

Directions for completing this form: Place the title of your workshop in the space indicated, followed by the name and contact information for each of the presenters. Provide a brief description of your workshop by placing the cursor on the line below “Brief Description” and commence typing. To complete the “Topical Outline”, place cursor next to each Roman numeral and begin typing. Then place the cursor next to the “a.” to begin listing sub-topics. To list more than one sub-topic, push “Enter” and “b.” should appear on the next line, and so on. Place the cursor on the line under “Notes” to begin providing your notes. To list bibliographic information, place the cursor next to “1.” and start typing. Push “Enter” to move on to “2.” and etc.

ABA/ NLADA 2008 Equal Justice Conference

WSR-080 Advocating Across Systems to Shut Down the Schoolhouse to Jailhouse Pipeline

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Brief Description:

People from several cumbersome bureaucracies make decisions that move children from classroom to police department to juvenile court. How can these systems engage with one another to ensure that children receive the support and services to which they are entitled? Advocates can play a roll in encouraging, or forcing, this engagement. This workshop will present multi-agency and multi-forum approaches used to slow down the movement of children through the pipeline and divert them to appropriate services. These models range from special focus projects and joint training to rulemaking/legislative efforts, and involve public defenders, prosecutors, school districts and legal aid agencies.

Topical Outline:

- I. Litigation Approach
 - a. Framework

- i. Families and Youth access services through several gateways
 - 1. Voluntary: Application to local agency for children's mental health services or services for a child who is developmentally delayed.
 - 2. Voluntary: Special education services
 - 3. Involuntary: Through delinquency or child protection proceedings
- ii. Each system has procedures and eligibility requirements
- iii. A particular child may be involved in more than one system
- iv. One system may inappropriately refer a child to another system
 - 1. Parent or child won't apply for voluntary services
 - 2. Child needs a consequence
 - 3. To shift the cost
- b. Response: advocates collaborate to force coordination between the systems
 - i. Advocate in the context of each system
 - ii. Restrain action of juvenile court to force child back into the voluntary system
 - iii. Avoid stigma of delinquency finding
 - iv. Parent plays a team role in school IEP setting
 - v. Relieve pressure on courts
- c. History of our efforts
 - i. Juvenile Advocacy Collaborative
 - 1. Partners were Public Defenders (PD's,) Disability Law Center (DLC, Minnesota's Protection and Advocacy Agency) and Youth Law Project of the Legal Aid Society of Minneapolis (YLP)
 - 2. PD's provided representation on delinquency; attorneys from DLC and YLP worked with the PD, petitioning the delinquency court to dismiss delinquency and bump case back to the school
 - 3. DLC and YLP attorneys advocated for the youth at school and in connection with applications for social services from the county
 - 4. Training for attorneys, social workers, school personnel
 - ii. Changes in the grant
 - 1. Appeared on the truancy calendar instead of the general hold calendar
 - 2. Eventually folded the JAC idea into work of the DLC and YLP

d. Case Examples

II. Systemic Change: Collaborative Partners and Community Education

- a. A large number of school related crimes were overloading the Juvenile Court Docket. The Juveniles had no other community related crimes other than those charges brought by school staff. At least 2500 school related crimes a year.
- b. Legal Community Collaboration

- i. Judges, public defenders, probation started meeting to discuss problem and solutions
 - ii. More collaborators added to the task
 - 1. Therapist and Psychologist
 - 2. Doctors
 - 3. Advocates
 - 4. Community Organizations
 - iii. Mental Health Assessments of Students
 - c. Community Collaboration
 - i. Legal Services, public defenders, school district administration, school building administrators
 - 1. Work on school district policies and procedures.
 - 2. Problem, process is long and slow.
 - ii. Implementing Individual Education Plan to meet students needs
 - 1. Problem, most students already placed in Emotional Behavior programs
 - 2. Programs were uncooperative
 - 3. Students not making academic progress or very minimal progress
 - d. Public Awareness
 - i. Parent Workshops: Rights and responsibilities
 - ii. Teen Workshops: Rights and responsibilities
 - iii. Professional Workshops with Public Defenders: Special Education Process
 - 1. IDEA requirements and rights
 - 2. Manifestation Determination
 - e. Change
 - i. Utilize all avenues provided by Statutes, and school district policies
 - ii. Work within these avenues with your collaborators
- III. Policy Efforts; Rule Making
 - a. Overall Problem in the School Context
 - i. Schools are under funded, understaffed, pulled in multiple directions
 - 1. Difficult behavior challenges school resources
 - 2. If schools can't address behavioral challenges they refer to police or county or end up restraining or secluding children
 - 3. Increases distrust and adversarial relationships between schools and families
 - ii. Kids can get injured or abused, staff can get hurt
 - iii. Increase in cases with these types of referrals (feed into litigation and policy)
 - b. Focus on Reaction not Prevention
 - i. How to shift the focus to prevention
 - ii. What are the main components of preventative approaches
 - iii. Emphasis on policy
 - c. Policy Strategies
 - i. Research laws in other states

- ii. Review research literature
- iii. Review legal decisions
- iv. Recent Death
 - v. Look to adult restraint and seclusion
 - vi. Reporting, process, training
- d. Outcome
 - i. Venue choice was Dept of Ed Rulemaking
 - ii. Process
 - iii. The Good and the Bad
 - iv. Next Steps
 - v. Brought out the players and the positions
- e. Conclusion
 - i. Political Pressure
 - ii. Out-lobbied
 - iii. Didn't push the extreme examples
 - iv. Maybe not bad
- f. Means and Resources
 - i. Internal
 - ii. Referral
 - iii. Build Capacity of Referrals and New Entities
 - 1. Law Clinics
 - 2. Training
 - 3. New Referrals

Notes:

Bibliography & Website Links:

- 1.
- 2.