

Testimony of the Education Law Center  
House Children and Youth Committee  
April 20, 2023

Chairwomen Bullock, Chairman Jozwiak, members of the House Children and Youth Committee. Thank you for the opportunity to present testimony on the negative effects of overcrowding in juvenile justice facilities on the health, safety and educational experiences of youth.

Founded in 1975, the mission of the Education Law Center (ELC) is to ensure access to a quality public education for all children in Pennsylvania. Through our three key priority areas – 1) Ensuring Equal Access to quality public schools; 2) Dismantling the School-to-Prison Pipeline; and 3) Fighting for Fair Education Funding – we focus on the most underserved children, including children of color, children living in poverty, children with disabilities, children in the foster care and juvenile justice systems, multilingual learners, LGBTQ+ and gender-expansive youth, children experiencing homelessness, and students at the intersection of multiple identities.

Over its 48-year history, ELC has handled hundreds of individual and impact cases and engaged in legislative and policy reform at all levels on behalf of children in foster care and in the juvenile justice system. My testimony today stems from ELC's years of experience in addressing the educational needs of children and youth in residential placements.

We would like to draw your attention to three key points today:

**1) Overcrowding in juvenile detention facilities is a serious, ongoing problem that impacts students' safety and well-being and deprives them of educational services they are entitled to receive.**

ELC has advocated on behalf of many students at the Philadelphia Juvenile Justice Services Center ("PJJC") as well as youth placed at Curran-Fromhold Correctional Facility ("CFCF") and Riverside Correctional Facility. We know that overcrowding has taken a significant toll on the wellbeing and emotional health of our clients. An overcrowded system exacerbates the educational barriers already present for students who are system-involved and places them on a trajectory to dropping out.

Due to overcrowding and understaffing, for many months youth at PJJC could not leave their units to eat in the cafeteria or receive education in the PJJC school. Instead, these students were and continue to be required to remain in their units. At best, they receive packets or access online instruction without any support. Families and advocates were left guessing about the sudden shift to "all-virtual" learning.

As a result of being confined to receiving an education on their units, our clients have been deprived of regular classroom access and live instruction, access to trained teachers, appropriate grade-level coursework, and they struggle to learn and focus and acquire credit to stay on track to graduate. They have had no access to teachers, and many have suffered a total educational deprivation. Students with disabilities -- who constitute roughly half of the youth at PJJC -- have been particularly harmed. These students have failed to receive a free appropriate public education, including being deprived of special education services, specially designed instruction, transition planning, related services, or the opportunity to make meaningful progress on goals set forth in their Individualized Education Programs (IEPs).

*One ELC client, a student with a disability, was placed at CFCF during the pandemic in 2020. His presence and enrollment fell through the cracks, and he received no education for an entire school year. In another case, a student with autism was placed at the JJSC and resides in an isolated area. This setting does not*

*allow for teachers to access them, meaning the student receives no education nor special education services. Over the past few months, ELC has taken dozens of calls from families*

It is well documented that system-involved youth are among the most educationally at risk of all student populations. They graduate at lower rates, score lower on standardized tests, have higher rates of special education eligibility, and are more likely to repeat a grade than their non-system involved peers<sup>1</sup>. Fully 64 percent of Philadelphia youth-involved in the juvenile justice system, and more than half of the youth in foster care do not graduate from high school. <sup>2</sup> This often leads to a lifetime of unemployment, under-employment, and homelessness.

Overcrowding further reduces youth access to education and increases the risk of adverse life impacts. While their peers attend public schools, which must meet state educational standards, children at on-ground schools receive an education that is frequently inferior and undermines their ability to graduate from high school. Many children and youth are not properly evaluated upon entering the on-grounds school and may be placed in an inappropriate grade or program. This occurs despite the adoption of federal requirements for juvenile justice facilities under the Every Student Succeeds Act.<sup>3</sup>

## **2) Pennsylvania is Sending Too Many Youth to Placement and Not Utilizing Evidence-Based Alternatives**

The most direct and cost-effective way to reduce overcrowding in youth detention facilities is to limit referrals in the first place. The bi-partisan Juvenile Justice Task Force, which issued a comprehensive report in 2021, found that too many young people are in the system for minor offenses, and the commonwealth is not making good use of diversion programs, despite their success. In addition, multiple Pennsylvania analyses point to severe racial disparities in referrals to residential placements.

Among the Task Force's reports findings:

- A majority of youth enter the juvenile justice system for low level behavior. At least two-thirds enter for misdemeanors or failure to pay fines.
- Almost 60% of adjudicated youth sent to residential placement are removed from their homes and communities for misdemeanors and 40% are sent to placement for their *first written offense*.
- Most written allegations do not result in assignment to a diversion program even for youth who are at low risk of further transgressive behaviors, or who are entering the system for the first time.
- Youth are referred to law enforcement from school-based settings at *2.7 times the national rate*; worse, our state ranks *second in the nation* for highest arrest rates of Black and Latino students.
- Young people who enter the residential placement system cycle through an average of six facilities. They remain out- of-home for an average of 16 months, disrupting their education and community ties, and moving them off a track that leads to graduation, college or a good job.
- Implementing the Task Force recommendations could reduce the share of youth in delinquency placements by 39% for savings of \$81 million in just five years. <sup>4</sup>

Pennsylvania's rate of juvenile justice residential placement rate of 129 per 100,000 is higher than the national average of 114 and double the rate of New York and New Jersey and 50% higher than Maryland.<sup>5</sup>

Taking young people away from their homes is not a solution to crime and it does not make our communities safer. Removing students from a path of graduation and academic success, and instead confining them to a facility where they do not have access to quality education, educators, and supports, is not a solution. Out of home placements disrupt childhood, families, and communities, placements are disruptive to educational trajectories, and even worse, history has shown that young people are too often put at risk for abuse.

### **3) Pennsylvania must shift gears and invest in community-based placement rather than large institutional facilities.**

During the past decade there have been numerous reports that make clear that out-of-home placement of youth, including in foster care and juvenile detention institutions serve neither youth nor our communities; instead, they harm and retraumatize children.

In [\*Broken Bridges: How Juvenile Placements Cut Off Youth from Communities and Successful Futures\*](#), released by the Juvenile Law Center in 2018, “Juveniles for Justice” youth advocates describe the horrific treatment they endured in Pennsylvania juvenile justice facilities.

In [\*Unsafe and Uneducated: Indifference to Dangers in Pennsylvania’s Residential Child Welfare Facilities\*](#), Education Law Center and Children’s Rights, Inc. detail harrowing experiences of children in group homes, residential treatment facilities, and other Pennsylvania child welfare residential placements, including both foster care and juvenile justice facilities. Although 44 percent of residential facilities reviewed in the *Unsafe and Uneducated* report had repeat violations for physical or sexual abuse by staff or other children, PA-DHS continued to allow children to be placed in such facilities. Youth across the state also faced medical neglect and inappropriate use of restraints, resulting in injury. In cases where facilities are required to submit corrective plans to address maltreatment, PA-DHS nearly always approves them, fails to provide real monitoring of the plans’ implementation, and rarely imposes penalties on facilities that continue to harm youth.

Pennsylvania should look to jurisdictions that have made dramatic improvements in the face of similar outcomes. New York drastically reduced their reliance on institutional placements through their “Close to Home” initiative. Over a five- year period, New York City was about to remove its youth from large, expensive, remote institutions, bring them closer to home and serve them in community-based placements.<sup>6</sup> California’s successful effort focused on building up a continuum of services to meet kids’ needs in family-like settings.

We recommend that the Commonwealth provide an additional \$10-\$13 million in the 2023-24 budget to create 20 pilot programs serving 4-6 children in community-based settings.

#### **Conclusion:**

The overcrowding crisis in juvenile detention facilities must not only be a wakeup call for Pennsylvania, but demand a rethinking the system. We urge lawmakers to invest its resources differently by focusing on diversion and community-based options as an alternative to detention centers and juvenile justice placements. We already have decades of documentation that youth are unsafe, uneducated, and subjected to trauma in placement. Investing in a system that can’t work for our youth and actively undermines their education and future is unconscionable, harmful, and cannot continue.

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