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Restorative Approach Helps Identify the Root Causes of Student Behavior

BY KAREN E. WEBBER, J.D.

Over 7,000 Baltimore City Public School (BCPS) students were suspended or expelled last year as a result of adult responses to student behaviors. That number is down considerably from 26,000 suspensions/expulsions only ten years ago, due largely to a multi-year school discipline campaign led by Open Society Institute-Baltimore (OSI) that also resulted in the passage of progressive state and local school discipline policies.

OSI currently is focused on implementing these progressive reforms and “unpacking” the root causes of excessive suspensions that led Baltimore City and other districts to push students out of school.

Research and practice clearly indicate that poverty, racism or *racial threat* and overly punitive responses to student behaviors, due in large measure to a lack of

training, are the key reasons for an over-reliance on suspensions. A restorative approach to student behaviors and school discipline is examined as a tool to implement progressive discipline practices and to heal fractured school communities.

POVERTY

Nearly 85 percent of BCPS’s student body qualify for free and reduced meals (FARMS)—an indicator of poverty, which obligates educators, families, health practitioners and others to recognize and try to counter the damaging effects of poverty on children. Indeed, poverty itself has been

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deemed a risk indicator for students frequently being suspended, chronically absent, dropping out of school and failing to obtain employment in adulthood.

Low-income status too often is combined with exposure to violence, neglect and/or abuse, unstable housing, hunger and other sources of trauma and chronic stress, which further diminish students’ odds of being successful. Poor students who have experienced trauma may exhibit attention deficit disorders, anxiety, depression, impulsivity and moderate or extreme aggression.

The average educator receives little or no instruction in teacher preparation programs regarding the effects of and appropriate responses to student behaviors resulting from poverty and trauma. Without training and support, educators often respond to maladaptive behaviors by pushing children out of school (2.8 million children are

Overview

Education Is Essential for a Child’s Well-Being

Education—a chief priority for the overall well-being of a child—particularly is important in low-income, urban neighborhoods and impacts employment rates, crime rates and the number of teen pregnancies.

That was the focus when over 200 people attended the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts’ (CFCC) Eighth Annual Urban Child Symposium, “The Education of the Urban Child,” on April 7, 2016.

Speakers focused on issues relating to educational inequality, the school-to-prison pipeline and students with special needs. James Cole, Jr., General Counsel, Delegated Duties of Deputy Secretary at the U.S. Department of Education, was the keynote speaker.

In this issue of the Unified Family Court Connection, we examine some of those themes.

- **Karen E. Webber, J.D.**, director of education youth development at Open Society Institute-Baltimore, writes about how the restorative approach helps in finding the root of student behavior and keeping students in school.
- **Jenny L. Egan, J.D.**, Assistant Public Defender, Juvenile Division, Office of the Public Defender, Baltimore City, discusses the connection between the juvenile justice system and school-based behavior.
- **Michele Hong-Polansky, J.D.**, program specialist at CFCC, writes about how CFCC’s Truancy Court Program is rerouting students away from the school-to-prison pipeline.
- **Pat Halle**, a paralegal at Disability Rights Maryland, addresses the barriers that youths with disabilities face when it comes to regular school attendance.

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suspended from schools annually nationwide). The risks to the children who are *pushed out* are well documented as often leading directly into the juvenile justice system (*school-to-prison pipeline*), which further diminishes the possibility of student success in school and adulthood.

While Baltimore City schools sit at the extreme end of concentrated poverty, a whopping 51 percent of all public school students are poor nationwide, creating a national imperative for those in authority to provide suitable supports in all schools, particularly in districts with large populations of low-income students. Too often parents and children are blamed for their inability to scale the economic ladder. Recent data analyses from Professor Raj Chetty of Stanford University clearly indicate that in the United States there is a mere 7.5 percent chance of rising from the bottom economic quintile to the top economic quintile and the chances are even slimmer for those living in poor, segregated communities like many in Baltimore City.

RACIAL THREAT

In addition to the low-income status experienced by the majority of BCPS’s students, 84 percent of the student body is African American (although there is not a one-to-one correlation between the racial and economic demographics). Poor African American students in Baltimore are confronted not only with various forms of racial discrimination—historical, institutional and even unintentional—they also suffer the effects of *racial threat*.

The racial threat theory posits that large populations of African Americans in a place (school, community, jail, event, etc.) generate a perceived threat to safety or economic and political control. This perceived threat triggers an almost reflexive response in which institutions and individuals intensify social controls and punitive practices to, in effect, *neutralize* the perceived threat. Evidence of the startling and often brutal effects of racial threat can be seen in the African American civil rights struggle currently playing out across the nation.

In the context of school, racial threat is evidenced in the over-utilization of harsh and punitive measures that “criminalize” students of color even for inconsequential behaviors. Suspensions, expulsions and school-based student arrests replace parent conferences, peer mediation, mindfulness and other restorative approaches to normal adolescent conduct.

The widespread use of armed police, scanners, metal detectors, bull horns and surveillance cameras in schools with large numbers of African Americans is more suggestive of a jail house than of a school house and is a manifestation of racial threat and criminalization of African American children. Recent US Department of Education’s Office of Civil Rights’ data demonstrate the stark disparities between disciplinary measures exacted of African American children as opposed to their white student counterparts.

Overly harsh measures do little to engage students in their own learning and, in fact, drive throngs of students away from school as soon as they reach an age to assert their agency (nearly 40 percent of all Baltimore City high school students are chronically absent, meaning they miss one or more months of school in a school year). Yet a majority

of administrators remain highly skeptical of the effectiveness of progressive discipline measures and/or have little training to assist them in implementing these effective practices. OSI-Baltimore plans to reverse this trend by helping educators to learn and utilize the restorative approaches articulated by the newly-passed state and local discipline codes. We have begun to craft a multi-year, comprehensive plan to assist in launching this effort to introduce restorative practices into schools district-wide.

RESTORATIVE PRACTICES

Little or no attention is given in traditional school discipline to making the *victim* of an affront whole, as the primary objective seemingly is to punish the student *aggressor*. The aim of restorative practices is to restore or make whole harmed students and the school community and to use the incident as a teachable moment for all involved. The misbehaving student is required to make amends for his or her actions, after which time he or she is welcomed back into the school community.

The restorative approach most often uses *restorative circles*, in which all parties with a stake in the matter sit in a circle with a trained facilitator and tell their side of the story. The misbehaving student listens to participants describe the harm they have experienced and also is afforded an opportunity to explain his or her actions. At the conclusion of the circle, all participants agree upon a plan to ensure that the harm caused will be repaired and not repeated.

Schools that employ whole-school restorative practices regularly conduct circles among all adults and students in the school, making these practices an integral part of the school day and providing a channel for student voices and concerns to be heard. In the process, students learn conflict resolution and self-awareness skills of lifelong value.

With the use of restorative practices, student discourse and accountability, rather than adult-administered punishment, are at the center of student-adult relationships, which helps to develop responsibility and a sense of community throughout the school.

Baltimore City is joining a growing body of districts that are moving away from outmoded and ineffective discipline practices. They are adopting interventions that actually assist some of our most disadvantaged community members to receive the supports and tools they need to succeed in school and in life and that actualize our societal belief in social and economic mobility for all.



Karen E. Webber, J.D., is the director of the Education and Youth Development program at Open Society Institute-Baltimore. Previously, she was the executive director of the Office of Student Support and Safety at Baltimore City Public Schools, where she worked both on policies and practices that contributed to a dramatic decrease in school suspension and expulsion rates. She also served as a principal in a Baltimore City public school.

Reflecting on the History of School Discipline and the Juvenile Justice System

BY JENNY L. EGAN, J.D.

The history of school discipline and the juvenile justice system inextricably are linked to race. To begin any conversation about the school-to-prison pipeline, we must ground ourselves in their twin histories.

The precursor to the juvenile court in Maryland was the founding of the House of Reformation and Instruction for Colored Children. Formed in 1870 as a reaction to the end of slavery, the House of Reformation created a new mechanism for criminalizing free black children and remitting them back into state-sanctioned forced labor. Similarly, at the height of the struggle for civil rights and the fight to end segregation, Baltimore City Public Schools (BCPS) created a separate school security force that later became the only distinct school police force in the state. Shortly thereafter, the legislature drafted legislation that made “disturbing school” a criminal offense.

Last year, there were about 23,000 juvenile complaints filed in Maryland and four percent of them were school-based arrests and referrals. In Baltimore, there were 3,390 juvenile complaints and 12.6 percent of them were school-based. If you take Baltimore out of the statewide average, only two percent of statewide juvenile complaints were school-based, while Baltimore’s juvenile arrests were *six times* the state average. Baltimore represented 45 percent of school-based referrals, even though BCPS comprised only 10 percent of the state’s school children, according to the Maryland Department of Juvenile Services, *Data Resource Guide*, January 2016. (<http://www.djs.maryland.gov/data-resource-guides.asp>).

According to research, a single school-based arrest doubles the probability of school drop out. A single court appearance quadruples that probability, even when controlling for all other factors, including previous arrests, grades, GPA and other factors. (Sweeten, Gary. “Who will graduate? Disruption of high school education by arrest and court involvement.” *Justice Quarterly* 23.4 (2006): 462-480).

Advocates and participants long have argued that the delinquency system is different from the criminal system because its stated goal is rehabilitation. But, for at least 50 years, skeptics, including the U.S. Supreme Court, have argued that the “constitutional and theoretical basis for this peculiar system is—to say the least—debatable.” (*In re Gault*, 387 US 1 (1967)). When you judge normal adolescent behavior according to the criminal code, it is easy to label almost every child a delinquent. The average toddler hits other children and takes their toys (robbery), they scream at the top of their lungs (disturbing the peace), and fight being put in their car seats (resisting arrest). Should we lock up these hooligans? Of course we should not. Why then, when a black 13-year-old special education student pushes down a schoolmate and takes their phone, do we insist that this is the same kind of offense committed by an adult who robs someone? The distinctions are vast.

I have represented children charged with robbery for taking Pokemon cards, disturbing school for a food fight, and assault for hit-

ting a classmate with an empty book bag. Our system is clogged with cases that require us to adjudicate adolescent behavior we know is better handled through school discipline or at home.

Adolescents are more impulsive, more apt to take risks, less able to resist peer influence, more likely to react to social-emotional factors, and far less able to weigh the risks and consequences of their actions. (*Miller v. Alabama*, 132 S.Ct. 2455 (2012); *J.D.B v. North Carolina* 564 U.S. 261 (2011); *Graham v. Florida*, 560 U.S. 48 (2010); *Roper v. Simmons*, 543 U.S. 441 (2005)). Research also shows most delinquent acts are part of normal development and the vast majority of children outgrow this behavior without any formal intervention. (Edward P. Mulvey, *Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders*, U.S. Department Of Justice, Office Of Juvenile Justice And Delinquency Prevention (2011)).

In addition, children in Baltimore City also are struggling with the challenges of concentrated poverty and repeated exposure to trauma. Poverty and stress make it difficult for children to regulate their emotions and control their behaviors. Rather than address these underlying issues and treat them as a public health issue, Baltimore has created a highly-militarized police force that too often misunderstands, misconstrues and mishandles childish behavior.

School police are not the only problem. The Department of Juvenile Services disproportionately formalizes charges in Baltimore (80.6 percent) compared to every other jurisdiction in the state (39.2 percent). The State’s Attorney’s office rarely rejects petitions (2.6 percent). These decisions are made despite the fact that detention is proven to *increase*, not decrease, the risk of recidivism. (Edward P. Mulvey et al., *Trajectories of Desistance and Continuity in Antisocial Behavior Following Court Adjudication Among Serious Adolescent Offenders*, 22 DEV. & PSYCHOPATHOLOGY 453 (2010)). The statistics on probation barely are any better. (Bonta, et. al., *Exploring the Black Box of Community Supervision*, 47-3 JOURNAL OF OFFENDER REHABILITATION 248-270 (2008)).

There are existing regulations which could be used to curb school-based arrests and to clarify actions that are traditionally a matter of discipline, rather than delinquency. Consider COMAR 13A.08.01.15(B): “Delinquent acts do not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the particular school, except that all conduct of a serious nature should be promptly reported to the parent or guardians concerned.” (<http://www.dsd.state.md.us/comar/comarhtml/13a/13a.08.01.15.htm>). I, however, have never seen a court use the plain language of the regulation to dismiss a single case.

For the past two years, I have tracked school-based arrests in Baltimore. I have found that 74 percent of school arrests and referrals were dismissed, diverted or found not guilty. Only 17 percent were found guilty and only 10 of those cases were found guilty of a felony offense. Note, this is ten *total* cases, not 10 percent of cases. The vast majority of these cases do not belong in court. This parallels what we know about juvenile incarceration generally in Baltimore. Since 2009, the number of juvenile complaints has fallen dramatically (48 percent) but the number of commitments has stayed flat. (The Annie E. Casey Foundation Juvenile Justice Strategy Group, *Doors to Commitment: What Drives Juvenile Confinement in MD* (January 2015)).

It is clear that people in power are using childish mistakes to put children in prison. Rather than deal with the problems of poverty, neglect, disability and institutional racism, our schools, prosecutors

and courts continue to push youth out the door and into prison. The single largest motivator for this kind of lunacy is that pushing children out of school *is so easy*.

While our school system has realized that suspension and expulsion are harmful and should be a solution of last resort, we have not made similar changes in the way we respond to delinquency. This unfortunate truth means that the standard to arrest a child currently is lower than that which is required for a long-term suspension, creating a perverse incentive to arrest a child, rather than to address the underlying causes of the misbehavior.

Ending the school-to-prison pipeline requires closing three distinct valves. First, we must remove police from schools and implement policy changes to limit how and when schools utilize police. Second, DJS and the State's Attorney charging departments must do more to distinguish between delinquency and normal adolescent behavior. Finally, the courts must take the collateral consequences of juvenile delinquency more seriously and use the laws available to them to dismiss school-based offenses.

Unless and until all these valves are shut, the school-to-prison pipeline will continue to disrupt and dismantle the lives of our children before they have even had a chance to begin them.



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A Law School's Truancy Court Program Reroutes the School-to-Prison Pipeline

BY MICHELE HONG-POLANSKY, J.D.

Michael, a troubled ninth-grade student at a Baltimore high school, had been involved with gangs since sixth grade. Last year, he was involved in a highly-publicized incident of gang violence when a large crowd of young men attacked and killed a teenager in one of the city's poorest neighborhoods. While he did not have a criminal or juvenile record, he had been involved in numerous fights outside of school and in multiple encounters with the police.

For Michael, not his real name, the importance of school attendance paled in comparison to the challenges facing him outside of school everyday. Nevertheless, his parents has agreed that he should participate in the Truancy Court Program (TCP), operated by the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) because he had missed 40 days of school in the fall and was well on the way to failing the ninth grade.

The number of students, like Michael, who miss weeks and even months of school and who become disengaged from their schools and their education, is increasing exponentially and chronic absenteeism is a growing concern across the nation. Recent data released by the United States Department of Education indicate that 6.5 million children chronically were absent from school, missing 15 or more days of school, in 2013-2014. Recognizing the deleterious, long-term impact chronic absenteeism has on children, families and communities, the White House and the Department of Education have launched a new initiative to address and eliminate chronic student absenteeism in this country.

In Baltimore, as in most urban areas, chronic absenteeism is a problem of epic proportions. The statistics are staggering. According to the 2015 Maryland Report Card, in Baltimore City, 19.5 percent of elementary school students (6,473), 19.5 percent of middle school students (3,260), and 41.6 percent of high school students (8,798) missed more than 20 days of school during the 2014-15 school year. This translates to over 18,500 Baltimore City students who missed more than 20 days of school during the school year. These figures significantly are higher than the state average of 7.3 percent of elementary students, 9.7 percent of middle school students, and 18.3 percent of high school students missing more than 20 days of school.

The reasons why students do not attend school are myriad and often inexorably entwined with issues of poverty, such as poor access to healthcare (behavioral and physical health), limited access to reliable transportation, and exposure to trauma. As a result, truancy rates often are higher in urban areas with high rates of poverty and violence, as in the case in Baltimore City.

THE SHORT- AND LONG-TERM EFFECTS OF TRUANCY

Chronic absenteeism, defined as missing 10 percent of a school year for any reason (which, in Maryland, totals approximately 18 days during a school year), is often associated with serious delinquent activity in youth leading to significant negative behavior and characteristics in adults. More specifically, truancy has been associated with substance use, gang activity and involvement in criminal activities, including burglary, auto theft and vandalism.

Research on developmental pathways to delinquency shows such behavioral problems often result in progressively more serious behavioral and adjustment problems in adulthood, including an increased propensity for violent behavior. Adults who were frequently truant as teenagers are much more likely to have poorer physical and mental health, lower paying jobs, increased chances of living in poverty, greater reliance on welfare support, children who exhibit problem behaviors, and an increased likelihood of incarceration. Not surprisingly, many jurisdictions have found connections between higher truancy rates and higher rates of daytime crimes, including assaults, burglary and vandalism. In Contra Costa County, California, for example, police have reported that 60 percent of juvenile crime has occurred between 8 a.m. and 3 p.m. on weekdays, when children should have been in school.

WHY ARE CHILDREN TRUANT?

The reasons for a child's truancy are myriad. For younger children, the problems and solutions often lie with the parents. Many parents are homeless, suffer from chronic illness and/or mental illness, struggle

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with addiction, and/or have been exposed to trauma. Consequently, it may be a daily struggle for these parents to get their children to school every day and on time. For older children, additional burdens placed on them may make it difficult for them to attend school regularly. Many older children take care of younger siblings as well as their ailing parents. Moreover, many students who have repeated grades or suffer from learning disabilities already have disengaged from school.

In Baltimore and many urban areas, poverty is a constant and overwhelming presence. According to a Johns Hopkins University study of six states, chronic absenteeism occurs at rates three to four times higher in high-poverty areas than in other areas. Additionally, teachers have stated that "in these low-income communities, it is normal to find a quarter of the class missing every day, with some students missing 30-40 days a year." Trauma, often prevalent in poor, urban communities, plays a huge role in students' lives.

CFCC'S TRUANCY COURT PROGRAM

The intervention of CFCC's Truancy Court Program (TCP) has been described as "formal as a judge's robe but feels as gentle as a mother's hand" in a newspaper article (Dan Rodricks, "Effort Aims to Fix Lives, One Child at a Time," *Baltimore Sun* (May 19, 2005)). The TCP is a coordinated, concerted and programmatic effort to get the student back on track—attending school, catching up with classes and work missed, doing homework regularly, and engaging in positive social behavior—and to re-engage the student's family with their child's school.

The TCP achieves success by identifying the reasons underlying a student's truant behavior, developing and implementing a plan that solves the problems that result in truancy, forming relationships with the TCP students' parents/caregivers, and providing constant and continual monitoring of the student, both to support progress and to address regressive behavior. With agreement from many stakeholders, CFCC has adopted a TCP model that capitalizes on the stature and authority of District and Circuit Court judges and magistrates who volunteer to serve as TCP judges.

The TCP, which is strictly voluntary on the part of students and their families, consists of 10 to 14 weekly in-school meetings per session (fall and spring). The weekly meetings include the student, a member of his/her family, a TCP judge, a team of school representatives, the TCP coordinator, the TCP mentor, the TCP social worker, the TCP attorney and a University of Baltimore law student. The model targets students who have from 10 to 30 unexcused absences in the prior two marking periods—in the belief that this group and their families still have academic, social and emotional connections to the school—but also accepts students with many more unexcused absences.

Each week, the TCP judge, who presides throughout the school's TCP, reviews each child's file (attendance and school performance data compiled by the school), speaks privately with that child and his/her parent/caregiver about the student's attendance, and discusses any possible difficulties encountered during the week. Each child whose attendance improves is rewarded with a small gift and is invited to a

"graduation" from the program upon successful completion of the TCP, based on a minimum 65 percent decrease in unexcused absences and tardiness and improved academic performance. In addition to the team's weekly meeting with the student and his/her parent/caregiver, the TCP mentor works with the students during the TCP session, conducts character-building classes, and makes phone calls each week to each TCP student's parent(s)/caregiver(s).

The TCP has served over 2,500 students and their families in Maryland since its inception in 2005. CFCC collects and analyzes extensive quantitative and qualitative data which indicates that the vast majority of TCP students improve their school attendance and attitudes toward school. Typically, 65 to 75 percent of students graduate from the TCP each year.

Such was the case with Michael. During his TCP journey, the TCP mentor learned that, while he had two supportive parents, he had a largely adversarial relationship with his father. The TCP mentor focused on anger management in private meetings with him and coached him on how to de-escalate arguments and channel his energy into more constructive activities.

Michael confided in the TCP judge that he had a deep interest in music and the arts. The judge surprised him with drawing pencils and a sketchbook, which Michael proudly brought to the next TCP meeting in order to show the judge his drawings. This proved to be a turning point in Michael's relationship with the TCP team, as the weekly conversations shifted from a focus on his attendance record to a deeper discussion of his talents, goals and possible creative career paths. He became much more engaged in the program and was frequently the first student to arrive to TCP sessions. The TCP coordinator and the TCP social worker identified an after-school program for high school students interested in graphic design, which Michael has attended twice a week. While he made improvements in his attendance and academics, the most notable change was in his attitude. By the end of the semester, he was much more positive, social, and invested in school.

The *Baltimore Sun* article summed it up best: "This is the kind of intimate, direct intervention so badly needed among the children of the poor and dysfunctional; this is truly the hard sweat of building a better community, one child at a time—action and gentle words. We could use an ocean of it." (Dan Rodricks, "Effort Aims to Fix Lives, One Child at a Time," *Baltimore Sun* (May 19, 2005)).



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Youth with Disabilities Face Major Barriers to School Attendance

BY PAT HALLE

Youth with disabilities and their families face amplified challenges regarding regular school day attendance, especially in schools with large numbers of young people living in poverty.

These students and their families experience stress, housing instability, hunger, mental and physical health issues, transportation challenges and struggles with learning and peer relationships. Each student's need for acceptance and support in school is less likely to be met for a student with a disability.

The above-mentioned issues must be understood in the context of institutional and structural racism that plays out in numerous ways, including limited access to effective and high quality community-based health, mental health and transportation services and a punitive approach in schools and communities to address typical adolescent mistakes.

Underlying the Attendance Project of Disability Rights Maryland (DRM), formerly known as the Maryland Disability Law Center, is the belief in the powerful combination of community organizing, youth leadership and legal advocacy. The mission of the Attendance Project is to identify barriers to everyday school attendance for youth with disabilities. The project explores the intersection of disability and racial biases, encourages involvement of youth in re-designing the high school day and the special education planning process that utilizes the Individual Education Plan (IEP), a plan that is federally-mandated and is developed to ensure a child who has a disability and is attending an elementary or secondary school receives specialized instruction and services. The project seeks to understand students' views regarding police in schools. The project explores the reasons why youth with disabilities should be included in Out of School Time (OST) programs as a strategy to increase school attendance and engagement for low-income youth with disabilities.

Open Society Institute-Baltimore requested that the DRM Attendance Project research and address the causes for disproportionately high chronic absence rates for youth with disabilities in Baltimore City Public Schools (BCPS). DRM designed a multi-layered research project utilizing data that revealed youth of color and youth with disabilities face the highest chronic absence, suspension and school arrest rates.

Described here are the salient results and recommendations of DRM's Attendance Project:

YOUTH OFFER INPUT ON SCHOOL RE-DESIGN, IEPs AND POLICE ROLES

Believing that high school students were in many ways "voting with their feet" by not attending school, DRM engaged the services of Youth as Resources (YAR), a youth-led grant-making and organization group, to discuss with young people what would comprise an engaging high school day.

YAR received training in disability-awareness and convening focus groups that were accessible to youth of all abilities. A youth-led steering committee conducted school visits, researched national school models that promoted community-based learning during the school day and made site visits to local high schools with robust internship programs. Based upon these focus groups, meetings and discussions, YAR developed a list of suggestions to use in organizing efforts and to present to school district administrators. The recommendations reflected the students' wishes for engagement and were to be fully accessible to students with disabilities. They included: community-based learning/internships, life-skills classes, childcare or assistance with acquiring childcare, study abroad opportunities, more culturally relevant classes, and cultural diversity trainings for teachers.

The youth organizers were invited to review and provide input about school police policies for consideration by the Baltimore City Board of School Commissioners.

Over a two-year period, DRM, YAR and BCPS worked collaboratively to strengthen the input of youth in the IEP process through student-directed IEPs. In three high schools, selected because of high rates of chronic absence and large numbers of students with mental health needs, YAR provided training on self-advocacy and self-determination to a small group of students with emotional disabilities. BCPS trained students and IEP team staff about student-directed IEP team meetings during which youth would identify barriers to school attendance, learning and school engagement. At one school, school staff adopted student-directed IEPs as a regular practice, recognizing the value of self-advocacy and self-determination.

USING LEGAL TOOLS AND TRAINING TO ACHIEVE CHANGE

Utilizing the complaint process of the federal Individuals with Disabilities Education Act (IDEA), DRM sought relief from the Maryland State Department of Education (MSDE) when a BCPS IEP team failed to include goals and objectives related to attendance for a chronically-absent student. MSDE found that this omission was an IDEA violation and directed BCPS to provide both individual and systemic relief. BCPS administrators developed district-wide guidance to IEP team chairs on how to incorporate meaningful attendance goals and objectives for students whose educational progress was impacted adversely by chronic school absence.

The IEP process is legally-mandated to ensure that students with disabilities receive a full range of services and supports in order to access the general curriculum. Too often, the IEP process fails to deliver on its promise, hampered by limited access to resources and encumbered by legal demands. Parents, foster parents and youth benefit from DRM's training on advocacy skills needed to effectively navigate the IEP process. Parents of young children must learn to advocate for individually-designed reading instruction so their children learn to read. Parents of all students must advocate and resist illegal send-homes and suspensions.

INCREASING OPPORTUNITIES FOR YOUTH WITH DISABILITIES

Due to shrinking resources in public schools, out-of-school (OST) activities now provide opportunities for many young people to enjoy enrichment activities that formerly were integrated into the school day. Under the law, children with disabilities generally have the right to take part in programs occurring before and after school and in the summer. Data show, however, that children with disabilities are under-represented in

OST programs. Making these programs accessible to youth with disabilities fosters inclusiveness, extends benefits of OST programs to all youth and may interrupt the cycles of chronic absence, school failure and the school-to-prison pipeline that disproportionately impact students with disabilities and students of color. OST inclusion is about civil rights, human decency and equality.

In order to increase opportunities for youth with disabilities to participate in OST programs, the barriers to participation must be removed. In addition, OST program capacities must be increased to serve youth of all abilities and local and national disability experts should cooperate with OST program directors and staff in Baltimore. "Together Beyond the School Day," DRM's handbook, explains the legal framework and the obligation to provide reasonable accommodations.

DRM recruited over 20 local OST programs that were interested in developing models of inclusive practice in collaboration with a steering committee of local and national disability experts. DRM sought input from Baltimore Racial Justice Action (BRJA) to examine and explore the intersection of race and disability biases in OST programming. DRM examined potential biases of disability experts as they provided training and technical assistance to OST programs and, in addition, assisted programs as they encountered racial bias among youth they serve.

In order to create inclusive programs, DRM helped its partners identify and implement changes that address racial and disability equity in the OST program experience. Program staff learned to communicate safely and effectively with parents and caregivers and provided them with information necessary to advocate for their children. Program staff learned how to increase participation of youth of all abilities.

DRM's work on school attendance highlighted the critical importance of youth and adult engagement. Partners in the Attendance Project became more aware of the complex barriers that youth with disabilities and youth of color face in and out of school. Conversations changed, partner programs and staff developed inclusive practices and, in the end, power likely shifted and outcomes improved.

***Note:** Authored with the assistance of Fernanda Orsati, Hussman Institute for Autism and Robert Nixon, Youth As Resources.

REFERENCES

Baltimore Education Research Consortium, 2016 Report, Community Schools Promise and Progress, <http://baltimore-berc.org/wp-content/uploads/2016/06/CommunitySchoolsPromiseProgressJune2016.pdf>

National Council on Disability. (2015). Breaking the School-to-Prison Pipeline for Students with Disabilities. Available at: <http://www.ncd.gov/publications/2015/policy/breaking-school-prison-pipeline-students-disabilities>.

Ong-Dean, C. (2009). Distinguishing disability: parents, privilege, and special education. Chicago, IL: The University of Chicago Press.



Pat Halle is a paralegal at Disability Rights Maryland, the protection and advocacy agency mandated to advance and defend the rights of Marylanders with disabilities. For over 35 years, Pat has provided legal advocacy assistance to parents and caregivers of children with disabilities who attend public schools in Maryland, focusing primarily on Baltimore City families and youth.

Barbara Babb Named Editor-in-Chief of Family Court Review



Professor Barbara Babb has been appointed Editor-in-Chief of the Family Court Review (FCR), the leading interdisciplinary academic and research journal for family law professionals.

Professor Babb, founder and director of the Sayra and Neil Meyerhoff Center for Families, Children and the Courts and associate professor of law at the University of Baltimore, encourages authors to submit articles for publication in FCR.

Published in cooperation with Hofstra University Law School's Center for Children, Families and the Law, FCR is the quarterly journal of the Association of Family and Conciliation Courts (AFCC), which has over 3,330 members nationally and internationally.

Robert Emery, Ph.D., the journal's social science editor, Matthew Kiernan, the faculty administrative editor, and Professor Babb are welcoming articles on legal and/or social science aspects of family law, family courts and the resolution of family disputes. Submitted articles are peer-reviewed.

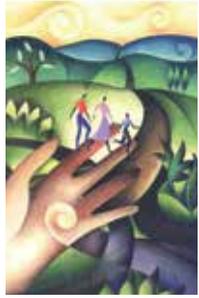
They also encourage suggestions for special issue themes and/or guest editors. Those interested in serving as a guest editor, please contact Professor Babb at bbabb@ubalt.edu or 410-837-5661. For more information, please refer to the AFCC website: <http://www.afccnet.org/Publications/Family-Court-Review/Submit-an-article>.

SUPPORT CFCC'S VITAL WORK

The Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC), a non-profit organization, offers strategic planning and technical assistance to structure Unified Family Courts (UFCs), as well as evaluations of the effectiveness of these courts and their related programs.

Other CFCC services include compiling surveys and reports, formulating performance standards and measures, providing training and workshops, and organizing conferences for the judicial, legal and court communities. CFCC relies on the support of foundations, grants and partners to fulfill its mission to improve the lives of families and children and the health of communities through family court reform.

Visit <http://law.ubalt.edu/centers/cfcc> for additional information. See also: <http://www.facebook.com/CFCCatUBaltLaw>.



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the Courts**

University of Baltimore School of Law
1420 N. Charles Street
Baltimore, MD 21201

“CFCC has been a key partner in promoting family court reform in our state. Its work helps courts and their community partners remain focused on how our work can benefit families.”

Pamela Cardullo Ortiz

Director
Access to Justice Department
Administrative Office of the Courts
Maryland Judicial Center



VOICE BOX

ASK THE EDITOR: Unified Family Courts cover a myriad of issues, problems and innovations. If you have questions you would like us to address, or if you want to contribute to the newsletter, please send your suggestions to us. We will try to include them in upcoming editions of the *Unified Family Court Connection*. Send your questions or contributions to: cfcc@ubalt.edu.

FEEDBACK: We value your opinions and your comments! We look forward to hearing from you at cfcc@ubalt.edu.

MAILING LIST: If you want to be added to our mailing list for the newsletter or know of others who would like to receive the *Unified Family Court Connection*, please send your request (with names and addresses) to: cfcc@ubalt.edu.

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