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Special Education Advocacy in the Juvenile Justice System: Perspectives from Probation Officers

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ABSTRACT

Although students with disabilities are over-represented in the juvenile justice system and frequently receive poor educational services, few studies have examined strategies to increase compliance with student needs and individualized education programs. In this study, we conducted interviews with eight probation officers in the Advocacy Unit of a juvenile justice system in a large Midwestern city. We examined the advocacy strategies used by the probation officers as well as the barriers they faced in ensuring court-involved youth received appropriate educational supports. Advocacy strategies included: documentation, collaboration with other stakeholders, and assertive but not aggressive communication. Probation officers also mentioned more creative advocacy strategies. Barriers to effective advocacy included: poor working relationships with schools, older age of youth, and obstacles to parent involvement. We discuss implications for research and practice.

Students with disabilities are disproportionately represented in the juvenile justice system with a recent study indicating that 33.4% of these youth are eligible for special education services (Quinn, Rutherford, Leone, Osher, & Porier, 2005). Compared to students in public school settings, students within correctional settings are seven times more likely to require special education services (Quinn et al., 2005). Despite more students qualifying for special education in the juvenile justice system, these youth with disabilities face greater barriers with having their needs met and receiving compliance with their individualized education programs (IEPs) (Sheldon-Sherman, 2013; Ingalls, Hammond, & Trussell, 2011). Compared to court-involved youth without disabilities, adjudicated youth with disabilities are significantly more likely to recidivate (Bullis, Yovanoff, Mueller, & Havel, 2002) and have worse academic achievement (Krezmien, Mulchay, & Leone, 2008).

Probation officers (POs) play a significant role in the lives of court-involved youth in developing pathways to keep them from recidivating. In the juvenile justice system, the overarching purpose of POs is to maintain youth in the community rather than the detention center (Tulman, 2000). Before court hearings, POs link families with community services; they release children into the community and, as necessary, monitor youth who are a flight risk (Schwalbe & Maschi, 2009). After the disposition (i.e., sentencing), POs may strategize how to prevent the youth from recidivating. Even though many youth in the juvenile justice system have disabilities, POs may be unfamiliar with the special education process, and, more so, the educational and mental health needs of youth with disabilities (Kvarfordt, Purcell, & Shannon, 2005). As such, it may be difficult for POs to secure appropriate community, especially school, services for youth with disabilities.

Although youth with disabilities are over-represented in the juvenile justice system and POs struggle to meet their needs, there is a dearth of research examining ways to improve the quality of
special education services received by adjudicated youth. Indeed, in a meta-analysis of 548 studies about interventions in the juvenile justice system, none of the interventions focused on the provision of special education services (Lipsey, Howell, Kelly, Chapman, & Carver, 2010; Lipsey, 2009). Advocacy is one way to improve special education services for court-involved youth with disabilities. For example, advocacy can help identify unrecognized disabilities among adjudicated youth by initiating the evaluation process (Tulman & McGee, 1998). Perhaps most importantly, advocacy can help students receive appropriate special education services (Sheldon-Sherman, 2013; Ingalls et al., 2011) as well as avoid suspension and expulsion in favor of behavior intervention plans (Rivkin, 2007).

Examining special education advocacy more generally, Trainor (2010) identified four types of advocacy: intuitive advocates, disability experts, agents for systemic change, and strategists. Intuitive advocates rely on their own insights about a child whereas disability experts rely on information about a child’s disability. Agents of change refer to individuals who advocate for systemic change. Strategists relied on understanding the rights accorded to them by the Individuals with Disabilities Education Act (IDEA); they document the school’s efforts to ensure that their children are making substantive progress. Additionally, strategist advocates maintain an assertive but respectful communication with the school. They make a concerted effort to develop positive relationships with school personnel.

Although parents are empowered by IDEA to advocate for their children, many parents feel ill-equipped to advocate (Fish, 2006). Because youth in the juvenile justice system are disproportionately more likely to come from low-income and minority families (Garfinkel & Nelson, 2004), these families may especially struggle to advocate on behalf of their children. Families of color are more likely to face obstacles in special education advocacy and collaboration with the school (Harry, 2008). Still further, many families have received primarily negative communication with the school regarding their children’s behavior; feeling stigmatized, these parents are less likely to advocate for their child (Osher & Osher, 2002). Consequently, some parents turn to special education advocates to fulfill the advocacy role. Nationally, special education advocacy training is becoming more common (Burke, 2013). However, no study has examined advocacy within the juvenile justice system.

Because of the large population of court-involved youth with disabilities, in 2005, a juvenile justice center in a Midwestern state piloted the Advocacy Unit. The purpose of the unit was threefold: (1) advocate for minors involved in juvenile court to receive appropriate educational services as guaranteed by law from the initial stages of their court involvement; (2) advocate for the appropriate educational services and placement with the goal of reducing truancy and school-related technical violations of probation; and (3) increase parental awareness about their child’s educational rights. Within the Advocacy Unit, POs have smaller caseloads but more intense demands to advocate for proper educational placements. Thus, unlike Field POs who require trainings across a variety of areas, Advocacy Unit POs require targeted training about special education and advocacy.

In this study, we descriptively examined the advocacy strategies employed by POs in the Advocacy Unit of a juvenile justice center. We conducted interviews with all of the POs (N = 8) to identify their advocacy strategies and reported barriers to effective advocacy. Our research questions were twofold: (1) What is it like for POs to advocate on behalf of adjudicated youth with disabilities? and (2) What do the POs experience as barriers to advocacy?

**Method**

**Participants**

The only inclusionary criterion was to be a current or past PO in the Advocacy Unit of a juvenile justice center. We interviewed all seven POs in the Advocacy Unit as well as the supervisor of the Advocacy Unit (in sum, N = 8). Previously, the supervisor served as a PO in the Advocacy Unit. The
Advocacy Unit was subdivided into three divisions: re-entry, multisystemic therapy (MST), and educational advocacy. Two POs were in the re-entry subunit; the purpose of this subunit was to find an appropriate educational placement for youth not currently in school. The purpose of the MST subunit was to provide intensive wraparound services for the youth; there were two POs in this unit. Finally, the educational advocacy subunit had three POs missioned with helping youth be evaluated for disabilities as well as receive appropriate services in the least restrictive environment. All units worked with youth identified with disabilities or at risk for disabilities. Although POs worked with youth of all types of disabilities, the most common types of disabilities included learning disability, emotional disorder, intellectual disability, and other health impairment.

The mean age of the POs was 42.86 years (SD = 5.87), with a range of 33 to 50 years. Many of the POs had undergraduate majors of criminal justice (n = 5 or 62.5%). The remaining POs majored in social work, political science, and electrical engineering. Two POs attended graduate school; each of these two POs received a Master's degree. Each participant had at least 10 years of experience as a PO (see Table 1).

POs in the Advocacy Unit attended multiple trainings every year. Each PO had to attend at least 20 hours of training annually; most POs, however, reported exceeding 20 hours. At the juvenile justice center, speakers were brought in to discuss special education topics. For example, attorneys from the Protection and Advocacy Agency and Legal Aid Organizations conducted trainings with POs. In the past, POs also attended the annual Council of Parent Attorneys and Advocates conference and other advocacy trainings locally and regionally. POs also received training about assessments and evaluations as well as different instructional methodologies (e.g., Wilson Reading Method).

### Table 1. Demographic characteristics of interview participants.

<table>
<thead>
<tr>
<th>Role</th>
<th>Gender</th>
<th>Education</th>
<th>Race</th>
<th>Family Experience with Disability</th>
<th>Number of Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supervisor</td>
<td>Female</td>
<td>Graduate school</td>
<td>African American</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>Re-entry</td>
<td>Female</td>
<td>College</td>
<td>Hispanic</td>
<td>No</td>
<td>Two</td>
</tr>
<tr>
<td>Re-entry</td>
<td>Male</td>
<td>College</td>
<td>White</td>
<td>No</td>
<td>One</td>
</tr>
<tr>
<td>MST</td>
<td>Female</td>
<td>College</td>
<td>Hispanic</td>
<td>Yes</td>
<td>None</td>
</tr>
<tr>
<td>MST</td>
<td>Male</td>
<td>College</td>
<td>African American</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>Educ. Advocacy</td>
<td>Female</td>
<td>Graduate school</td>
<td>White</td>
<td>Yes</td>
<td>Two</td>
</tr>
<tr>
<td>Educ. Advocacy</td>
<td>Female</td>
<td>College</td>
<td>Hispanic</td>
<td>Yes</td>
<td>Four</td>
</tr>
<tr>
<td>Educ. Advocacy</td>
<td>Female</td>
<td>College</td>
<td>Hispanic</td>
<td>No</td>
<td>None</td>
</tr>
</tbody>
</table>

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### Advocacy Unit

Youth were referred to the Advocacy Unit in multiple ways. Field POs referred youth to the Advocacy Unit when they felt that a youth's IEP was not being implemented. Judges also referred youth to the Advocacy Unit if there was a school-related problem. Although less frequent, public defenders, other attorneys, or the detention sheet referred youth to the Advocacy Unit. Upon referral, the assigned Advocacy Unit PO contacted the field PO so they could work collaboratively on behalf of the youth. The services of the Advocacy Unit did not have to be court ordered.

Regardless of whether the PO worked in re-entry, MST, or educational advocacy, duties included reviewing records from the referral source; requesting records from school and hospitals; working with parents, youth, and the field PO to obtain appropriate services; attending all school meetings; developing a case plan for the youth; maintaining accurate case logs regarding the case; appearing in court as needed; assisting the parent in creating written documents; meeting with parents and connecting them with legal representation when necessary; acting as a liaison between the attorney and the family; and monitoring the case for an adequate length after the services are put in place. Although the POs in each subunit shared many similar responsibilities, there were also some differences. In the re-entry subunit, POs especially served youth who were in the detention center...
and needed to be enrolled in an appropriate educational setting. POs in the MST subunit served youth with multiple needs that required a highly structured and intensive intervention. Compared to POs in the MST and re-entry subunits, POs in the educational advocacy subunit served the broadest range of children; these POs were not restricted to serving youth in the detention center or youth receiving MST.

**Procedures**

To explore the perspectives of POs in the Advocacy Unit, we used a qualitative phenomenological approach, specifically interviews (Patton, 2002). Data were collected from the participants in two ways: (1) an information sheet and (2) a semi-structured interview protocol. The information sheet included demographic characteristics about each participant. Questions included years working as a PO, educational background, age, race, gender, familial experience with disability, and number of children. We asked these questions as participant demographics could have influenced interview responses. For example, we asked about the number of children because if the PO was a parent (versus not a parent) the PO could have developed a different perspective about the youth with disabilities and their families. We did not include participants’ names on the information sheet.

To develop the interview protocol, we shadowed POs as they worked with youth and their families. Additionally, we attended meetings with POs and their supervisors. We also completed an extensive literature search to develop the interview questions (e.g., Lipsey et al., 2010; Kvarfordt et al., 2005; Leone & Cutting, 2004). We then developed an initial interview protocol and schedule. For content validity, we asked officials from the juvenile justice system to review the protocol. We considered their feedback and revised the protocol. Upon revision, the questionnaire and the study itself were approved by the institutional review board as well as the chief judge of the juvenile justice court. Correspondingly, we made small changes (see Appendix).

Before beginning each interview, the interviewers acknowledged their relations to disability (O’Toole, 2013) and working within a bureaucracy. For example, the first author shared her experience as a sibling of someone with a disability; she also shared her teaching experience working within a large, urban public school district. The second author shared her experience as a parent of a child with a disability; she then shared her experience in navigating the special education bureaucracy of an urban school district. Both researchers discussed their research backgrounds with respect to marginalized families. By sharing their experiences, both authors tried to develop trust between themselves and the participants.

Also, in sharing their backgrounds, both authors acknowledged their bias toward families of individuals with disabilities. As family members of individuals with disabilities, both authors were favorably predisposed toward the parents of the youth with which the POs worked. Additionally, both authors had experience in the juvenile justice system through research in another area of the court building. Because of their involvement in the juvenile justice system, both authors may have been recognized as credible or more legitimate by the participants than researchers without this connection. Throughout the data collection and analyses, both authors engaged in reflexive practices (e.g., took field notes and recorded self-reflections) to help address their biases.

The first and second author conducted all of the interviews with the POs. In five of the eight interviews, the first and second author conducted the interview together. In the remaining three interviews, the first author conducted the interviews. All questions on the interview protocol were asked of each PO. Each interview was audio-recorded, transcribed, and coded. Each interview was between 90 and 120 minutes. The authors used a modified version of Seidman’s (2006) three-part interview through which the interviewer builds trust and double-checks inconsistent statements. The authors took notes throughout the interview and discussed contradictory or unclear statements within a specific interview or between interviews in the last 30 minutes of the interview.
Data analysis

We used constant comparative analysis to code themes in the interview transcripts. Independently, we read the transcripts numerous times using a line-by-line approach analysis, thus familiarizing ourselves with the data (Tesch, 1990). We coded all text related to advocacy methods or barriers to advocacy. Each piece of data was compared with all of the other data (Creswell, 2003) as well as highlighted and notated with a phrase. Separately, we also compared new data to previously coded data to see if the new data represented a new idea or should be a part of an existing code. We also searched for negative cases to further refine themes (Brantlinger, Jimenez, Klingner, Pugach, & Richardson, 2005). After all of the data had been coded, we met to discuss the codes we had developed. We came to a consensus about each code. After debriefing with one another, we then reanalyzed the data. We met again with the revised codes; we grouped the codes into categories. Together, we then organized the categories into themes for each research question.

For example, with respect to documentation as an advocacy method, we initially coded several words and phrases, which were eventually organized into categories and, ultimately, the theme “documentation.” Our codes included words and terms such as “paper trail,” “psych records,” “medical records,” “mental health documents,” “hospitalizations,” and “school records.” Then, we categorized the codes. One category related to eligibility; POs used these codes to document that a child was eligible for special education. Another category related to services rendered. For students who already had IEPs, POs used records to document whether the school services were: being provided, working, or resulting in behavioral issues (as documented by suspensions). We then grouped the categories into the theme “documentation.”

We also examined the data to discern whether themes or patterns existed with respect to the background of the POs. We found no differences among the advocacy methods or barriers with respect to PO versus supervisor status; membership in re-entry, MST, and educational advocacy subunits; or experience as a family member of an individual with a disability. Throughout the data analysis, the authors were also cognizant of their own biases and experiences. To reduce researcher bias, we built a rapport with each participant, spent time away from the juvenile justice office, and member checked our data with the participants (Bodgan & Biklen, 1998).

Validation

After coding the data and coming to an agreement about all themes, we member checked the data with the interviewees. We sent the transcripts and a list of our themes to each interviewee to ensure that we accurately captured their advocacy strategies and reported barriers. We received no changes from the interviewees. In addition to member checking the data with our participants, the first and second author also debriefed with one another. We also referred to the notes taken during the interviews. By triangulating data across methods and sources, we ensured the internal validity of our findings.

Findings

Advocacy methods

Because POs in the Advocacy Unit were focused centrally on educational advocacy, they had an expertise enabling them to identify the factors of their success and continued challenges. In this section, we describe the methods of successful advocacy and the barriers. The POs discussed that their advocacy included four components: proper documentation, collaboration with stakeholders, an assertive approach, and the use of creative strategies.

Document

All of the POs reported that advocacy involved creating and maintaining a paper trail. After receiving a referral, many POs commented that the first step was to collect all of the records of the youth. One
re-entry PO described the importance of the records stating, “The most important thing is that once we have a paper trail on the student, that gives us more ammunition to advocate for the child.” This PO stated that she created a paper trail as soon as she met the parent and the youth. Records included both educational records from the school as well as hospitalization records from both medical and psychiatric facilities. POs reported that many parents struggled to remember the details of various hospital stays and educational meetings. In describing the need for a copy of the records, one PO, who worked in the educational advocacy subunit, stated: “They [parents] are not great historians so I have to get a consent form signed [by the parent] to get a copy of the records.” When examining the records, the POs looked for evidence of a diagnosis or potential disability. For example, one PO, who worked in the educational advocacy subunit and was a parent of two children with disabilities, described a recent case wherein the youth had been hospitalized several times:

… so I got his records but I focused on hospitalization and mental health hospitals because that is relevant. I am looking for psychiatric diagnoses and then I know what is going on and I can use those in the IEP … he was hit by a car … so I order those records. Here comes a pile of records. So it was not only TBI [traumatic brain injury] the kid suffered but also laceration of liver, kidney, and no diagnoses before. Nothing at the school.

After receiving the hospitalization records, the PO shared them with the school and successfully advocated for an IEP with TBI listed as a type of disability.

An important part of successful advocacy was proper documentation by the PO and the parent or guardian. A PO in the MST subunit described that, while he can handle and coordinate the medication and mental health services, the school has to coordinate special education services. To advocate for school services, he said, “We put it in writing. Everything, absolutely everything has to be put in writing.” By documenting the activities of the school, the PO had evidence to show what was and was not working for the youth. With the advocacy of this PO, the IEP team changed the IEP so it included various methods of data collection including anecdotal information, teacher reports, and standardized assessments. School data also helped demonstrate whether there was a disability. The supervisor of the POs reflected on her experience as a PO with respect to documentation when she stated:

I loved to invite teachers to observe students. I say “Please let me know what is going on in the classroom with this student.” And then the teachers give you the whole description of emotional disturbance (ED). [Teacher reported that] “He cannot form any relationships with anybody in the classroom. He is really withdrawn.” So, teacher observations are crucial for me.

After receiving the teacher’s report, the supervisor, then a PO, successfully advocated for special education services on behalf of this youth. In addition to recording what the school was doing academically and behaviorally, POs also wanted the school to record all suspensions. One PO, of the educational advocacy subunit, monitored the number of times each youth was suspended. This PO told parents “If the child is suspended, make sure to get it in writing. If they call you, you need to again remind them of why they are sending your child home. And let them know that they need to track when the child is being released early because of behavior.” In this way, the PO documented how often the youth was actually receiving special education services. Correspondingly, the PO demonstrated that the youth was not receiving all of his special education supports and was entitled to compensatory services (i.e., the school district then paid for services and placement that the child should have been receiving; Osborne & Russo, 2009).

For youth not yet formally identified with disabilities, the POs, along with the parents, wrote letters requesting a case study evaluation. In the following, a PO discussed the process of writing a letter giving consent for an evaluation. This PO, who worked in the MST subunit, also had two nephews with disabilities; she felt that it was important for parents to have a template letter requesting an evaluation:

I provide a generalized letter comprehensive in nature and with what evaluations I am requesting. So, I request all domain areas to be evaluated. I give the parent the option of having them submit it, take the time to think
about if they want to go through the process and that they can sign it and I can fax it. Then, I have a record
keeping that it went to the principal. And then we have the record keeping and whatever concerns they have
had that they put to the school. Generally, the parent gets a case study eval due to our request.

POs felt that a written letter providing consent triggered the start of the evaluation process.

**Collaborate with other stakeholders**

All of the POs mentioned the importance of knowing and communicating with other stakeholders. Key stakeholders included school personnel. One PO in the educational advocacy subunit also had a child with an intellectual disability. This PO felt it was necessary to communicate with school employees: she stated “I think it is important to build relationships, especially if I know that I am working in a certain area, I will see these people all of the time. So, I think it is important to build relationships with teachers, administrators, district area leaders (DALs), deans, everything.” Many POs commented that it was important to know the school district hierarchy. By knowing individuals at the district level, POs knew who to contact when they could no longer collaborate with the school or when they required district-level consent for certain activities (e.g., change of placement). Many POs discussed having a relationship with DALs. One PO, from the MST subunit, relied on her relationship with the DALs; she stated,

Some of them [DALs] will say “if you want to do this, then my suggestion is for mom to call an attorney” and I am like “Okay, great.” I always appreciate that. So, depending on my relationship with the DALs, some of them are forthcoming with information and say “Listen, if you want this, this is what you need to do, because it is not going to happen unless you do this. If you have mom do this, it can happen.” So they give me that hint.

POs mentioned that their relationships with DALs sometimes facilitated their advocacy efforts.

POs also frequently relied upon relationships with attorneys. When speaking with families, POs mentioned agencies and firms that offered pro-bono legal services. In addition to collaborating with attorneys to file due process, POs also contacted attorneys to appeal expulsion cases on behalf of families. One PO, from the MST subunit, connected families to attorneys when a child was expelled. He explained that in expulsion hearings, “The school district always has an attorney, so the family needs to have the same equal [representation].” POs also collaborated with attorneys to gain further knowledge about special education law. Working in the re-entry unit, one PO described her working relationship with an attorney,

I’ve learned how to type up different letters ... so, in working with the attorney, I have ... gotten positive responses from them [the district] ... and I’ve been able to develop other relationships through the law department, through the district, through the expulsion department. So, it [advocacy] gets easier when you need things done quick.

By networking with attorneys, POs felt they not only had options for legal representation in disciplinary hearings but also they gained greater special education knowledge.

**Be assertive and respectful**

Five POs discussed having an assertive but not aggressive advocacy style. To ensure that they maintained positive relations with the school system, it was essential that the POs be respectful when advocating on behalf of youth. One PO from the re-entry unit felt that his assertive but respectful advocacy style helped secure services for youth. He described and justified his advocacy style,

I approach people the right way and that is with a calm and understanding firmness ... if you approach any sort of thing that can lead to a conflict of opinion, if you approach it professionally, calmly, courteously, they will not be able to use your demeanor as a reason to keep that student out.

By respectfully communicating with the school, POs felt that youth were more likely to receive special education services.
Being respectful also extended to working with the family and the youth. The supervisor described her communication style when, as a PO, she worked with families: “Be calm. Hear them out. Hear them out. And advocate for them. You may need to spend a lot of time with them to get to know them. ... It takes some time. Be patient.” In addition to being respectful, POs mentioned the need to be positive and not to focus on the delinquency charges. One PO, from the educational advocacy unit, never looked at the delinquency charges of the youth. She stated, “I can care less about delinquency. After a while, when you are working on strictly the part of the evaluation and providing kids with services, you are eliminating from your brain the delinquency and all of those charges and arrests.” By not focusing on the delinquency charges, POs felt they could better meet the needs of the youth.

Especially when the POs were collaborating with field POs, it was necessary to balance the advocacy approach so neither PO was too aggressive. One PO from the MST subunit referred to this as a “good cop, bad cop” method. He stated, “I go one day and then the field PO goes the next day ... you have to work out who’s going to be more intense. And, at one point, we played good cop/bad cop, so it worked.” In this way, the PO ensured that more assertive advocacy methods were counterbalanced with less intensive advocacy from the other PO.

**Use creative strategies**

Although many of the POs mentioned advocacy strategies for the youth to be served in the public school system, four POs used advocacy strategies relying on agencies and providers external to the school district. In discussing these alternative advocacy strategies, POs stated that some of the youth were not willing to return to school due to their poor educational experiences. For these youth, some POs advocated for the youth to take the GED test so they could, at least, have a high school degree. One PO, who worked in the educational advocacy subunit, described how advocating for a GED was appropriate for a youth:

I have a client who is constantly on the run. Run. Run. Run. Run. And I said [to the GED testing center], “Listen, I have a client who is a runner. She is extremely intelligent and she is in detention. Can I get her to you? She is going to make your statistics look good. The detention center will drop her off.” Never ... did I [think] they would let her take the GED in handcuffs. They did! ... So, she took the GED ... and she passed the GED. That was my goal for her. I feel confident that when she is done here, she can leave and be employable somewhere.

In this way, POs examined options outside of the public school system and advocated for their youth to be eligible for these opportunities.

Another flexible approach to advocacy related to safety. Some youth were involved in gangs. A common concern of the POs was to ensure the safety of the youth in attending school especially when traveling to school included crossing rival gang zones. Although the school district offered “safety transfers” to other schools for youth fearful of gangs, youth often needed more help than just a change of schools. One PO, who worked in the MST subunit, described how many of the youth required safety plans. She stated: “It is a big issue that this kid can’t go to school because of the gang that dominates. It is hard. And then there is also the issue of them crossing geographical boundaries during school so we are limited.” Many POs discussed advocating for safety plans, which detailed the security needs of entering and exiting the school, personnel to transition to and from school with the youth, and ways to ensure the youth felt safe.

**Barriers to advocacy**

Given the challenges of being an educational advocate, the POs were cognizant about the barriers to advocacy. The POs identified their frustrations with uncooperative schools, working with older youth, and obstacles to parent involvement.
**School willingness to collaborate**

All of the POs felt that it was difficult to collaborate with school administrators who refused to comply with IDEA. For example, one PO, who worked in the re-entry subunit, recalled hearing an administrator state, “I am not evaluating that kid. He is just hard headed. He just doesn’t want to come [to school].” Another PO, from the educational advocacy subunit, heard a case manager state, “I am not going to get to it [the evaluation] this school year. Maybe in September.” POs felt that some schools were unwilling to meet the needs of the youth.

POs expressed particular difficulty collaborating with schools about child behavior. They felt that the school only examined the topography of the behavior, instead of identifying and addressing the function of the behavior. Working in the MST subunit, one PO felt that many schools were ill-equipped to address the behavioral issues of youth. With respect to the school’s viewpoint of behavior, the PO stated:

[The school] says that a kid is really bad, he is just picking up new cases, and he is just constantly getting suspended from school. But what is causing him to get suspended from school? Is it because he is going to school every day and really struggling and can’t read and that is why he is acting out? I think we really need to start looking at every area of why a kid is behaving the way he is.

POs mentioned that schools were quick to suspend but not support youth with problem behaviors. A PO, who worked in the re-entry subunit, felt that many of the youth were frequently unjustly suspended. He stated, “A lot of what I see, especially with the cases we get, a lot of kids have diagnoses, they have a lot of behavioral problems at school but what the school says is ‘okay, we’re just going to suspend you.’ ... The schools just suspend, suspend, suspend.” Because schools refused to address the function of problem behavior and instead frequently suspended students, POs struggled to advocate.

**Older age of youth**

The POs stated that most of the youth were between the ages of 15 and 17 years. The youth had experienced years of alienation from education including failing grades, lack of services, disrespect, bullying, truancy, and behavior problems. All of the POs felt that the current problems of the youth, including their delinquency, could have been prevented if their educational needs had been addressed in the primary grades. A PO from re-entry felt frustrated that many of the youth could have been identified when they were younger. She stated,

A lot of times, you can have students who should have been evaluated in elementary but now they are 16 and now you want them to get one [an IEP]. I think schools should do a better way of catching those red flags before we get to them. If they did that in elementary ... it would keep kids from being delinquent. ... Do not pass them along and wait for a case study eval at 16 even though it was obvious in second grade that the school should have done something.

Using school records, many POs reported spotting indicators regarding the need for special education services as early as primary school or even early childhood. One PO, who worked in the MST subunit, relayed the following story of a youth,

He had an awful lot of suspensions in second grade and then in fifth grade a lot more problems. ... Mom requested services in third or fourth grade but they told her he didn’t need it but they continued to suspend him. And when he got here, he got really aggressive with a school official and of course they kicked him out. ... That’s what I tried to bring to their attention. They didn’t think he was appropriate for special education services. Meanwhile, this kid is getting ready to age out. He’s continued to fail because of behavior and not going to school because he gets into fights. ... And now he is upstairs in custody. But if he was put in the right situation, he could have been ok.

POs frequently described similar scenarios explaining that many of their youth’s challenges and even their interaction in the juvenile justice system could have been prevented.
Obstacles to parent involvement

All POs reported that many families struggled to be involved in the special education process. Similarly, all POs reported the importance of parent involvement. One PO, who worked in educational advocacy, best summarized the need for parent involvement in stating, “We cannot do anything that a parent does not approve or officially request. I cannot sign a letter asking if the school could evaluate a kid … the parents have to be on board and they have to be active or this will not work.” POs suggested that some parents were not involved in the special education process because they did not understand their special education rights. Working in the MST subunit, one PO reported the lack of knowledge among parents as a barrier. She stated, “If you explain the process to them and explain what an IEP is, most of the parents are open to the idea. Or they will say “Oh, I heard about that but I didn’t know if it was something that he needed. I thought he was just being defiant or not wanting to go to school.” So, I try to educate them on what it is and what it can do and how it is not so much to have your child labeled but to make sure that if your child is in school, that he is able to be educated, and graduate on time.

Competing priorities also made it difficult for parents to actively participate in the special education process. As a parent herself, a PO, from the educational advocacy subunit, reported that parents had competing priorities making it difficult for them to advocate. She stated, “A lot of our families are living in survival mode so what I may see as something that needs to be made a priority, it is not a priority for them. They may be thinking about getting food on the table or meeting other basic needs before they can think about the educational piece.” Because many families were facing several challenges, it was difficult for parents to focus on resolving special education issues.

For parents who were savvy enough to know their rights, POs mentioned that the schools’ actions frequently disempowered these parents. One PO, who worked in MST and had two family members with disabilities, stated, “So many parents have been turned away when requesting services … or have been turned away when trying to get into school.” These parents knew that their child either was eligible to receive an evaluation or should have been entitled to attend school and, yet, the school refused them services. Correspondingly, POs reported, the parents were relegated to passive roles.

Discussion

Prior to this study, little research had examined ways to ensure that court-involved youth with disabilities receive special education support. This study examined the strategies used by and barriers experienced by POs in an Advocacy Unit of the juvenile justice center. By understanding the strategies and barriers of POs in advocating on behalf of youth with disabilities, we can begin to develop ways to systematically address the needs of these youth as well as reduce barriers to them receiving services. Below, we discuss our findings as well as implications for future research and practitioners.

Advocacy strategies

Based on our interviews with all of the POs in the Advocacy Unit, we found four common advocacy strategies. First, we found that all of the POs used documentation as a way to advocate for youth. POs retained records from the school system and external agencies (e.g., hospitals) as well as documented the school’s strategies and their effectiveness. The use of documentation is a strategist form of advocacy (Trainor, 2010). By creating a paper trail, POs were able to advocate for appropriate placements for some youth with disabilities.

Other commonly reported advocacy strategies included collaborating with stakeholders (e.g., school district leaders and attorneys) as well as having an assertive but respectful communication style. Again, developing relationships and having an unaggressive method of communication
parallels the strategist type of advocacy (Trainor, 2010). However, some differences exist between strategist advocacy used by parents and the advocacy methods used by POs. Although both parent and PO advocacy methods included developing relationships with school district personnel, POs also cultivated relationships with attorneys. POs reported using attorneys in disciplinary hearings. Given that many court-involved youth with disabilities had problem behaviors, they were more likely to attend and, consequently, need attorney representation in disciplinary proceedings.

Additionally, although both parent and PO advocates used assertive but respectful language with school personnel, POs also mentioned using such language with families. Unlike parents who advocate on behalf of their own children, POs advocate for other families. As such, POs need to use respectful language with families especially as the families may be initially distrustful of working with a professional. Given that many families had trouble navigating the system and felt disempowered to advocate for their children, POs may need to be cautious and patient with families to gain their trust.

Although the POs mostly align with strategist form of advocacy, four POs reported using some creative strategies, which fall outside of the four types of advocacy (Trainor, 2010). Advocating for a youth to take a GED test and developing safety plans may be advocacy activities specific to the juvenile justice system. These alternative strategies may reflect a more transition-focused form of advocacy. When speaking about the youth taking the GED test, for example, the PO justified the GED test by stating that by at least having the GED, the youth would have a better chance of being employed.

Justifying such creative advocacy, POs focused on the postschool outcomes (vs. school-based services) for these youth. By focusing on postschool results (e.g., employment), POs prioritized the successful transition of court-involved youth with disabilities. A focus on transition services within the juvenile justice system is not uncommon. Griller-Clark, Mathur, and Helding (2011) examined the effectiveness of transition specialists in correctional facilities. The purpose of a transition specialist was to support the youth in the transition process. At both 15 and 30 days post release (but not at 45 days), youth who received (versus those who did not) enhanced transition services had reduced their chance of recidivism by 64%. Similar to the transition specialists (Griller-Clark et al., 2011), the creative strategies employed by POs were related more to transition and enhancing post-school options than receiving educational services.

In addition to advocacy strategies, the POs also identified three barriers to effective advocacy: poor collaboration with the school, older age of the court-involved youth, and obstacles to parent involvement. POs mentioned that some schools were unwilling to collaborate and refused to serve court-involved youth with disabilities. Especially with respect to problem behavior, POs stated that some schools refused to examine the function of the behavior or its relation to the student’s disability. Positive Behavioral Intervention and Supports (PBIS) may be one way to address this issue (Lewis & Sugai, 1999). PBIS offers a three-tiered model (primary, secondary, and tertiary prevention) to address student behavior and improve academic achievement. By using PBIS, schools will increasingly focus on the function of the behavior and positive reinforcement (versus punitive measures). Instead of resorting to suspensions and expulsions, schools would have a three-tiered system to not only prevent unwanted behavior but also to reward appropriate behavior.

Regarding age, POs reported that many of the youth were in their late teens by the time they received assistance from a PO. When reading through a youth’s records, POs were able to identify red flags as early as primary school indicating the child may need special education services. Although IDEA promotes early identification of youth eligible for special education services (e.g., Child Find, Response to Intervention), it seems that some youth may be overlooked. Indeed, based on demographic information, it is possible to identify young children at risk for juvenile delinquency (Conroy, Hendrickson, & Hester, 2004). By identifying at-risk children at earlier ages and, more importantly, providing them with appropriate services, the population of youth with disabilities in the juvenile justice system can be reduced.
With respect to parents, POs reported that lack of knowledge about their special education rights contributed to the lack of involvement among parents. POs also mentioned that some parents did know their rights, but were refused attendance or special education services by the school. Accordingly, parents felt disempowered and stopped advocating on behalf of their children. Such parents may have felt ill-equipped to advocate (Fish, 2006); they may require support to help advocate on behalf of their children.

Implications for practitioners

This study has several implications for practitioners. For example, an identified barrier to advocacy was the lack of special education knowledge among parents. One way to increase parent knowledge is for parents to contact their state Parent Training and Information Center (PTI). Each state has at least one federally funded PTI missioned with training parents about their special education rights. From this study, it seems that PTIs can play a crucial role in educating parents about how to navigate the special education system. Also, given the extensive needs of court-involved youth with disabilities and their families, PTIs may need to target this population.

However, learning their rights may not be enough for parents of adjudicated youth to effectively advocate. Based on the interviews with the POs, it seems that these families may have less time and resources as well as competing priorities which may preclude them from advocating for their children. Also, POs mentioned that some parents were informed about their special education rights; yet, the school dismissed their concerns. Such families may require a special education advocate. By having an advocate, the child may receive appropriate services and may never resort to interacting with the juvenile justice system. Indeed, the special education advocacy field is growing (Burke, 2013). Practitioners who train special education advocates and special education advocates themselves may also need to target families of adjudicated youth with disabilities.

Implications for future research

Additional research should examine whether there is evidence that the strategies and barriers identified in this study exist. One way to garner further evidence about the existence of such methods and barriers is to interview field POs. Field POs have a minimal understanding of the needs of youth with disabilities (Kvarfordt, Purcell, & Shannon, 2005). However, field POs serve the majority of court-involved youth. Thus, it seems necessary to examine their advocacy strategies. Additionally, future research may examine whether advocacy differs with respect to the subunit of the PO. Although we found no differences in advocacy strategies or barriers regardless of whether the PO belonged to the re-entry, MST, or educational advocacy subunit, it may be that advocacy strategies are differentially successful depending on the subunit of the PO.

Another next step is to examine whether advocacy strategies work in expected directions. For example, POs felt that building relationships with attorneys was an effective advocacy strategy. Research, however, is needed to determine the impact of attorney involvement. It may be that, as the POs surmised, having relationships with attorneys enables advocacy methods to be stronger and, thus, for the youth to receive appropriate services. However, conversely, attorney involvement may also make interactions with the school adversarial, tense, and unnecessarily legalistic. Future research is needed to determine whether having relationships with attorneys helps or hinders advocacy efforts.

Although this study is an important contribution to the literature about court-involved youth, it does have some limitations. First, this study is purely descriptive. From this study, we do not know the effect of POs upon student achievement, reception of services, or recidivism. This study is a jumping off point for future research to examine the effect of educational advocacy upon the outcomes of court-involved youth with disabilities. Second, this study focuses on an Advocacy
Unit in one juvenile justice system. We do not know the extent to which these findings can be
generalized to other juvenile justice systems. For example, different advocacy methods and barriers
may exist in Advocacy Units in other geographic locations. Also, both authors had personal
connections to disability; different themes may have been identified by someone without familial
experience with disability. Relatedly, the “outsider” status of each author may have biased the way in
which the data were analyzed as well as the participant responses.

In sum, this article identified a new way to intervene with court-involved youth with disabilities.
To date, few studies have examined how to help these students navigate the special education system
and receive appropriate services. This study illustrated the strategies with which POs advocated for
youth and the barriers they faced in securing appropriate educational support. By better under-
standing these strategies and barriers, we can move forward in examining the effectiveness of
educational advocacy upon youth with disabilities.

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Appendix

Interview protocol

We are researchers who are interested in youth with disabilities. We are very interested in your experiences interacting with youth with disabilities. As a [parent, previous teacher of students with disabilities, etc.], we realize that there are many obstacles that youth with disabilities face and bureaucratic barriers to be overcome. If you agree to participate in this interview, your answers will be confidential and anonymous. We appreciate that you are willing to give some time to share your knowledge and experiences with us.

(1) When a youth with a disability is referred to you, can you walk us through the process of how you work with the youth? Their family? The school and/or community? Others within the juvenile justice system?

(2) How do you know or determine if a youth has a disability? Can you walk us through an example where a youth is referred to you in which the youth is suspected to have a disability?

(3) Describe the advocacy strategies you use. What are the barriers to effective advocacy?

(4) How did you learn about youth with disabilities? Did you receive any training here? Can you tell us about the training?

(5) What role does disability play in the juvenile delinquency system? Do you think disability affects the youth’s outcomes or treatment in the system?

(6) Is there something that could better help you advocate for youth with disabilities?

(7) If you could change one thing about youth with disabilities and the barriers they face, what would it be?

(8) Is there something we missed? Something else we should have asked?