



SCHOOL JUSTICE PROJECT

Access to Justice. Access to Education.

MONTH DAY, YEAR

EDUCATION REPORT IN AID OF SENTENCING

To: The Honorable JUDGE JUDGE
Superior Court of the District of Columbia
500 Indiana Avenue NW
Washington, D.C. 20001

From: ATTORNEY, Esq.
Special Education Attorney for CLIENT

Re: *United States v. CLIENT*, CASE NUMBER

Dear Judge JUDGE,

I am submitting this Report on behalf of CLIENT for consideration at his upcoming Sentencing Hearing on DATE. I first met CLIENT in YEAR when I was a law student interning at the Public Defender Service for the District of Columbia. Then x-year-old CLIENT was in turmoil. Though I saw small glimpses of his true personality—funny, bright, and curious—it was clear that CLIENT was struggling to deal with unprocessed grief.

Nearly x years later, CLIENT and I reconnected when I began representing him as his special education attorney. He grew tremendously during that interim, and I was impressed by his maturity and focus. When we reconnected, CLIENT was at a crossroads. He was determined to finish his education, but after spending his entire adolescence shuffling schools and placements, he had only earned enough credits to make him a tenth grader. CLIENT and I had many conversations about his options. Ultimately, he decided to pursue a GED. He has kept his eye on the prize ever since and has passed one out of the four sections of the GED exam. On CLIENT's behalf, I respectfully request that your Honor sentence CLIENT under the Youth Rehabilitation Act and allow him to return to the community immediately so that he can continue his education, pursue a job in the construction field, and receive the supports necessary to become a healthy and stable adult.

Background

CLIENT's early childhood was marred by traumatic loss that led to significant emotional and mental health issues. When CLIENT was x months old, his young and overwhelmed mother turned him over to his paternal grandmother's care. CLIENT's mother maintained irregular contact with him and would often make unfulfilled promises to spend time with him. Simultaneously, CLIENT's father was shuffling in and out of the criminal justice system. When CLIENT was about x years old, his father was incarcerated and effectively disappeared from his life while serving a prison sentence over the next x years.

Tragically, in October YEAR, CLIENT's mother and four-year-old brother were found murdered in their apartment. The police quickly identified a suspect, but before justice could be served, the suspect himself was killed. The murders and subsequent investigation were highly publicized. Despite being so young (his mother and brother were killed x days before CLIENT's xth birthday), CLIENT knew exactly what happened to his family.

It was nearly impossible for CLIENT to deal with the deaths of his mother and brother. His grief manifested as anger, and his behavior deteriorated over the next few years.¹ CLIENT was admitted to the Psychiatric Institute of Washington several times. Doctors recommended medication and counseling, yet CLIENT never received stable and continuous community-based treatment. Less than x years after his mother and brother were murdered, CLIENT became involved in the juvenile justice system. Almost immediately, he was removed from his grandmother's home and placed in secure detention.² In YEAR, at the age of x, CLIENT was committed to the Department of Youth Rehabilitation Services (DYRS) until his x birthday.

Over the next x years, from ages x to x, CLIENT spent only about x months at home with his grandmother. Instead, he was sent to at least seven residential treatment centers (RTCs) in five different states and placed at countless group homes in and out of D.C. Each facility failed to provide CLIENT with the community-based and family-centered treatment he desperately wanted.³ Instead of helping to "rehabilitate" CLIENT, this total lack of stability disrupted his education,⁴ exacerbated his behavior, and increased his distrust of his environments.⁵

¹ "It is well-documented that traumatic experiences interfere with normal child development and may result in behavioral responses such as aggression, avoidance, or dissociation." Amanda D. Zelechowski et al., *Traumatized Youth in Residential Treatment Settings: Prevalence, Clinical Presentation, Treatment, and Policy Implications*, 28 *Journal of Family Violence* 639, 642 (2013).

² "...[D]etention has a profoundly negative impact on young people's mental and physical well-being, their education, and their employment. . . . [Further,] there is credible and significant research that suggests that the experience of detention may make it more likely that youth will continue to engage in delinquent behavior, and that the detention experience may increase the odds that youth will recidivate..." Barry Holman & Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, Justice Policy Institute at 2 (2006), http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf.

³ "Removed from their families and natural support systems, [children in RTCs] are unable to draw upon the strengths of their communities and their communities are unable to contribute to the children's treatment. Few children thrive when they are hundreds or thousands of miles from their parents, friends, grandparents and teachers." Bazelon Center for Mental Health Law, *Fact Sheet: Children in Residential Treatment Centers* at 4 (retrieved August 30, 2016), http://www.bazelon.org/LinkClick.aspx?fileticket=D5NL7igV_CA%3D&tabid=247.

⁴ "Studies have documented that adjudicated youth often fail to receive adequate educational services while in placement, in part, due to...the impact of high mobility, poorly developed links between public schools and institutional settings, and a failure to meet the special education needs of youth with disabilities in facilities." Katherine Burdick et al., *Creating Positive Consequences: Improving Education Outcomes for Youth Adjudicated Delinquent*, 2 *Duke Forum for Law & Social Change* 5, 10 (2011).

⁵ "When a traumatized child is placed within a residential setting, the impact may be intensified and re-traumatizing as the displacement is often sudden, unexpected and the child is now required to live in an unfamiliar environment with unfamiliar people." Zelechowski et al. at 643; Bazelon Center for Mental Health Law at 4 ("...many children's conditions do not improve at all while at the RTC and most do not sustain any gains they made once they return home. In fact, there is little evidence that placing children in RTCs has any positive impact at all on their mental health state and any gains made during a stay in an RTC quickly disappear upon discharge, creating a cycle where children return again and again to RTCs.").

Each residential saw the same issues: CLIENT’s unresolved grief issues and sense of loss related to his family significantly contributed to his depression. In addition to the deaths of his mother and brother, CLIENT had to deal with the traumatic impact of his father’s incarceration during x of his most formative years. These traumas led to an underlying depression that manifested as rebellion, self-destruction, or withdrawal, depending on the day.⁶

Education Needs

CLIENT was first identified as a student with a disability and began receiving special education services in elementary school. He has a Learning Disorder and is classified as a student with an Emotional Disturbance due to manifestations of Post-Traumatic Stress Disorder and Depression.⁷ CLIENT’s IEP requires that he receive all academic instruction in a separate classroom only with other students with disabilities. In addition, he is supposed to receive one hour a week of counseling.

CLIENT first entered high school in the YEAR-YEAR school year. Though he has been engaged in education consistently since then, he hasn’t accumulated nearly the number of credits he could have if the D.C. agencies responsible for his education had been paying better attention. Because CLIENT was sent to so many out-of-District residential facilities, he was often enrolled in classes that aren’t recognized or required by District of Columbia Public Schools (DCPS). Also, his records weren’t always transmitted from facility to facility, so he has taken some of the same classes more than once.⁸ Finally, he entered and exited residential facilities at differing points in the school years. He would often earn passing grades for the two or three quarters of a school year that he was at a facility, but because DCPS does not accept partial credits, he would return to D.C. or transfer to a new facility with nothing to show for his work.⁹

All of these things combined to create the perfect storm that CLIENT found himself in when he returned home from his last residential placement in late spring YEAR. He had been in high school for x years, yet only had ten of the twenty-four credits required for a DCPS diploma. Learning that graduation was still so far out of sight was frustrating for CLIENT. That frustration and feeling of wasted time would be enough for many similarly situated x-year-olds to give up on education.¹⁰

⁶ “Children suffering from traumatic stress symptoms generally have difficulty regulating their behaviors and emotions. They may be clingy and fearful of new situations, easily frightened, difficult to console, and/or aggressive and impulsive.” Zero to Six Collaborative Group, National Child Traumatic Stress Network, *Early Childhood Trauma*, National Center for Child Traumatic Stress at 5 (2010), http://nctsn.org/nctcs/nav.do?pid=typ_early1.

⁷ “Researchers estimate that as many as 70% of youth in the juvenile justice system have a disability that impairs their learning. The vast majority of these youth are diagnosed as having severe emotional disturbances and specific learning disabilities.” Burdick et al. at 11.

⁸ “[P]roblems with properly transferring education records to each new school or institutional educational program can result in delayed enrollment, causing these already educationally at-risk youth to fall further behind.” *Id.* at 12.

⁹ *Id.* (“The loss of full or partial credits presents a particularly acute problem for youth involved in the justice system, as frequent school changes and differing school policies governing the awarding of credits often means that youth do not earn credits for all the time they spend in the classroom.”).

¹⁰ “The poor quality of onsite schools, the absence of needed educational services in juvenile justice facilities, and

But CLIENT knew that completing his education was the best thing he could do for his future. He began pursuing a GED and working with PROVIDER. PROVIDER is an organization that provides tutoring, mentoring, and GED services to D.C. students. They specialize in working with youth with disabilities and were working closely with CLIENT to provide him with the level of academic support he needs to pass the GED.

Since CLIENT began pursuing the GED, he has passed one out of the four sections of the exam. Recognizing that he may need even more intensive academic remediation to pass the additional three sections, CLIENT and I began exploring alternative education programs. Shortly before his detention in this case, CLIENT had been accepted at SCHOOL A, a nonpublic school program only for students with disabilities that also provides intensive vocational training. Students at SCHOOL A spend half of the day receiving academic instruction and the other half of the day on the job site learning the skills necessary to construct a house start to finish. CLIENT also was considering charter school programs—SCHOOL B and SCHOOL C—that provide a similar combination of academics and vocational training in construction trades.

Plan Upon Return to the Community

Unfortunately, CLIENT has not been able to engage in any meaningful programming while detained, as the education programs at D.C. Jail are incapable of providing CLIENT with the level of academic support he needs. Yet CLIENT remains steadfast that he will complete his education, and intends to continue pursuing his GED as soon as he is released. CLIENT has many options available to him, including the previously mentioned SCHOOL, SCHOOL A, and PROVIDER. I will work with him once he is released to ensure that he is reenrolled in a supportive academic program as soon as possible. Also, CLIENT will continue to be supervised by DYRS until October YEAR and has the support of his team at ORGANIZATION.

After spending so many years in secure facilities away from home, CLIENT is still reintegrating into his community and learning how to be an independent adult.¹¹ Despite a traumatic childhood and unstable adolescence, CLIENT has shown incredible growth and resilience. He is maturing with each passing day¹², and needs to be in the community to ensure that his natural development

the challenges posed by transitions between facilities and home schools create severe educational problems for youth adjudicated delinquent. Instead of gaining needed access to education, these youth too often face educational disruptions, delayed enrollment, and inappropriate school placements. Too many youth then fall increasingly behind in school and ultimately drop out.” *Id.* at 13.

¹¹ “[B]ecause the RTC environment is inherently artificial—children are not asked to negotiate the obstacles that occur within their family setting or deal with the difficulties that trigger their behaviors in their neighborhoods or schools—the child does not gain new skills to better negotiate life outside of an institution.” Bazelon Center for Mental Health Law at 4.

¹² “[Y]oung adulthood is a transitional period that can range from age 18 to 24 and even beyond, during which significant brain development is still occurring and decision-making abilities are not fully mature. During this period of substantial growth and change, young adults exhibit clear developmental differences from both youth and older adults.” The Council of State Governments Justice Center, *Reducing Recidivism and Improving Other Outcomes for Young Adults in the Juvenile and Adult Criminal Justice Systems* at 2 (2015), <https://csgjusticecenter.org/wp-content/uploads/2015/11/Transitional-Age-Brief.pdf>.

isn't stifled by further detention.¹³

With continued education and support in the community, CLIENT knows that he can succeed. On CLIENT's behalf, I respectfully request that your Honor impose a sentence under the Youth Rehabilitation Act that allows CLIENT to return to the community immediately.

Respectfully Submitted,

/s/ ATTORNEY

ATTORNEY, D.C. Bar #xxxxxx

Staff Attorney

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¹³ Holman & Ziedenberg at 10 (detaining youth causes severe “disruptions in their education, and the natural life processes that allow young people to “age-out” of crime.”).