

The Relationship between the Juvenile Justice System and Public Schools in Serving Children
with Disabilities

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Abstract

The purpose of this study was to examine the present state of collaboration between the Connecticut juvenile justice system and public schools in serving youth with disabilities. Surveys were sent electronically to 140 Connecticut juvenile probation officers (JPOs). Results indicate that most JPOs believe there is adequate communication between the two systems. However, the majority do not receive educational records prior to adjudication, and many feel that schools over-rely on the justice system for discipline. This study suggests that schools could enhance communication with JPOs and better utilize the IEP Team process to improve services for delinquent juveniles with disabilities.

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with Disabilities

The purpose of the juvenile justice system, according to the United States Supreme Court, is to “engage in determining the needs of the child and of society rather than adjudicating criminal conduct. The objectives are to provide measures of guidance and rehabilitation for the child and protection for society, not to fix criminal responsibility, guilt and punishment” (*Kent v. United States*, 1966). The Connecticut Supreme Court has added that the purpose of the juvenile justice system is “clinical and rehabilitative” (*In Re Tyvonne*, 1989). To that end, one of the major goals set forth in the 2006 Connecticut Juvenile Justice System strategic plan is the development of a partnership with schools that will enable a better exchange of information between agencies. The strategic plan stresses the development of “a collaborative effort that includes families, schools, police, community organizations, service providers, advocates, municipalities, and state agencies” (State of Connecticut Judicial Branch, 2006, p. 4).

Thus, schools and the juvenile justice system have in common the goal of developing responsible, law-abiding, and productive adult citizens. In pursuit of this common goal, cooperation, information-sharing, and clear division of responsibilities would appear both logical and efficient. Pursuant to federal law, Connecticut has an elaborate special education system to identify and provide appropriate services to children with disabilities. Because there is clear evidence that students with disabilities are disproportionately referred to the juvenile justice system and because many of the tools available to the juvenile courts – professional evaluation, counseling, school attendance – are the same tools available to the special education system, one might expect the collaboration between the juvenile justice system and the special education system to be especially seamless. The objective of this study, undertaken by the University of

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Connecticut Center for Excellence in Developmental Disabilities (UCEDD) in collaboration with the Connecticut Juvenile Justice System, was to examine whether such a collegial working relationship existed in the state of Connecticut. Specifically, the study was aimed at developing an understanding of the present state of collaboration and information exchange between the juvenile justice system and the public school system in serving children with disabilities. Information was gathered through the use of a questionnaire regarding the occupational experiences and perceptions of juvenile probation officers serving youth with disabilities in Connecticut public schools. The study examined the following specific questions: (a) Do juvenile probation officers have adequate access to the educational records of juveniles with disabilities who enter the juvenile justice system? (b) Are juvenile probation officers adequately and appropriately trained in serving youth with disabilities? (c) What is the level and nature of collaboration between the juvenile justice system and the public school system, particularly the special education system? and (d) What are the perceptions of juvenile probation officers regarding the value of collaboration with school systems?

Understanding the level of collaboration between Connecticut public schools and the juvenile justice system has important implications for children with disabilities. There is a disproportionate number of youth with disabilities in the juvenile justice system (National Council on Disability, 2003; Rutherford, Bullis, Anderson, & Griller-Clark, 2002). In fact, youth with disabilities are entering the juvenile justice system at a rate of four to five times higher than non-disabled youth (Rutherford et al., 2002). In addition, schools are increasingly adopting disciplinary procedures grounded in a philosophy of *zero-tolerance*, designed to impose stricter disciplinary sanctions on youth. In Connecticut, possession of drugs or firearms on school grounds automatically leads to both expulsion and to referral to the juvenile justice system. Neville (2000) concluded that, as a result, “this decade has seen more youth transferred to

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criminal court, longer sentences and lower minimum ages at which juveniles can be prosecuted.” According to a study conducted by the National Council on Disability (2003), a combination of schools’ failure to comply with special education law and the tendency toward zero-tolerance disciplinary practices has increased the number of students with disabilities who are referred to the juvenile justice system.

Youth with disabilities have a higher susceptibility to recidivism than their peers (Leone, Christle, Nelson, Skiba, Frey, & Jolivette, 2003). Academic failures, negative relations with peers and adults, and disruptive behavior are common characteristic among children with disabilities (Mears & Aron, 2003; Hawkins, Herrenkohl, Farrington, Brewer, Harachi, et al, 2000). These challenges can negatively affect a child’s ability to reintegrate in school following involvement with the juvenile justice system. Collaboration between the juvenile courts and schools is a key factor in reducing recidivism rates and facilitating reintegration of youth with disabilities who are involved in the juvenile justice system (Luongo, 2000; Leone, Quinn, & Osher, 2002; Leone et al., 2003; Mazzoti & Higgins, 2006; Mears & Aron, 2003; National Council on Disability, 2003; Osher, Quinn, Kendziora, & Woodruff, 2002; Tapper, Kleinman, & Nakashian, 1997).

Access to the records of a student with a disability increases the likelihood that juvenile justice officials will identify a child with a disability early in the process. In addition, these records can influence how a case is processed throughout different phases of the juvenile justice system (Mears & Aron, 2003; Rossi, Freeman, & Lipsey, 1999). Burrell and Warboys (2000) concluded that:

Information about the disability often helps to explain behavior in a way that facilitates constructive intervention, and it is essential to arriving at a disposition that will both meet the youth’s rehabilitative needs and comply with IDEA requirements...In ensuring that

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disability-related needs are identified and met, IDEA may play a significant role in reducing delinquent behavior (p. 1).

The Individuals with Disabilities Education Improvement Act of 2004 requires schools to conduct functional behavioral analyses and to design behavior intervention plans for students with disabilities who have issues with behavior. The existence and nature of such a behavior plan would provide important information for the juvenile justice system to consider in creating a plan aimed at providing clinical and rehabilitative support to the child.

In addition to access to records, studies have shown that increased training for juvenile probation officers in the needs and characteristics of children with disabilities improves the effectiveness of services (Slate, Feldman, Roskes, & Baerga, 2004; Soler, 1992). Training can help eliminate misconceptions associated with disabilities and can assist probation officers in developing appropriate plans for children with disabilities. “Youth with disabilities are often at risk of being held rather than released. Because of the nature of their disabilities, the youth may say the wrong things, fail to process information appropriately, or make decisions quickly without thinking. A youth with a disability may not understand what the officer is saying, and may not understand the written materials given to him or her to sign” (Osher et al, 2002, p.19). Probation officers who have training on issues related to disabilities have a better understanding of the association between the child’s behavior and disability. Conversely, those without this knowledge are prone to misinterpret a juvenile offender’s failure to comply as a sign of disrespect or apathy for the consequences of his or her behavior.

While numerous studies reveal a lack of collaboration between schools and the juvenile justice system, few have focused exclusively on assessing the level and quality of training and specific collaborative efforts - such as information sharing - between these two institutions. This

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inquiry is essential to the development of strategies that facilitate collaboration between these two institutions with overlapping missions.

Methodology

Procedure

Surveys were sent to all 140 Connecticut juvenile probation officers (JPOs) whose name, work locations, and email addresses were contained on a database that was provided by the Connecticut Court Support Services Division (CSSD). The file was protected with a password, known only to project staff. On March 21, 2006, one hundred and forty surveys were emailed as attachments to the probation officers with a description of the study included in the body of the email message. Fifty-six completed surveys were returned.

Data Collection

Participants had the option of returning the surveys via email, fax, or post. Surveys received electronically were saved in a password protected computer file. All identifying information associated with these surveys, including the contact details linked to respondents' email addresses, was erased before being entered into the computer database. Electronically transmitted surveys were copied and, along with surveys returned by post, secured in a locked filing cabinet in the Principal Investigator's office. Upon the receipt of completed questionnaires, each survey was assigned a numerical code in sequence from 100, which was recorded on the questionnaire in pencil with the date and method of receipt (email, fax, or post). A database for entering and analyzing the survey responses was created in the Statistical Package for Social Sciences (SPSS). Response variables to close-ended questions were assigned a numerical value. Open-ended responses were word-processed verbatim and recorded by their corresponding questionnaire code. Staff members who entered the questionnaires initialed them as he or she entered information in the database.

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Survey Development

The questionnaire was self-administered and designed to gather information about the experiences of JPOs. Questions were grouped according to topic. In Connecticut, youths aged 16 or older are charged with crimes as adults. In most cases, except for serious offenses, those 15 years old or younger are charged with delinquency as juveniles. Connecticut is one of only three states to treat all 16 years old youths as adults for purposes of the criminal justice system. Youth are referred to the juvenile justice system from a variety of different sources, including law enforcement agencies, social service agencies, schools, parents, probation officers, and victims. For the purposes of this study, respondents were only asked to consider cases referred by schools, Youth in Crisis (YIC) petitions, or Family with Service Needs (FWSN) petitions. FWSN petitions are for youth under the age of 16 who have either run away from home, are beyond the control of their parent or guardian, exhibit immoral conduct or truant behavior. YIC petitions, which are heard in the juvenile court, may be filed against 16 and 17 year old juveniles for truancy or being beyond control. FWSN and YIC petitions may be filed by parents, local welfare agencies, probation officers, youth service bureaus and other child-serving agencies. School officials may file FWSN or YIC petitions for school-related conduct - usually truancy - and may initiate judicial actions by calling the police to deal with criminal conduct.

The first section of the survey elicited information about typical characteristics of probation officers' caseloads, including the total number and age range of juveniles with delinquency charges and the source of referral of those charges. The following questions were designed to compare when and if JPOs received full educational records for the juveniles on their caseload, depending on whether delinquency cases were referred by the juvenile's school or alternative referral sources. The next series of questions assessed probation officers' perspectives on the overall level and quality of collaboration and communication with schools.

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Inquiries, designed to identify specific types of collaborative practices, were posed regarding the JPOs' access to records, participation in Individualized Education Plan (IEP) Team meetings, perceived value of collaboration, and the perceived role and value attributed to JPOs by school personnel. Another aspect of the survey was dedicated to assessing the level and quality of training JPOs received regarding clients with disabilities. Respondents were also given an opportunity to make open-ended recommendations regarding (a) disability training topics that they believed would improve their job performance, and (b) changes that could be made to improve the communication and/or collaboration between the juvenile justice system and schools.

Data analysis

Descriptive statistics (means, frequencies, and percentages) were calculated for both quantitative and qualitative data.

Results

Caseload characteristics

Caseloads ranged from 10 to 188 juvenile offenders, with a mean of 50.28 juveniles per caseload ($SD = 24.51$). Participants reported that an average number of 32.17 juveniles were on their caseloads due to charges of delinquency ($SD = 12.71$). More children on the JPOs caseloads were, on average, under 15 years old than were 16 years or older¹. An average of 10.3 students were referred to the JJS by schools ($SD = 10.11$), and a mean of 15.91 students were referred through FWSN petitions ($SD = 12.98$). Caseload data are summarized in Table 1.

Access to Records

Participants were asked to report on their perceived value of access to educational records. Of the respondents, 80.4% reported that educational records almost always help them perform their job ($N = 45$) and 62.5% reported that, if they received records prior to

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adjudication, they would almost always be able to provide their clients with better services.

However, the majority of respondents indicated that they received educational records later than the adjudication stage of the process (see Tables 2,3 & 4). The highest percentage of respondents reported that they received clients' records between adjudication and the start of probation supervision. An average of 16.35% of respondents indicated that they do not receive educational records at all. An overwhelming majority of JPOs reported that they needed to request records from the schools, regardless of whether the student was referred by the school.

Juvenile Probation Officer Training about Individuals with Disabilities

Table 5 summarizes the types of training that respondents received related to children with disabilities. The most common type of training received was about dealing with children who have disabilities ($N = 45$; 80.4%). Training least frequently received by JPOs was regarding community services for students with disabilities ($N = 18$; 32.1%).

Participants were asked to respond to an open-ended prompt that solicited suggestions for training topics related to students with disabilities. The following are some of the training topics suggested by respondents: the educational rights of children, school expulsion hearings, when to make referrals to educational advocates, and resources for accessing legal advice. One respondent suggested that training be conducted not only for JPOs, but for schools as well:

Trainings are essential; however, in the field of education there are so many laws, rules, and possibilities that it becomes very difficult to remember what can and can't be done, especially when the school doesn't even know the rules or you're fighting against them to get the child what he/she needs. The school personnel need a lot more of training from the start.

Collaborative Efforts

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In order to measure the level and perceived value of collaboration between the JPOs and schools, a series of questions were asked regarding their involvement and level of interest in IEP Team meetings, whether their recommendations were adopted, and their perceived value of collaboration and communication with schools. The majority of JPOs agreed that communication with the juvenile's schools was *critical* ($N = 38$; 69.1%) with the remaining 30.9% of respondents reporting that it was *sometimes helpful* ($N = 17$). None of the participants reported that communication was *not at all helpful*. The majority of JPOs reported that participation in IEP meetings was *sometimes helpful* ($N = 36$; 65.5%), while a minority indicated that IEP participation was *usually not helpful* ($N = 5$; 9%).

Respondents' were asked about their attendance at IEP meetings within the past year. The average number of IEP meetings attended by JPOs in the past year was 9.51, and ranged from 0 to 50 ($SD = 9.26$). The number of students concerning whom JPOs attended IEP meetings ranged from 0 to 30 with an average of 7.66 ($SD = 6.57$).

The most common reason respondents attended IEP meetings was the belief that it was critical for the success of the client's probation plan ($N = 51$; 94.4%). Other reasons JPOs reported attending IEP meetings included being invited by the school ($N = 50$; 90.9%) or by the student or parents ($N = 40$; 72.7%), or because they were instructed to do so by the court ($N = 10$; 18.2%).

Most JPOs reported making recommendations at these meetings; only 9.3% of respondents reported that they never make recommendations ($N = 5$). Of those respondents that made recommendations, it was reported that their suggestions were *sometimes* adopted by schools ($N = 33$; 61.1%). Only 25.9% of respondents reported that their recommendations were *almost always* adopted.

Value of Collaboration

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The majority of JPOs reported valuing collaboration as part of their role in schools. Only one respondent indicated that there was no overlap between the role of the JPO and school. Of respondents, 41.1 % expressed that the extent of their relationship with schools was limited to ensuring that probation plans were implemented, and that they had nothing to do with educational issues not directly related to the probation plan ($N = 23$). More than half the JPOs ($N = 32$; 57%) viewed their relationships with the school as fully collaborative, requiring that they work together on all aspects of the student's program.

Participants were asked their views about how they are received by their clients' schools. Sixty percent of JPOs surveyed reported that schools are eager to work together ($N = 33$). The remaining respondents reported that schools tolerate JPOs but do not welcome them ($N = 14$; 25.5%), or that schools have little idea why the JPO is there and what a JPO's function is ($N = 8$; 14.5%).

Together, these findings indicate that most juvenile probation officers feel there is an adequate level of communication ($N = 44$; 83%) and collaboration ($N = 43$; 81.1%) between the JJS and schools. However, respondents suggested areas for improvement. In particular, participants felt that both JPOs and schools needed better training and information on how best to serve juveniles with disabilities.

Recommendations by Probation Officers

A need for increased training was the overarching theme of JPOs' recommendations for improving collaboration and communication between the JJS and schools. Participants indicated that both schools and probation officers lacked sufficient training in the other's responsibilities for students. As one JPO responded, "[I] have found that the belief that the school's function is separate than the PO's job function is deeply engrained in the minds of many PO's."

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A major concern shared by JPOs was a perception that schools tended to set unrealistic expectations for JPOs and the juvenile justice system. One participant expressed the following opinion:

I have found that schools look to the Juvenile Probation Officer and the court to the fix the problem which they have been failing to address for so many years....When a 10th grader can't read and the SPED director tells me that the students is not Special Education Qualified, rather that he is simply a trouble maker, I feel that my presence is simply a way for the school to "pass the buck" and avoid their federally mandated responsibility.

Most respondents who made recommendations mirrored the sentiment that schools need to be better informed about the function of the JPO so that there would be less reliance on the JPO to discipline students for matters which are unrelated to their probation plan and outside the scope of the probation officer's role. In order to eliminate unrealistic expectations, specific recommendations focused on training school personnel about the probation/court processes, functions and limitations. For example, one respondent wrote,

Invite school personnel to meet [with] probation and have each explain their roles - Find a contact person in administration and work down the chain of command, attend the PPT and make it clear probation can not save the world but is there to assist the school.

Respondents also expressed a concern over schools' failure to comply with federal law regarding youth with disabilities, and indicated a need to train school personnel on special education topics. Of those who made recommendations, many expressed that the schools' (a) failure to comply with special education law, (b) reliance on JPOs to solve disciplinary problems and enforce academic regulations, and (c) lack of alternatives to expulsion and/or referral to probation creates a lack of understanding of how best to utilize the JJS.

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As one respondent stated, “Both the juvenile court system and the schools should have one common goal and work together to achieve the assigned goal.” Overall, recommendations appeared to stem from issues pertaining to the systemic and/or philosophical dichotomy that exists today between the juvenile justice system and schools.

Conclusion and Recommendations

This study was limited to a survey of juvenile probation officers. Further study is needed to ascertain the level of understanding and perception of school officials. Indeed, this work should include separate surveys to administrators and to special education personnel. It is usually the superintendent of schools or the building principal who makes the determination to refer a child to the juvenile justice system. It is, however, the special education administrators and staff members who attend IEP Team meetings, design behavior plans, and mandate counseling. Both groups interface with the juvenile justice system, but do so in different ways.

This study makes clear that a free flow of information is vital between the schools and the juvenile justice system. There are a variety of federal and state laws which restrict the flow of information to some extent. Nevertheless, the sheer quantity of these laws mean that few school officials are truly aware of when they can share information. As a result, school officials often err on the side of non-disclosure. This failure to provide information to the juvenile justice system means that probation plans are not as well designed as they might be.

Participant responses suggest that school officials rely on the juvenile justice system to discipline inappropriate behavior in school. It may well be that, to avoid the cumbersome manifestation determination process mandated by the IDEA, schools would rather refer a misbehaving student to the police than to provide discipline themselves. In any case, it is apparent that greater role clarity is needed between schools and the juvenile justice system.

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The results of this study also suggest that the juvenile justice system does not have at its disposal the full range of interventions that might be appropriate for a student with poor conduct. The IEP Team does have a wide range of actions it can take and services it can provide. The juvenile justice system ought to be able to make better use of the IEP Team process to craft remedial action for individual students.

Finally, the study reveals that, from the point of view of juvenile probation officers, the system is not broken, albeit reforms are necessary. Still, large numbers of juveniles are being placed in a frightening juvenile justice system for school-related conduct. The juvenile justice system is a reactive system, meting out consequences after the maladaptive behavior has occurred. Schools need to do a much better job in acting proactively to meet the needs of students, particularly those with disabilities, and thereby reduce the incidence of such misbehavior.

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Footnotes

1. Although the jurisdiction of the juvenile court lapses when the child turns 16, juvenile probation officers remain responsible for implementing probation plans for juveniles who have entered the system based on conduct when they were 15 or younger.

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Table 1

Characteristics of Probation Officers' Caseloads

	Range	<i>M</i>	<i>SD</i>
Total juveniles cases	10-188	50.28	24.51
Reasons for referral to juvenile justice system			
Delinquency charge	4-74	32.17	12.71
FWSN ^a petition	1-92	15.91	12.98
School referral	0-51	10.30	10.11
Ages of juvenile offenders			
≥ 16 years old	0-39	3.79	7.29
≤ 14 years old	0-55	11.00	10.59

^a Family With Service Needs

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Table 2

When Educational Records are Received in Delinquency Cases

Time at which records are received	Referred by school		Not referred by school	
	Always or Frequently	Rarely or Never	Always or Frequently	Rarely or Never
Between referral and adjudication	53.6	42.9	48.2	50
Between adjudication and probation	66.1	26.8	67.9	23.2
After start of probation	53.5	42.9	55.4	39.2
Do not receive records	12.5	80.4	14.2	80.4
Need to request records	98.2	1.8	98.2	1.8

Note. Values represent mean percentages of responses.

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Table 3

When Educational Records are Received in FWSN^a Cases

Time at which records are received	Referred by school		Not referred by school	
	Always or Frequently	Rarely or Never	Always or Frequently	Rarely or Never
Between referral and adjudication	64.3	33.9	51.8	46.4
Between adjudication and probation	71.4	21.5	64.3	28.6
After start of probation	50.0	46.4	51.8	44.6
Do not receive records	12.5	80.4	17.9	76.7
Need to request records	89.3	10.7	94.6	3.4

Note. Values represent mean percentages of responses.

^a Family With Service Needs

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Table 4

When Educational Records are received in YIC^a cases

Time at which records are received	Referred by school		Not referred by school	
	Always or Frequently	Rarely or Never	Always or Frequently	Rarely or Never
Between referral and adjudication	37.5	44.6	23.2	57.2
Between adjudication and probation	37.5	33.9	39.3	32.1
After start of probation	25.0	44.6	28.6	42.8
Do not receive records	21.4	55.4	19.6	59
Need to request records	60.7	14.3	64.3	10.7

Note. Values represent mean percentages of responses.

^a Youth In Crisis

Table 5

Types of Disability-related Training Received by Probation Officers

Training topic	Received training		Did not receive training	
	<i>N</i>	<i>P</i>	<i>N</i>	<i>P</i>
Dealing with children who have disabilities	45	80.4	6	10.7
Characteristics of children with disabilities	21	37.5	31	55.4
Laws regarding students with disabilities	36	64.3	17	30.4
Special education for students with disabilities	36	64.3	18	32.1
Community services for students with disabilities	18	32.1	36	64.3