practices, which now contribute to the pathway to prison, so they instead keep young people in school; and redesign strategies to keep young people in school and re-engage those who are out of school**

Disparate treatment in school has consequences for student outcomes and can push students to leave school before completing high school. Studies show that students who are suspended repeatedly have a greater likelihood of dropping out of school.<sup>lxiv</sup> And school referral to the juvenile justice system often leads to an even greater amount of missed instructional time and also increases the likelihood of dropping out.<sup>lxv</sup> This disconnection greatly increases the likelihood of involvement in criminal activities that lead to incarceration.<sup>lxvi</sup> Policymakers should expand investments in intentional district-wide, school-based, and community-wide approaches informed by research and good practice. These investments could include career academies and career and technical education, youth development and out-of-school time programming, civic engagement and national service, school-community partnerships, such as community schools, and education interventions that target over-age and under-credit students and those who have dropped out of school (dual enrollment, integrated education and training, competency based instruction, and credit recovery).

The following three policy concepts are not meant to be exhaustive but instead offer immediate and long-term possibilities to tackle meaningful restructuring of education policy and investment at the state and district levels.

## New Ideas and Opportunities for Action and Exploration

### **1. Improve the success of high schools at reducing dropout rates and re-engaging young people who drop out, using a wide variety of strategies and taking advantage of key provisions in the federal Every Student Succeeds Act (ESSA) of 2015 to advance education policies for dropout prevention and recovery and to better support justice-involved youth.**

States and local districts, along with community and city leaders, can use the following provisions as a guide for investment and policy implementation (adapted from the *Every Student Succeeds Act Primer: High School Dropout Prevention and Reengagement of Out-of-School Youth*<sup>lxvii</sup>):

- *Dropout Prevention and Recovery*: Under ESSA, state plans must describe how the state will work with school districts to transition students effectively from middle school to high school and from high school to postsecondary education. Strategies for ensuring these effective transitions may include integrating rigorous academics, career and technical education (CTE), and work-based learning; mentorship or family engagement programs; dual-enrollment and early college

high school programs; career counseling; and coordination with institutions of higher education and employers. District plans may use Title I — Improving The Academic Achievement Of The Disadvantaged funds to support experiential and work-based learning opportunities that provide students in-depth interactions with industry professionals and academic credit.

- *School climate and safety*: Federal funds also are available for schools to coordinate efforts to address aspects of school climate that contribute to students leaving school, such as school-based violence and excessive use of exclusionary discipline. States can partner with community-based organizations to introduce violence-prevention programs and train staff in disciplinary strategies that reduce the use of exclusionary discipline.
- *Intervention and Support for Low Graduation-Rate High Schools*: Under ESSA, states must identify high schools in which one-third or more of students do not graduate for comprehensive intervention and support. States can use funding under the federal Safe and Healthy Schools Grant to establish or improve high school dropout prevention, recovery, and re-entry programs. For example, approaches could include re-engagement centers and strategies focused on reducing racial gaps in high school graduation rates. Districts also can partner with their local workforce development boards to implement education and employment interventions focused on dropout recovery for out-of-school youth through the 2014 Workforce Innovation and Opportunity Act (WIOA).
- *Reenrollment of court-involved youth*: Under Title I, Part D, state plans must provide assurances that the state educational agency (SEA) has established procedures to ensure students placed in the juvenile justice system re-enroll in secondary school or in a re-entry program that best meets the needs of the individual student. This may include the transfer of credits that such students earn during placement in the juvenile justice system and opportunities for such students to participate in credit-bearing course work while in secondary school, postsecondary education, or Career and Technical Education (CTE) programming.
- *Delivery of evidence-based interventions*: States receiving funds under Title I, Part D, must describe how the SEA will, to the extent feasible, note when a youth comes into contact with both the child welfare and juvenile justice systems. Funds may be used to provide services and evidence-based interventions designed to keep such youth in school.
- *Support for Native students*: States may use federal funding to support projects that facilitate the transition of children and youth between state-operated juvenile justice institutions, or institutions in the state operated by the U.S. Secretary of the Interior, and schools served by local educational agencies (LEAs) or schools operated or funded by the Bureau of Indian Education.

2. **States, court systems, and local school districts should implement and fund diversion/ community-based alternatives and restorative practices to address discipline issues.** The lack of counseling, unprepared school staff, overreliance on school resource officers - *sworn law enforcement officers responsible for providing security and crime prevention services in the school environment* - and other effective conflict intervention strategies can lead many students into contact with the juvenile justice system.<sup>lxviii</sup> Expansion of community-based alternatives to juvenile detention, including referrals to youth workforce development and service programs, evening reporting centers, and community-based therapy, should be targeted to students of color to reduce disparities in school discipline rates and interactions with the justice system.

The School-Based Diversion Initiative (SBDI) in Connecticut began in 2008 as a way to divert youth with mental health needs from school-based arrest and instead link these students with effective school- and community-based mental health services and supports. SBDI expands traditional services beyond school-hired staff (such as social workers, counselors, and school psychologists) and engages community-based supports—including family engagement, care coordination, wraparound, and community collaboratives—to create a comprehensive, collaborative model. SBDI also works with schools to ensure that their disciplinary policies and practices hold students accountable for misbehavior by strengthening existing in-school structures for discipline, while also ensuring that students are not arrested unnecessarily for relatively minor and/or nonviolent behavioral incidents. As a result, for the 2010-2012 school years, SBDI schools experienced 50-69 percent less in-school arrests, 8-9 percent less in-school and out-of-school suspensions, and 19 percent less school-based court referrals<sup>lxix</sup>.

- 3. Promote opportunities for youth leadership and civic engagement through Youth Corps and National Service.** Engaging youth in volunteer and community service experiences has proven to foster teamwork, community engagement, leadership, and environmental engagement. This is important for youth development because youth who volunteer, across all races and socioeconomic levels, are less likely to be disconnected, compared to their peers who do not volunteer. Paid service can be a key component to reconnecting young adults to the labor force. Service offers young people the opportunity to learn valuable skills while aiding communities in need.<sup>lxx</sup> For example, a study of YouthBuild AmeriCorps found that the program facilitates positive change in attitudes towards community service and civic engagement, with participants reporting it was the first time they saw themselves as service providers rather than service recipients.<sup>lxxi</sup> The Corporation for National and Community Service has targeted funding opportunities to serve and engage out-of-school youth, including justice-involved youth and young adults, through the Social Innovation Fund and the Youth Opportunity AmeriCorps. Future efforts should build on these investments.

## Address mental health needs, including seizing opportunities through the Affordable Care Act (ACA) and Medicaid

Community factors and family circumstances (such as crime, violence, or instability in a family's financial resources, housing, and food) also affect a young person's emotional and social wellbeing and physical and psychological health. Youth of color disproportionately face these experiences. Mental health services can help youth achieve more stability. Treatments, such as Multi-Systemic Therapy, have proven to decrease re-arrest, out-of-home placement, and drug use<sup>lxxii</sup>. The wide range of potential threats to youth mental wellbeing must be addressed comprehensively using a number of different strategies, including identifying existing policy levers and financing strategies.

## New Ideas and Opportunities for Action and Exploration

- 1. Invest in and build the cultural competence of mental health providers and identify opportunities for youth of color to participate in healthcare career pathways.** Youth of color often interact with health and service systems that are ill equipped to address their issues in a manner that acknowledges their assets, recognizes their resilience, and includes the strengths of their cultural



heritage. “Failure to understand the cultural background of adolescents and their families can lead to misdiagnosis, lack of cooperation, poor use of health services, and general alienation of the adolescent from the health care system.”<sup>lxxiii</sup> Barriers such as differing history and community memory, lack of culturally appropriate materials, inaccurate assumptions or generalizations, and implicit bias can further exacerbate underlying conditions.<sup>lxxiv</sup> Cultural competence is critical in achieving good health and wellbeing for youth of color.

- 2. States, communities, and advocates should leverage policy and funding opportunities afforded through the ACA to advocate for and support mental health services for youth of color and ensure these services are culturally competent.** States that choose to expand Medicaid coverage under the ACA unlock critical opportunities to address the community victimization and trauma that propel young people towards disproportionate criminal justice contact. The ACA created financial incentives for states to significantly expand Medicaid eligibility for young adults, reducing one substantial barrier to accessing mental health services for this population. In addition to expansion, other opportunities under the ACA include increased emphasis on mental health (including parity with medical services), health homes and other incentives for service integration, and other demonstration opportunities.

Recent guidance from the federal Centers for Medicare and Medicaid Services (CMS)<sup>lxxv</sup> clarifies that young adults on probation, parole, released pending trial, or in certain residential programs are eligible for Medicaid coverage as long as they meet other key program requirements, and young people incarcerated for less than a year can have their coverage suspended, rather than terminated, facilitating immediate access to treatment upon release. Connecting youth and young adults to Medicaid while incarcerated can also help to enable continuity of mental health care from detention to the community, reducing the likelihood of recidivism due to the effects of untreated mental health issues.

## Create new and expanded funding streams at the federal and state levels that can achieve the scale required

A variety of financing strategies are needed to propel systems reforms and establish interventions at scale commensurate to the challenges youth of color face and to break down the structural and institutional barriers that exist as a result of racism, implicit bias, and stereotypes. This is an essential area of exploration in which experts from across the chief stakeholder groups, including youth and young adults themselves, can come together to explore innovative concepts and adapt ideas.

## New Ideas and Opportunities for Action and Exploration

- 1. Savings should be redirected (generally, savings to state and local governments) from reforms in the justice system to establish new financing vehicles for youth prevention and supports for justice-involved youth and adults.** Two encouraging state movements in policy and financing strategies for prevention and re-entry services will be important to watch as they are implemented:

### California

In California, Proposition 47, a ballot initiative to reform criminal sentences and misdemeanor penalties and to redirect savings to investment in a new fund to reduce incarceration has begun to affect tens of thousands of people. The measure was initially estimated to produce a savings to state and county governments ranging from \$150 to \$250 million annually. In 2014, voters approved the measure, which reduces certain non-serious and nonviolent property and drug offenses from felonies to misdemeanors, as long as individuals have not committed certain severe crimes, including murder and certain sex and gun crimes; makes possession of all illicit drugs for personal use a misdemeanor; and requires the annual savings to the state as a result of the provisions from the measure to be transferred to a new state fund, the Safe Neighborhoods and Schools Fund. The funds are to go to support programs to reduce truancy and dropout among K-12 students, victims' services, and mental health and substance abuse treatment services to keep people out of incarceration. More specifically, the fund would redirect 25 percent of the estimated savings to the Department of Education for K-12 crime prevention and support programs; 10 percent of the savings for trauma services for crime victims; and 65 percent of the savings for mental health and substance abuse treatment programs designed to reduce recidivism of individuals involved in the justice system. About 40,000 offenders annually are convicted of the above crimes and would be affected by the measure. Funding appropriations for the Safe Neighborhoods and Schools Fund are expected to begin in July 2016.

### Georgia

Recognizing the high investment Georgia was putting into juvenile incarceration that was yielding poor recidivism results, the state made reforms to the juvenile justice system. In 2013, Governor Nathan Deal signed into law HB 242, which prohibits residential commitment for all status offenders and youth who have committed certain misdemeanors; requires the use of detention-assessment instruments before detaining a juvenile in a secure facility; and requires risk assessments when the court is considering confinement as a disposition. These reforms are expected to save Georgia about \$85 million through 2018 and prevent the need to build two new juvenile detention facilities. The state also appropriated \$5 million in 2014 to fund the Juvenile Justice Reinvestment and Incentive (JJRI) grant program, which supports communities in developing evidence-based programs for juveniles to help them deal with issues including family, social-emotional health, life skills, and substance use, among others. In 2013, 29 juvenile courts—spanning 49 counties and serving 70 percent of Georgia's total at-risk youth population—received grants through the JJRI, which allowed them to partner with community-based providers and other local agencies to implement evidence-based programs such as Functional Family Therapy, Multisystemic Therapy, Botvin LifeSkills Training, and Connections Wraparound. As a result of this expanded programming, grantees reduced out-of-home placements by 62 percent across Georgia for the program year October 2013 through June 2014<sup>lxxvi</sup>.

### Explore governance approaches at the local, state, and federal levels to ensure the connections across sectors that youth need and the availability of data to support good decision making

The ultimate aim of all youth-serving providers, in any system, is for youth to develop into productive adults and good citizens. Youth must acquire certain developmental assets to achieve this goal, and it is up to families and communities as a whole to provide the services and supports to help youth draw upon their own strengths to develop these assets. Public policy must remove the barriers that hold back young people, especially youth of color. For example, federal legislation can assist with creating the environment for systems to move in a positive direction not only by funding programs, but also by incentivizing state action and cross-systems collaboration among justice, education, and workforce development systems (see Appendix).

Youth who have been involved in the justice system typically have more complex needs, and as a result, require a system that is more flexible and offers a wider array of services than the traditional model for youth. It is essential that all youth-serving systems work together to prevent young people from falling through the cracks and becoming even more disconnected. These systems must work in concert to provide systematic alternatives to detention and incarceration and to facilitate the transition of justice-involved youth back into their communities. All levels of government—federal, state, and local—should embrace this model of framing youth justice policies to include direct funding, resource and data sharing, and connections to workforce, education, and mental health interventions, as appropriate (see Figure 4). It is also important to engage the child welfare system—as many youth of color are considered “crossover youth” and have contact with both the child welfare and juvenile justice systems. While the exact number of crossover youth will vary across jurisdictions, research suggests that youth who have been maltreated are more likely to engage in behaviors that may lead to interactions with the justice system.<sup>lxxvii</sup> Youth voices should be at the center of rethinking how these systems operate, including providing vehicles for youth involvement and decision-making in program design, policy development and advocacy.

Common challenges often cited by stakeholders to embracing this way of doing business include differing definitions of eligible populations in public and philanthropic funding streams, conflicting uses of funds, divergent reporting and performance structures and expectations, lack of capacity to share data, and unaligned procurement and service delivery vehicles. Inadequate resources typically contribute to all of these challenges, since without enough resources to serve youth who need help, small, targeted programs tend to proliferate and collaboration that will genuinely benefit youth is much harder. Thus, these strategies are likely to be closely linked to the strategies under the previous heading regarding new financing sources. In addition, it is important that governance approaches are focused on doing better for youth, not just on integration or alignment as goals in themselves—since creating new definitions or lining up procurement regulations do not in themselves lead to better programs for youth. Thus, in addition to state and local leadership, commitment, and shared relationships, improved funding streams, incentives and accountability mechanisms should be considered to make these connections realistic and effective. This kind of work is not easy, but it’s a crucial next step.

## New Ideas and Opportunities for Action and Exploration

- 1. Reach targeted, high-need communities with a federally funded workforce, education and youth development program sufficient to reach all young people.** A game changer in the field of youth workforce development came out of the lessons learned from the “youth opportunity” movement that began in 2000 when the U.S. Department of Labor awarded 5-year Youth Opportunity (YO) grants in the millions of dollars to 36 communities across the country. This saturation model of high investment in relatively small geographic areas allowed for important collaborations in these communities to connect systems, leverage resources, and to develop and implement comprehensive strategies for reaching and redirecting youth<sup>lxxviii</sup>. Communities created Youth Opportunity Centers that provided a focal point for youth-centered activities, including case management, education support, workplace and career exposure, and youth development activities. By the end of the 5 years, over 90,000 predominately youth of color were served. YO grants sustained positive outcomes including reduction in high school dropout, increase in Pell grant receipt<sup>lxxix</sup>, higher employment rates, and reduction in crime<sup>lxxx</sup>. A new investment would build on the effective features and include:
  - Saturation levels of employment in high-poverty communities, including but not limited to summer employment, and linked to career and postsecondary pathways; and
  - Incentives for partnerships with juvenile and criminal justice system, workforce boards and systems, K-12 and postsecondary education, child welfare, and mental health and health systems community-based organizations to develop, replicate, and expand diversion and re-entry strategies that met local employer and industry and youth needs.
- 2. Invest in data collection, dissemination and sharing efforts across systems at the federal, state, and local levels in order to efficiently develop financing models and strategies.** Initial areas for consideration include:
  - Because of the critical need to understand the common and unique experiences of youth and young adults who are or have been incarcerated, it would be helpful for federal justice administrative data to be collected so it allows for simultaneous cross tabulation by race, gender, and age, for arrests, incarcerated individuals, and those on probation and parole.
  - Small sample sizes—particularly when data are disaggregated by race, gender, and age—diminish the stability and reliability of population estimates. National survey studies that use sampling strategies and weighting should consider deliberately oversampling AI/AN and API participants to help ensure that policymakers have access to accurate data for these populations. States and localities with large numbers of AI/AN or API young people might also consider investments in targeted data collection for these populations and widely sharing this data.

Although gaps remain, data on youth involved in the juvenile justice system is collected at an impressive level of detail using best practices for asking questions about sensitive topics such as sexual assault. Given the unique experiences and pathways of young adults 18-24, it would be helpful if adult data were collected at a comparable level of detail. For example, the U.S. Department of Justice might consider

updating the 2004 Survey of Inmates in Federal and State Correctional Facilities and introduces technology and other data collection best practices to minimize under-reporting of sensitive data.

**Figure 4. Relationships of systems affecting youth**



## Conclusion

Youth of color are full of promise; they are courageous, intelligent, creative, curious, bold, and resilient. An investment strategy placing them at the center and addressing the structural barriers that keep them locked out of social, emotional, and economic prosperity because of their race/ethnicity, gender, and/or zip code is both fiscally responsible and socially responsible. Leaders at all levels and in all sectors—from law enforcement to education and in the public and private sectors—must value the lives of young men and women of color and acknowledge implicit biases that promulgate negative stereotypes. Public policy reforms to expand youth justice and diversion strategies should not be based on a single program model, rather public policy should build the community capacity to create and/or strengthen a comprehensive delivery system for youth, whereby justice, workforce, education, mental health and community-based partners are indispensable. Young people need a good education at both secondary and postsecondary levels, they need access to jobs, and they need pathways to get back on the route of training, workforce development, and career growth when their trajectory is interrupted for any reason including criminal justice involvement. It is a matter of racial justice and equity.

### Appendix: National Policy Opportunities in Justice Policy

There has been much movement in Congress on juvenile and criminal justice reform, initiated by a shift in public opinion on criminal justice, punishment, rehabilitation, and how to promote public safety and its impacts on communities of color. Federal legislation can assist with creating the environment for systems to move in a positive direction not only by funding programs, but also by incentivizing state action and cross-systems collaboration, for example among justice, education, and workforce development systems. Several pieces of legislation, including the Sentencing Reform and Corrections Act of 2015, offer opportunities to move systems in the direction of rehabilitation over punishment.

#### Juvenile Justice and Delinquency Prevention Act

As the only law creating federal standards for juvenile justice, the Juvenile Justice and Delinquency Prevention Act (JJDPA) plays a large role in influencing state and local policy. The JJDPA's current biggest leveraging point is the Title II Formula Grants, which are distributed to all 50 states, the District of Columbia, and the five U.S. territories to support state and local efforts in planning, operating, and evaluating projects that seek to prevent youth from entering the juvenile justice system or provide interventions for first-time and non-serious offenders<sup>lxxxii</sup>. These services include job training, mental health and substance abuse treatment, community service and other forms of restitution, and school programs to prevent truancy. States receive these funds as long as they adhere to four specific criteria, or “core mandates,” which include: 1) addressing disproportionate minority contact, 2) deinstitutionalization of status offenders, 3) removal of juveniles from adult jails and lock-ups, and 4) if juveniles must be in an adult jail (for example, rural areas with limited access to juvenile detention centers), then juveniles must be separated from adults by sight and sound. Investment in programs funded by the JJDPA has decreased by over 50 percent over the last decade<sup>lxxxiii</sup>. Federal funds are important to ensure access to innovative programs that reduce recidivism. According to a survey by the Coalition for Juvenile Justice, the majority of member states reported that due to federal cuts, fewer youth were expected to have access to services designed to keep them from offending<sup>lxxxiii</sup>. Reauthorization of this landmark federal law would ensure a dedicated funding stream for juvenile justice and continue to influence states to provide protections for vulnerable youth.

#### The Second Chance Act

Passed in 2008, the Second Chance Act (SCA) was the first major federal investment in re-entry programs for returning citizens. It allocates federal grants to state and local agencies and nonprofit organizations to provide support strategies and services that improve outcomes for people returning from prisons, jails, and juvenile facilities. Programs funded by the SCA provide rehabilitative support for previously delinquent youth, addressing their social-emotional needs, as well as connecting them to education, job training, and employment. Since 2009, the Department of Justice has made more than 600 awards to 49 states, the District of Columbia, and U.S. territories, and more than 113,000 people have participated in SCA programs<sup>lxxxiv</sup>. A successful re-entry program or initiative necessitates that multiple systems work together, and the SCA has provided the funds to make this possible in many communities. Partnerships between the juvenile justice system and public school system are necessary to re-enroll youth in school as soon as possible when they exit a justice facility<sup>lxxxv</sup>. Partnerships between community-based youth development—which provide case management and mentoring—and probation, police, workforce

agencies and the juvenile justice system are necessary to ensure smooth case planning and service delivery for returning youth. Reauthorization of the law would ensure that more returning citizens and youth are able to access these services.

### Criminal Justice and Postsecondary Education Policy

In an effort to improve educational opportunities for people involved in the criminal justice system, several federal policies and initiatives have been put forward to increase access to postsecondary education during and after incarceration. A huge part of these policy reforms revolve around access to federal student aid, and more specifically, the Pell Grant.

#### Restoring Education and Learning (REAL) Act of 2015

In 1994, Congress amended the Higher Education Act (HEA) to eliminate Pell Grant eligibility for students in federal and state penal institutions, thus removing the main source of financial support for inmates seeking to pursue a postsecondary education since Direct Loans, Supplemental Educational Opportunity Grants, and Work-Study are either unavailable or unlikely to be available for incarcerated populations. Although inmates in juvenile justice facilities still have access to Pell Grants, that access is still limited to youth under the age of 18. The REAL Act of 2015 would reinstate Pell Grant eligibility for federal and state prisoners.

#### Second Chance Pell Pilot Program

In July 2015, the Second Chance Pell Pilot Program was launched by the U.S. Department of Education to test new models to allow previously ineligible state and federal inmates the opportunity to receive Pell Grants. The pilot's partnerships are just some of many emerging partnerships between postsecondary institutions and correctional facilities to better serve incarcerated youth and adults. The Department has offered guidance and financial support to institutions to increase access and capacity to serve this population.

#### The Stopping Unfair Collateral Consequences from Ending Student Success (SUCCESS) Act

Legislation and guidance have also been introduced to remove the stigma of convictions from the Free Application for Federal Student Aid (FAFSA). The Stopping Unfair Collateral Consequences from Ending Student Success (SUCCESS) Act would eliminate the prior drug conviction questions from the FAFSA and permit people who received a drug-related conviction while receiving federal aid the right to maintain federal aid eligibility. Although a drug conviction while receiving federal aid does not completely bar a student from federal aid in the future, the stigma of the FAFSA question can be intimidating for students with drug convictions who may actually be eligible for federal student aid, potentially adding to the misinformation around aid availability that disproportionately impacts low-income communities of color.<sup>lxxxvi</sup>

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