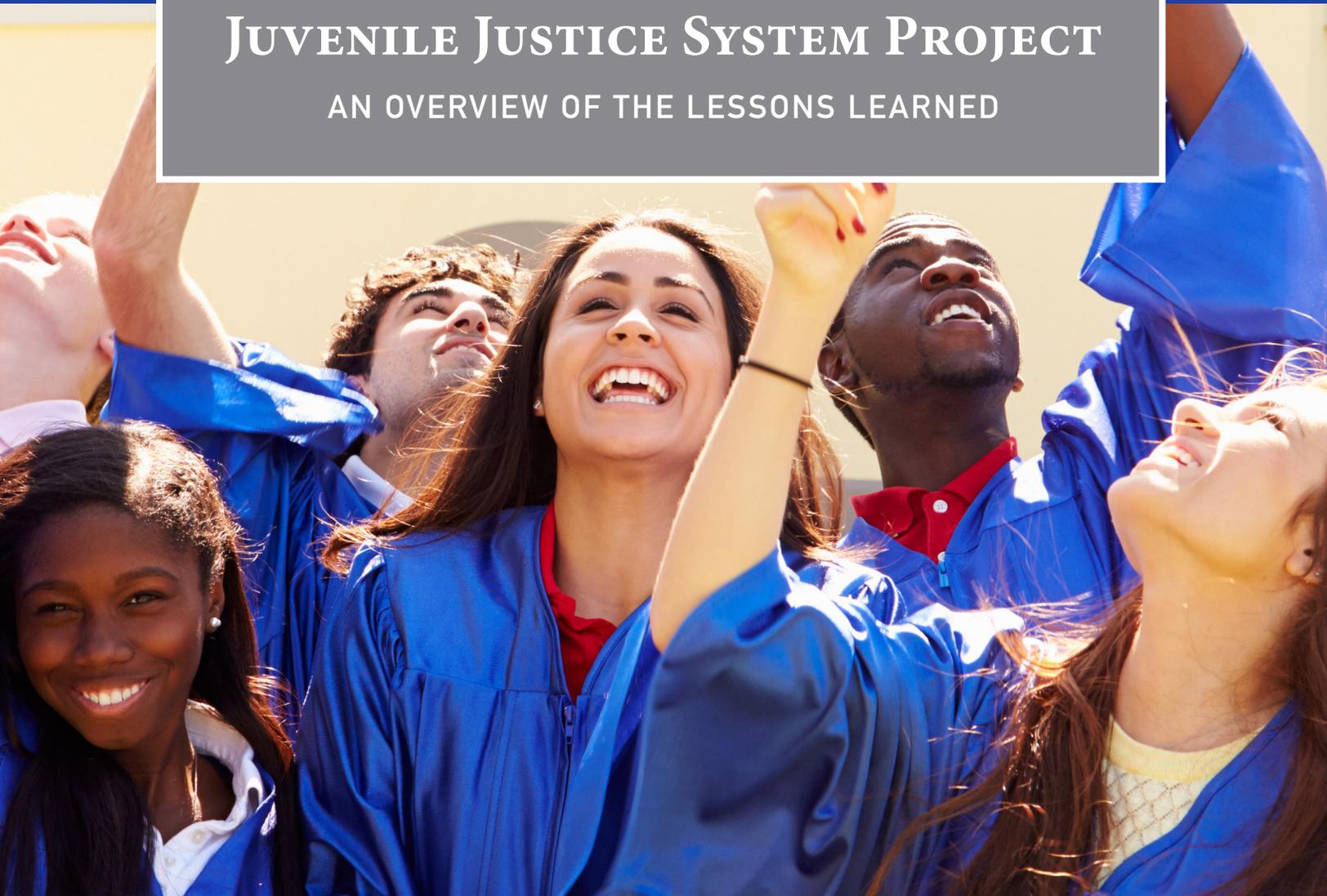




NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES

WWW.NCJFCJ.ORG

JUDICIALLY-LED RESPONSES TO THE
**SCHOOL PATHWAYS TO THE
JUVENILE JUSTICE SYSTEM PROJECT**
AN OVERVIEW OF THE LESSONS LEARNED





The National Council of Juvenile and Family Court Judges® (NCJFCJ), affiliated with the University of Nevada, Reno since 1969, provides cutting-edge training, wide-ranging technical assistance, and research to help the nation's courts, judges, and staff in their important work. Since its founding in 1937 by a group of judges dedicated to improving the effectiveness of the nation's juvenile courts, the NCJFCJ has pursued a mission to improve courts and systems practice and raise awareness of the core issues that touch the lives of many of our nation's children and families.

For more information about the NCJFCJ or this document, please contact:

National Council of Juvenile and Family Court Judges
Juvenile Law Programs
P.O. Box 8970
Reno, Nevada 89507
(775) 507-4777
www.ncjfcj.org

©2016, National Council of Juvenile and Family Court Judges. All rights reserved.

Report Contributors:

Martha-Elin Blomquist, Ph.D., Site Manager
Gene Siegel, Consultant, GCS Consulting, LLC.
Guillermo Villalobos, MA
Teri Deal, M.Ed., Senior Research Associate
Theresa Bohannon, MPH, Senior Policy Analyst
Cheri Ely, MA, LSW, Program Director, Juvenile Justice

Acknowledgments: Funding for this report was provided by the Atlantic Philanthropies, in conjunction with the Public Welfare Foundation and the Open Society Foundation. Points of view or opinions expressed are those of the report contributors and do not necessarily represent the official position or policies of the funder or the National Council of Juvenile and Family Court Judges.

The NCJFCJ would like to offer a special thanks to The Honorable Steven Teske, The Honorable Donna Groman, Justice Bobbi Bridge, Christopher Mallett, Ph.D., John Rosiak, and David LaBahn, J.D., for their involvement and consultation in developing this bulletin.

Suggested Citation: National Council of Juvenile and Family Court Judges. (2016). *Judicially-led Responses to the School Pathways to the Juvenile Justice System Project: An Overview of the Lessons Learned*. Reno, NV: Author.



BACKGROUND

Since the 1980s and 1990s, Americans have been led to believe that school violence is more prevalent than it actually is.¹ Many schools have adopted zero tolerance policies which require mandatory consequences, often suspensions and expulsions for certain infractions despite the actual severity or threat to safety of the behaviors.² The implementation of such policies suggested that schools would become safer and the needs of all students would be better served. The proliferation of zero tolerance and related policies that resulted in what is sometimes referred to as “school pushout,” have had the unintended effects of unnecessarily introducing many low-risk youth to the juvenile justice system for disruptive behaviors that are very typical of adolescence. In Denver, for example, referrals to the juvenile justice system increased by more than 70% due to zero tolerance policies.³ Zero tolerance and similar mandatory consequence policies also remove students from the education system, thus threatening the buffering effects that school involvement can have on delinquency.^{4,5} A study in Texas found that more than 50% of students grades 7 through 12 who had been suspended were more likely to drop out of school completely or repeat a grade than students who were handled differently.⁴ School suspensions and expulsions also disproportionately affect minority and special education populations.^{6,7,8}

The practices resulting from zero tolerance policies do not align with current research suggesting that school involvement is a protective factor against juvenile delinquency,⁴ while suspension and expulsion can lead to increased risks of delinquent behavior.⁵ Furthermore, early introduction to the juvenile justice system can increase the likelihood of subsequent criminality and system involvement, particularly for disadvantaged youth.

Addressing school-related arrests and referrals to juvenile court

In brief, the Judicially Led Responses to Eliminate School Pathways to Juvenile Justice System Project (hereafter, School Pathways Project) represents an important first phase in the national response to the high proportion of delinquency referrals from schools to juvenile courts experienced in many regions of the country. Unfortunately, zero tolerance and similar policies have had the unintended consequences of pushing students out of school, often for misbehaviors that traditionally were handled by school authorities without justice system involvement, and that, in many cases, were typical behaviors exhibited by teenagers; in other words, misbehaviors that are not indicative of chronic, serious, and/or violent juvenile offenders, and that can and should be effectively and safely handled apart from the juvenile justice system.

Unnecessarily involving such low-risk youth in the juvenile justice system can expose these kids, who are not likely to become juvenile offenders, to the potential criminalizing effects of associating with more chronic and serious delinquent juveniles.⁹ Furthermore, by referring these low-risk youth to the juvenile court, the court itself encounters cases that can and should be treated through less costly and more effective informal processes, including restorative justice and other evidence-based diversion practices that can keep students in school and out of trouble.¹⁰ In addition, such alternatives recognize that low risk adolescents do respond better to non-punitive and less formal interventions that contribute to long-term positive outcomes for young people through adulthood, including improved attendance, improved grades, improved graduation, and other accordant positive long-term benefits of keeping kids in school.

Despite overall decreases in juvenile delinquency referrals nationally, including arrests of juveniles for violent offenses (for example, go to http://www.ojjdp.gov/ojstatbb/crime/JAR_Display.asp?ID=qa05201), the proportion of referrals for *non-violent* acts and relatively minor misdeeds that derive from school-based or school-related incidents has remained high in many jurisdictions (for example see <http://jjie.org/ncjj-report-shows-juvenile-crime-keeps-falling-but-reasons-elusive/108398/>).

Project overview

In 2012, the National Council of Juvenile and Family Court Judges (NCJFCJ) received funding from the Atlantic Philanthropies, in conjunction with the Public Welfare Foundation and the Open Society Foundation, to undertake the School Pathways Project. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) also provided funding to the NCJFCJ to conduct an evaluation of the project. The evaluation was completed in 2015 and it is briefly reviewed later in this *Bulletin*. A resolution passed by the NCJFCJ Board of Trustees in the spring of 2012 to support student engagement and reduce school exclusion laid the foundation for the NCJFCJ's involvement in reforming school to court referral practices and for working collaboratively with school systems and other community partners to find effective and safe alternatives to zero tolerance policies.

The roots of the School Pathways Project are generally viewed to have started back in 2003 in Clayton County (GA). At the time, that jurisdiction was engaged in the Annie E. Casey's Foundation Juvenile Detention Alternatives Initiative (JDAI) and Judge Steven Teske, the lead Juvenile Court Judge in that district, recognized that there were high numbers of youth being detained for misdemeanors who were being referred for school-based or school-related law violations. As a result, Judge Teske began to work on options for a local school pathways project to keep these kids safely in school and out of detention and the juvenile justice system.



School Pathways Project Demonstration Sites

To initiate the project, the NCJFCJ selected 16 School Pathways demonstration sites (out of more than 50 applicants), all of whom applied to participate in the first phases of the project.

- Campbell and Fayette County Family Courts (Kentucky)
- Family Court for the State of Delaware
- Fulton County Juvenile Court (Georgia)
- Hoopa Valley Tribal Court (California)
- Sacramento County Juvenile Court (California)
- Tehama County Superior Court (California)
- Fourth Judicial District Court (Colorado)
- Middlesex County Juvenile Court (Massachusetts)
- Circuit Court for Prince George’s County (Maryland)
- Tippecanoe Superior Court III (Indiana)
- Middletown Superior Court for Juvenile Matters (Connecticut)
- 14th Circuit Court of Muskegon (Michigan)
- Mecklenburg County District Court (North Carolina)
- Shelby County Juvenile Court (Tennessee)
- Third Judicial District (New Mexico)
- Sixth Judicial Circuit Unified Family Court (Florida)

These demonstration sites included the following jurisdictions:

All of the jurisdictions accepted for participation in the project included information on their applications that indicated the court and/or the community had two important characteristics: strong judicial leadership and support for a judicially-led collaborative of stakeholders to work together to reduce school referrals to court, and the support of a large and diverse stakeholder group (defense attorneys and prosecutors, probation, law enforcement, mental health/treatment providers, school districts, school resource officers, social services, juvenile detention staff, community providers and others) for participating in the project.

In addition, most, or all, of the selected sites shared other features that suggested they would be able to use training and technical assistance (TA) from the NCJFCJ to plan and implement measurable change. These included:

- A prior history of court-led collaboration
- Current or prior participation in other projects addressing school arrests or school referrals to court
- Prior efforts to implement a strategy to reduce school referrals
- A “large” to “very large” collaboration between the court and community partners
- A “large” to “very large” collaboration between the court and school partners
- The ability to collect and report data on school referrals to the court system
- A view of the volume of juvenile referrals from school as a “large” or “very large problem” for the jurisdiction

The ability to collect and report data on school referrals to the court systems was affirmatively noted on applications by 81.25% of the selected sites. Of those indicating they had the ability to report data, 83.3% provided information about the specific software systems that they were utilizing. In addition, sites noted the level at which their data collection operated. The sites were roughly equally divided in the responses: less than one-third indicated oversight of data collection at the state level, another one-third indicated at the local level, and the final one-third indicated both local and state level oversight.

While the participating sites shared many important characteristics, they also diverged on others. These differences suggested that jurisdictions involved in the project had some unique challenges, capacities, experiences, needs, and interests. Diverse characteristics across the 16 sites included the following:

- ***Jurisdiction:*** courts in the sites were affiliated with a city, county, judicial district (e.g. judicial circuits containing multiple counties, cities, and/or school districts) or state; two sites intended to involve the entire state in the project and had identified a particular school district or city as a pilot site to start with.
- ***Community population and environment:*** sites were tribal, rural, suburban, or urban; a large majority (68.75%) of the sites identified as urban.

- ***Number of schools (middle and high school combined):*** at the smallest end of the range, 18.75% of sites had fewer than 10 schools; one-fourth of the sites had between 10 and 29 schools while more than one-third had between 50 and 99 schools; the largest site had more than 100 schools.
- ***Number of school districts in the collaborative:*** one-third of the sites reported between one and four separate school districts whereas one-fourth of the collaboratives had 20 or more school districts to work with.
- ***Student population in grades 7-12:*** about one-quarter of the sites had fewer than 10,000 students which contrasted markedly with more than one-third of the sites that had over 50,00 students.
- ***Volume of referrals to court in past year:*** one-fourth of the sites had fewer than 1,000 referrals whereas another fourth had more than 5,000 referrals.
- ***Volume of referrals for school-based behaviors:*** slightly less than one-third of the sites had fewer than 100 referrals as compared to over 500 referrals for slightly less than one-third of the sites.

The differences in the jurisdiction (city, county, or judicial district) and the size and number of organizations and schools ultimately affected the size and complexity of the collaborative. This in turn created a range of challenges for planning and implementing change and obtaining and sharing data on the results of the change that various collaboratives faced.

In their project applications, sites varied in the topics on which they expressed interest in receiving TA from the NCJFCJ as part of their participation in the project. A large majority of the sites asked for assistance with collecting or managing data (81.25%); a majority (62.5%) also asked for training and information about sample project models, pilot programs, and alternatives to referrals to the juvenile court. Other topics of TA included training on best practices (37.5%), developing Memorandums of Understanding (MOUs) (25%), assistance with strategic planning and action steps (18.75%), assistance with collaborative dynamics (18.75%), assistance with financial resources, including grant writing opportunities, (18.75%), assistance with assessing and evaluating current practices (18.75%), and assistance with developing protocols, policies, and procedures (18.75%).

While the project application did not ask sites if they would be able to assign a coordinator to the project, almost one-half (43.75%) of the participating sites did indicate that they had someone to serve as the point person for the initiative.

Developing a plan for School Pathways projects

Refocusing on and effectively reforming zero tolerance-related and other disciplinary practices that push too many students into the juvenile justice system are the primary reasons behind the School Pathways Project. The primary approach recommended by the NCJFCJ involves the establishment of judicially-led multi system



collaboratives or teams that work together to develop and implement effective strategies for addressing the undesired effects of zero tolerance-related discipline practices.

One key planning aspect incorporated into the early demonstration phases of the School Pathways Project strategic planning structure involved what is now referred to as the “Teske Model,” named after Judge Steven Teske of Clayton County (GA). Judge Teske developed and implemented this approach and associated protocols in Clayton County after seeing, first hand, the adverse impacts of zero tolerance policies in his courtroom and after compiling and analyzing court and school data to identify the scope of the issue.¹¹

After the initial demonstration phase was initiated in 2014, the NCJFCJ released *School Pathways to the Juvenile Justice Project: A Practice Guide*¹² that incorporated aspects of the Teske Model and other suggested planning content. Prior to and after the *Practice Guide*’s release, TA teams used this resource to consistently structure local TA activities. In addition, the different needs across demonstration sites and the different levels of readiness for this reform effort prompted TA facilitators to be flexible in order to address local circumstances and priorities; meaning, the abilities of TA facilitators to apply aspects from the Teske Model and the *Practice Guide* varied across sites. Readers are encouraged to review the *Practice Guide* for additional information on the scope of the school-justice problem and the recommended planning approach for the School Pathways Project.

Teske Model and Practice Guide

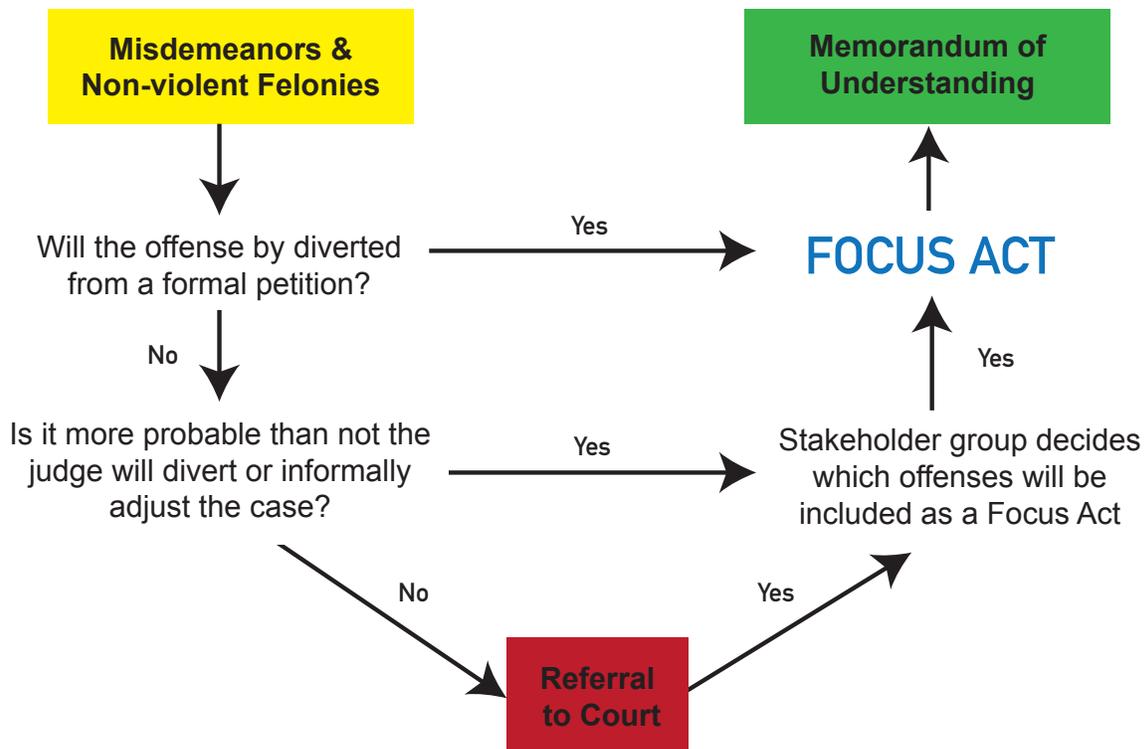
The Teske planning approach and *Practice Guide* structures were used to various extents in each of the 16 demonstration sites to help those jurisdictions develop and implement their project plans. These planning approaches were intended to provide the Multi-System Collaboratives in each of the 16 demonstration sites with thorough and thoughtful guidance on implementing judicially-led collaborations and protocols to address school pathways to the juvenile justice system. The structure, directions, and recommendations throughout the *Guide* are the product of several months of consultation and collaboration with juvenile and family court judges and other juvenile justice and school system experts. The processes described emulate those of successful collaboratives in jurisdictions across the country, including Georgia, Connecticut, and California. As noted, however, the *Practice Guide* was released in 2014 and some of the demonstration sites received their on-site TA before the *Guide* was released.

The *Practice Guide* calls for a seven step strategic planning process. In brief, these steps include:

- Step One:** Assemble Stakeholders
- Step Two:** Develop a Shared Vision
- Step Three:** Understand the Issue
- Step Four:** Set Measurable Goals and Objectives
- Step Five:** Identify Activities
- Step Six:** Create an Action Plan
- Step Seven:** Develop a Plan for Monitoring Progress

One key component of the Teske Model that was incorporated in planning efforts in a number of demonstration sites involved the creation of listings of “Focus Acts” and listings of proposed alternative graduated responses to those acts that would not involve the juvenile justice system. In general, the Focus Acts listing specifically identifies those school-based disruptive behaviors, including specific non-serious delinquent acts, which members of the local collaborative teams have agreed will no longer be referred to the courts. The Graduated Responses listings help local sites organize and specify how these acts will be handled in alternative ways by the schools, law enforcement, and other community partners.

FOCUS ACT DECISION TREE



PROJECT ACTIVITIES

The Role of the School Pathways Technical Assistance Facilitators

Shortly after receiving the School Pathways Project grant, the NCJFCJ began to assemble teams of judges and content experts who were assigned to project demonstration sites and provided initial TA and guidance for the local demonstration collaboratives. The TA teams were comprised of a variety of content experts from around the country, all of whom had at least some experience with school pathways to juvenile justice issues. These team members, also known as facilitators, included judges, prosecutors, law enforcement officials, as well as experts from the fields of education/schools, delinquency prevention, juvenile justice research, and project staff from the NCJFCJ. The experiences of these TA facilitators during the School Pathways demonstration phase and the lessons learned from those experiences, represent the primary focus of this *Bulletin*.

The project trained 19 different TA facilitators, including several judges, to serve on multi-person TA teams to provide on-site TA to each collaborative. All participating sites received at least one site visit (five received two visits).

Project facilitator/trainer teams worked with members of each collaborative to schedule the on-site visit and to organize the agenda. Visits lasted one to two days and included a variety of small and large group meetings and exercises. Facilitator/trainer teams provided every site with training on the scope and purpose of the project and facilitated action planning by each collaborative. Other TA topics that were also covered varied across the sites, depending on the needs and circumstances of each collaborative and the experience that collaborative members

had working with one another and planning for systems change related to reducing school-to-court referrals. Examples of on-site TA for the initial visits included:

- Developing a mission statement;
- Developing shared definitions and understanding of youth behaviors and system practices to respond to them;
- Identifying pressing topics in school discipline;
- Peer cross-training to educate members of the collaborative about each organization’s or system’s resources, activities, and efforts;
- Best practices and research on school discipline;
- Promoting an understanding of data systems operating within the organizations of the collaborative and information sharing across the members of the collaborative;
- Sharing information among members of the collaborative about prior history and current efforts to address school referrals; and,
- Identifying and understanding community resources as well as needs.



In addition, sites were also offered follow-up office-based and on-site TA. For those five jurisdictions that received follow-up on-site visits, topics of the TA often included development of an MOU for organizations in the collaborative, community resource mapping, data capacity assessment, evaluation, trauma training, and facilitation of focus groups on a new student code.

The above planning structure in combination with approaches included in the Teske Model and the *Practice Guide* offered some consistency for TA teams, though these teams also adjusted their approaches and content based on unique and expressed needs of the sites as gathered through a strategic planning request form as well as dynamics that surfaced when facilitators appeared on-site.

KEY THEMES AND LESSONS LEARNED FROM ON-SITE TA

A number of key lessons and themes have emerged that are relevant for ongoing reform efforts and the TA needs associated with those efforts. The listing and accompanying descriptions of these lessons and themes were compiled through recent interviews with TA facilitators and information provided by the NCJFCJ. It is important to emphasize, however, that these lessons and themes largely reflect the *retrospective* perspectives of TA team members and NCJFCJ staff as they reflected on their initial TA experiences across multiple jurisdictions.

In all, there are nine key themes and associated lessons learned summarized here. These themes and lessons primarily reflect the collective and individual experiences of the TA providers and the NCJFCJ staff (though there may be some differences of opinions within these two groups). The themes are not mutually exclusive, but are simply presented to help organize the range of feedback, information, and suggestions that may continue to assist sites as they pursue school-justice related reforms.

1. At the start of the School Pathways Project, there was no national road map to help guide initial project planning and on-site TA.

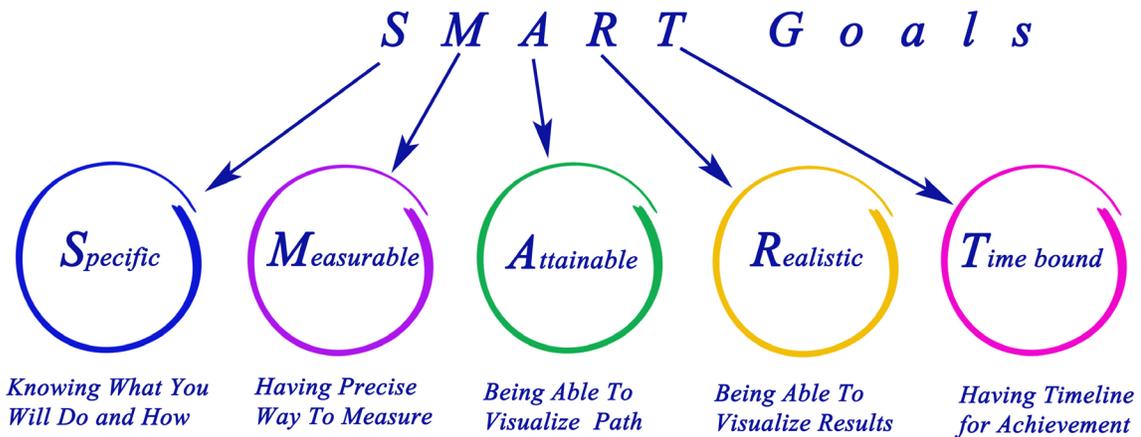
At the beginning of the School Pathways Project, there was no national model or blueprint to help the TA teams structure their TA agendas and content. Nor was there a tried and tested planning approach that had been used in *multiple* jurisdictions. The Teske Model and, subsequently, the *Practice Guide* offered important guidance, but some of the demonstration sites were more prepared for these two planning tools than others. As a result, TA facilitators had to be flexible as they were largely finding their own ways to communicate best the nature and importance of the School Pathways Project in settings that were each unique.

Preparation for TA on-site visits was essential. Facilitators felt it would have been helpful to have more time for pre-TA visit preparation as well as more prescriptive directions for the sites regarding what the sites had to have ready before the initial TA visits. Pre-site visit preparation was considered essential by the TA team. The facilitators felt the NCJFCJ did a good job of getting the facilitators together to work with site contact persons to develop site visit agendas and TA content. However, in retrospect, it would have been helpful to consider being even more concrete and/or prescriptive for what sites had to have ready *before* the visits. The TA facilitators did receive site applications before the visits but, perhaps, these could have been analyzed in a more comprehensive way to determine what the applications might actually have been telling the TA teams. While there were also pre-visit phone contacts with the sites that often helped, there is nothing that replaces actually going on-site and determining the local dynamics, knowledge base, relationships, politics, and other key factors that help one determine how ready a site may be and what may need to be addressed.

TA team members also felt they could have used more time for TA team co-facilitators to prepare for visits in advance and more clearly divide up responsibilities. Some also felt they needed more time to get more specific information from the sites in advance and more time to review that information. And those facilitators who received train-the-trainer instruction from the NCJFCJ found it to be valuable preparation.

More clearly explaining the realistic goals of on-site TA became an important challenge.

When first arriving on-site, a number of TA facilitators encountered some misconceptions from the members of local collaboratives regarding the goals and purpose of the visit. These facilitators spent time explaining their roles, why they were there, and emphasized that the initial TA was intended to help sites begin to develop their own local team plan, and that these plans would not be the facilitators' plans or the NCJFCJ's plans. While the School Pathways Project was a national initiative, the ultimate goal was for each demonstration site to develop and implement a local plan that reflected the perspectives of local stakeholders, not the outside experts. In some jurisdictions in the early stages, this was a delicate balancing act for the facilitators as some local stakeholders wanted more directive guidance.



Using the SMART action planning model helped some sites begin to assemble their local plans. The SMART action planning structure was used on-site by at least some TA facilitators (SMART is an acronym for a project planning model originally developed by the US Army Corps of Engineers that includes establishing Specific, Measurable, Attainable, Realistic, and Time bound objectives). These facilitators reported that the use of this planning approach helped produce concrete action plans in a number of sites. For example, in one site that had a number of police chiefs in attendance, those chiefs agreed to initiate Mental Health First training within two weeks of the site visit. In another site, the local collaborative wanted to identify and implement restorative justice practices in their listing of alternative responses. This local team assigned tasks to specific individuals who agreed to do the necessary research on restorative practices that seemed most applicable to their site’s circumstances and that were most likely to help address local school-justice referral concerns.

A consistent TA approach was needed. Some facilitators mentioned the need for more of a blueprint and perhaps a more prescriptive approach to how the TA facilitators should structure their on-site work. This became evident in retrospect. A lot of the adaptations or changes in TA content and format may have had more to do with the lengths of time spent on certain topics in the sites rather than the topics themselves. At a minimum, it was indicated that this should include the following elements:

- Coverage of the mission and vision statements of the local collaborative;
- The identification of the behaviors and delinquent acts (i.e., Focus Acts) that will no longer be referred to court; and,

- The identification of alternatives/graduated responses associated with those behaviors and delinquent acts.

In some sites, resource mapping proved of value as these jurisdictions began to contemplate their listings of behaviors and delinquent acts that would no longer be referred to court and that would involve alternative/graduated responses. Facilitators felt that the resource mapping process offered a useful structure to help sites identify existing resources that, potentially, could be matched to the alternative responses listing, and it also helped jurisdictions identify resource gaps that needed to be filled.

“While the TA facilitators are only on-site for two days, we still make sure that we walk out by the second day with the local collaborative having an action plan. We are also helping to create an environment for continued dialogue unique to each community.”

Facilitators had to balance flexibility and structure. Over time, the TA teams realized that they would often have to include some flextime in the on-site agendas to respond to unanticipated developments. While the TA facilitators were often trying to adapt aspects of the Teske Model, there were times when the facilitators would veer from that because of the need to adjust to local circumstances. Sites that were further along and more ready tended to benefit more from the Teske Model.

Keeping TA facilitators together as teams across sites may have been beneficial to jurisdictions. It might also have been helpful, though not always feasible, to keep the same TA teams together rather than having to separate TA facilitators who were learning from each other and gaining important experience in the field. A number of facilitators noted that having a judicial officer paired with a content expert who was particularly knowledgeable about issues relevant to specific jurisdictions was a good approach to delivering TA.

Despite shifts in facilitator teams, the facilitators sensed that their on-site work provided an important spark that ignited project momentum. It was clear from the demonstration sites, the TA facilitators, and NCJFCJ staff, that more extensive follow up assistance would have allowed enhanced support and closer monitoring of local projects.

“Overall, data were a ubiquitous challenge - almost all sites really struggled pulling together reliable school and juvenile justice data.”

2. The lack of reliable data and confidentiality concerns presented formidable obstacles for TA providers.

As indicated, all applicants were asked if they could provide key data on, at a minimum, school suspensions, expulsions, and school-related arrests or referrals. While the 16 demonstration sites reported that they could provide these data, it became clear as the TA process

unfolded that what jurisdictions thought they had in terms of quality data proved to be otherwise. This was especially true in jurisdictions that had large numbers of schools and law enforcement agencies.

There was an absence of reliable data. The paucity of good data was cited as an important challenge by all of the interviewed TA facilitators (this was also cited by the research team in the School Pathways evaluation report¹³). For the few sites that could provide at least some data (one demonstration site was able to provide sufficient quality data to meet the requirements for the project evaluation), facilitators felt it was helpful albeit limited to look at those data, including graduation rates, school suspension and expulsion statistics, before visits.

TA facilitators emphasized that it is really helpful and informative to know this information before going on-site. Prospective sites that are unable to provide even the minimum level of data probably need more specific TA on how to address data challenges, and probably should not be selected for future reform efforts until these challenges can be addressed.

As all the TA facilitators and the NCJFCJ also recognize, racial disparities are quite evident in school pathways to the juvenile justice system, and sites should be able to collect and disaggregate such data to help inform their projects. Again, sites that struggle assembling and making sense of their data may need more basic and up front TA before they begin to engage in the more concrete project planning and implementation processes.

TA facilitators pointed out that in some jurisdictions there were state laws or other impediments that prevented sharing of key data and information that could have helped more clearly describe the nature and extent of local school pathways to juvenile justice issues. At least some TA facilitators felt they may have been able to help these jurisdictions overcome these obstacles with more time on-site.



Initial evaluation of the School Pathways Project

In 2015, the NCJFCJ prepared a preliminary evaluation report covering the initial project impact entitled *Report on the Evaluation of Judicially Led Responses to Eliminate School Pathways to the Juvenile Justice System* (2015).¹³ The evaluation found positive changes in stakeholder attitudes and behaviors (e.g., indications of improved collaboration) after the first round of technical assistance (TA) site visits, but also encountered daunting challenges in obtaining consistent and valid data from the 16 demonstration sites to examine better the early impacts on school suspensions, expulsions, and referrals to juvenile courts.

Readers are encouraged to read the full evaluation report for additional details (go to <http://www.ncjfcj.org/resource-library/publications/report-evaluation-judicially-led-responses-eliminate-school-pathways>), and to keep in mind that one of the most important lessons learned through the first three-plus years of the Pathways Project was that, despite clear signs of improved collaboration and progress in a number of the 16 sites, implementing meaningful and sustainable changes in school discipline practices across multiple sites and agencies (including multiple schools, multiple law enforcement agencies, the courts, child welfare agencies, mental health service providers, and others), along with developing effective alternatives in the demonstration sites, takes substantial time. This is particularly true when those sites are at very different stages of readiness for significant system change.

3. Ongoing project coordination proved to be an important challenge.

The School Pathways Project is premised on judicial leadership and, in particular, on the role of the judge as convener of the local collaborative. It is generally true that judges, particularly if they are experienced and respected in their communities, can bring diverse groups of stakeholders together, perhaps even more so than other community leaders can. However, as a good number of TA facilitators reported, it is one thing to convene an initial collaborative meeting and it is another to continue to coordinate the project as it moves forward.

There were variations in judicial leadership across sites. While the School Pathways Project was clearly intended to be judicially-led and focused, facilitators felt that there were substantial differences in judicial leadership across sites. The juvenile court judge has to play an important role, particularly in the initial stages, of mobilizing key stakeholder involvement. However, in some sites, the project judge was a new judge and that new judge did not have as much influence as, perhaps, a more experienced judge would have.

It is also important for the judge to share and spread out leadership as much as possible to enhance buy in and longer-term project sustainability. A number of facilitators highlighted this issue and emphasized its importance in situations when a key collaborative leader (like a judge) leaves through job change, retirement, or rotation. While some projects can persist with one dynamic leader, most cannot be too dependent on one person. Broader leadership is important.

For a number of sites, facilitators reported that it was difficult for local stakeholders to navigate the school and court relationship. In some jurisdictions, by the time the TA team arrived on-site, the judge who had initially spearheaded the Pathways Project was gone. Having an experienced judge who understood the need to share project leadership and who also remained on board to provide ongoing judicial stewardship made huge differences in a number of sites.

Local collaboratives need a project coordinator. Once the judge has convened the local stakeholder group, ongoing project coordination responsibilities become more difficult and challenging, and judges will rarely have time to manage these details. TA facilitators suggested that a person dedicated to project coordination would be the ideal but that, in most circumstances, such coordination should fall to someone who has demonstrated similar project coordination abilities. Having this single point of contact for ongoing coordination was a real benefit in some sites. One idea mentioned by facilitators is that perhaps existing

Juvenile Detention Alternatives Initiative (JDAI) coordinators, in applicable jurisdictions, would be ideal in these roles.

Getting and keeping the right people at the project table is a persistent challenge. School Pathways collaboratives are comprised of representatives from multiple agencies, organizations, as well as members of the broader community. A number of facilitators remarked that some of the demonstration sites did not have parents and youth on their local collaboratives. The facilitators emphasized that these key stakeholders should be added to existing collaboratives and future teams.

TA facilitators also learned that in some sites there could be unexpected changes in key leadership that could delay or even derail project momentum. Some jurisdictions had difficulty bringing mental health and social services stakeholders to their collaborative group. TA facilitators emphasized that the mental health and social service stakeholders are absolutely essential in helping local collaboratives build a realistic listing of alternative/ graduated responses. They are also essential for compiling accurate resource maps that describe available services and resources for students and families. Furthermore, getting these stakeholders to engage more directly with the schools, in some sites, was an important first step toward greater coordination and cooperation.

The notion of ensuring that champions for change are members of the local collaborative was also discussed. Facilitators learned that such champions are not always the most high profile or visible leaders, but that they are often key stakeholders who work at the ground level, including those who actually have to enforce school discipline policies that could be most effective in moving reforms forward. These stakeholders really know how school discipline is being handled and may be well respected by their colleagues and others.

Perhaps one of the most important aspects of getting and keeping the right people at the table involves the building and maintaining of relationships that, in a number of the demonstration sites, began with the initial TA site visits. In the sites that had more experienced collaboratives, those relationships were established and the positive impacts of these relationships (e.g., more communication, problem-solving, and trust) were quite apparent to TA facilitators versus the sites where stakeholders were meeting each other for the first time and/or did not really grasp the nature of the project.

4. The 16 demonstration sites were at very different stages of awareness and readiness.

Simply put, some of the demonstration sites were much more aware of school pathways issues than others and some were more ready to initiate reforms. In some sites, there were some local participants who were not aware of the project and who did not know other people on the local collaborative teams. Facilitators all agreed that initial site visits were generally effective in expanding awareness of the issues and problems associated with school pathways.

Many sites needed help initiating action. Most of the demonstration collaboratives had a general concept of the importance of the issue but did not know how to go about doing something about it. In these instances, TA facilitators helped provide initial structure for these groups to develop or begin to develop their local action plans. TA facilitators discovered that really clarifying the issues and identifying common concerns among group members - areas of consensus - really helped move planning forward.

Establishing realistic goals and listening to the needs of the site. TA facilitators learned that School Pathways Project collaboratives need to set realistic goals and objectives and, sometimes, these should be very incremental. The TA facilitators, in some sites, were able to help local teams begin to identify these important starting points. The unique dynamics, resource issues, and other factors in each jurisdiction need to be considered when setting local project goals and objectives.

TA providers were very conscious of not dominating local planning discussions. They emphasized to the local collaboratives that they were there to help promote sharing of ideas, allow for disagreements, and help promote consensus when needed. As the facilitators went to more sites, the TA tended to become more targeted - the TA facilitators learned from each on-site experience and began to raise more specific questions for group discussions including (e.g., Why are certain individuals, e.g., SROs, doing what they are doing?, What are school districts doing with alternative schools? How do the monies for student counts weigh in with local efforts?). And all of these questions were raised in non-accusatory and non-judgmental ways.

“Jurisdictions that did not have a designated project coordinator seemed to have more challenges. Someone has to be tasked specifically to make sure things happen. Sites do better if they have a dedicated coordinator.”

Sites with existing collaboratives had distinct advantages. As noted, some of the demonstration sites had existing collaboratives with many of the recommended key stakeholders already on board. These groups were able to take on the work more easily, and members of those collaboratives already, largely, knew each other. This was a substantial advantage because a number of other sites were creating their collaborative teams, in effect, from scratch. The TA facilitators had to work through these differences and, for the sites that did not have existing collaborative teams, the facilitators had to engage local stakeholders in discussions about what these groups should look like, who should be on them, what governance structure is most appropriate, and so on.

Not knowing the local commitment levels or politics before arriving on-site also posed important challenges that facilitators had to work through. For some sites, particularly some that did not have existing collaboratives or whose collaboratives seemed less cohesive at the onset, there seemed to be serious misunderstandings among local stakeholders regarding the scope of the initial TA and what it could provide. For some, there was a strong desire and need for much more than the TA facilitators could provide in one or even two visits. In all sites, in different ways, the TA facilitators tried to help local teams understand why the school-justice issue is so important, why it should be a local priority, and why it takes a long-term commitment to affect meaningful change.

Communities had different perspectives and a degree of role conflict. In general, local school pathways projects are steered by the juvenile court and the schools, and TA facilitators noticed that sometimes law enforcement could get caught in the middle. For example, in at least one site the local collaborative wanted to focus on truancy which, at first, did not seem consistent with the primary objectives of the School Pathways Project - to address ineffective school disciplinary practices, to reduce school-based referrals for delinquency, and to address school suspensions and expulsions. In this instance, law enforcement wanted to focus on reforms related to school discipline and the truancy focus may have put law enforcement in a quandary.

Facilitators suggested that some degree of role conflict existed in all sites, and where such dynamic tension was less obstructive it was not a serious barrier. But, in other sites, strong disagreements and/or varying perspectives created formidable obstacles. Either way, TA facilitators recognized that some of these dynamics were often due to a lack of awareness among local group members regarding each other's roles.

Meeting with specific stakeholder subgroups (e.g., assistant principals, SROs, probation staff) proved to be productive. In some sites, TA providers were able to meet with key local collaborative subgroups to address their concerns and questions more specifically. Facilitators reported that on these occasions it was especially helpful if not essential to have a member of the TA team who had done or does the work they do, interact with these groups. This built credibility with those subgroups and allowed for more open communication including sharing of concerns and ideas.

Lack of awareness of local juvenile codes and the persistence among some stakeholders to continue to treat students as little adults presented some challenges. In some sites, law enforcement, school resource officers, and perhaps others responsible for enforcing school discipline may not have been well versed in the local juvenile codes and/or may have tended to perceive disruptive teens as little adults (e.g., taken more punitive or strict enforcement positions when faced with disruptive behaviors). In these locations, TA facilitators had to have more targeted conversations with these stakeholders and had to help the local collaboratives navigate the dynamic tensions in those groups.

“My definition of good TA is to take the local teams where they are and help them get to where they want and need to go.”

5. The different levels of school commitments and school leadership across the 16 sites presented additional challenges.

Many of the schools involved in the project faced serious challenges and problems and they needed help from community partners to address those problems without overreliance on the juvenile justice system. The TA providers clearly understand that it is not solely the schools’ responsibility to address disruptive behaviors which may be occurring for various reasons (e.g., mental health issues, exposure to trauma, family dynamics, poverty, and so on). If non-school stakeholders come to the table and try to assign such blame, they will quickly lose a critical stakeholder group - the schools.

School leadership is critical to system change. TA facilitators unanimously agree that school leadership is a key to effective and sustainable school pathways reforms. The levels of school commitments and school leadership varied across sites. While it is critical to have key school decision makers on the local teams, TA facilitators found out that that was not always the case. School systems are all so different, some really large, some small, and not all schools that

had school pathways issues participated in the project.

Schools are often blamed for school pathways issues but they are not solely responsible for these circumstances.

Typically, the school system tends to be understandably defensive when it comes to planning possible changes in disciplinary practices. School discipline is the schools' domain and it was a challenge for TA facilitators to move school stakeholders off the defensive stance. The TA teams attempted to employ specific strategies in anticipation of encountering this defensiveness. One facilitator suggested that one way to engage the school in this issue is to talk with them about how they deal with groups of kids who maybe do not have Individual Education Plans (IEPs) but who happen to be quite disruptive in school. In many instances, the schools do not know what to do with these students but they do not want to push them out. At the same time, schools may be the target of blame for not doing more, but there is more going on in that student's life and something is amiss. That's where the community needs to get involved to help the school develop safe and effective alternatives. In some sites, TA providers suggested it would have been very helpful to have even more school stakeholders at the table, particular those who work directly with student discipline issues.



6. The TA teams had to adapt their approaches to address different levels of law enforcement commitment and participation.

Law enforcement commitment and participation varied across sites. Briefly, participation varied among law enforcement agencies. In some jurisdictions, chiefs were in attendance, in others they were not. It was not unusual to have different law enforcement agencies represented at different levels and the local collaboratives needed decision makers to be there. Getting law enforcement leadership to attend and actively participate was an important challenge in a number of jurisdictions.



Choosing the right SROs, officers, and school security guards is critically important. Through their experiences with multiple project sites, TA facilitators have learned that people applying for these key positions must understand the reasons for alternative responses, must understand fundamental adolescent brain development issues that clearly indicate why kids need to be treated differently than adults, and must grasp the underlying philosophy agreed upon by the police department and school district as reforms unfold.

In some demonstration sites, some SROs were not there yet; for example, some viewed their roles as simply another law enforcement beat and did not fully recognize the differences associated with working with youth and schools. Future TA, if it is available, should perhaps target SRO hiring and recruitment criteria, along with initial and ongoing training for these important professionals that includes clear information on why alternative responses and keeping kids in school is so important.

“This work (school pathways reform) takes a special officer. They have to buy into the approach.”

7. Presenting concrete examples of Memorandums of Understanding, Focus Acts, and Graduated Responses helped sites make progress.

Almost all of the sites wanted tangible examples of MOUs and key tools they could use to help move their projects forward. Many of the sites wanted TA facilitators to provide real-life examples of MOUs, along with tools that had been used in other jurisdictions. TA facilitators shared the Clayton County MOU example as one reference source for sites attempting to develop their own MOUs. TA facilitators also shared examples of Focus Acts and Graduated Responses during on-site visits.

Each MOU should be developed with specificity to the jurisdiction. In some cases, jurisdictions believed that slight amendments to existing MOUs would suffice for the project but MOUs require greater specificity. Facilitators who examined such pre-existing documents found them to be quite limited. More thorough MOUs are needed for the project, at a minimum, to direct law enforcement and the schools how to handle disruptive behaviors and how school discipline will be enforced. This can be a real challenge in some jurisdictions.

Sufficient time should be spent on Focus Acts and Alternative/Graduated Responses. In some communities, the concerns over school discipline and disruptive behaviors were not limited to those resulting in referrals to court. Some local stakeholders were also concerned about the frequency of suspensions and expulsions that did not directly result in court referrals. These perspectives reflect another example of the challenges faced by TA providers as they attempted to balance local concerns with the primary thrust of the School Pathways Project (i.e., reducing school-related referrals to court).

TA facilitators learned that once Focus Acts or behaviors have been identified, the local group needs to begin to delineate what responses (alternative or Graduated Responses) they are going to use instead of suspension or expulsion or arrest. A “Decision Tree” (a tool developed by Judge Steven Teske) was used to help sites make their decisions related to targeted behaviors and graduated responses. Matching the identified Focus Acts that will be handled differently with appropriate alternative or graduated responses was challenging for the sites, but the TA facilitators got better at this as they worked with more jurisdictions.

When sites are ready, TA providers can help collaboratives draft policy that supports reforms. TA facilitators know that strong MOUs clearly spell out the lines of authority (i.e., who works for whom) and the roles of key stakeholders including the SRO and school staff. The MOUs

“As facilitators, the TA team should leave every site with at least some type of ‘concrete walkaway’, something practical that they can use to move forward. This may include the start of an action plan, an MOU template or an actual draft MOU.”

should spell out achievable and realistic data collection and monitoring requirements for the project. If possible, such policies should also require regular performance reports to be produced that further encourage the benefits of reforms, that reinforce the need to sustain such changes, and that can contribute to ongoing project improvements. During the initial demonstration phase of the School Pathways Project, few sites were this far along, but it is important to reinforce this concept to those collaboratives that are committed to continuous quality improvement (CQI). This will help promote

progress toward evidence-based practice.

8. Some TA facilitators were able to help sites begin to redefine key roles including those of SROs.

Substantive changes often begin to occur as a result of effective leadership. In the most successful sites, the police chief and school superintendent worked together to come up with a new approach that redefined the roles of the police and school staff. In the sites that have made the most progress, facilitators helped law enforcement and school leadership develop Memorandums of Understanding or Agreement (MOAs) that specified the new roles of the SROs and school personnel and how they could work more closely together.

Training SROs and others for their new roles should include training on alternative responses and diversion. In those sites that have made significant progress, new training opportunities for SROs and others have emerged to match redefined roles. While many of the School Pathways Project sites were not at the point of identifying specific training needs during the initial TA phase, the evolution of school reforms from the School Pathways Project, along with other reform efforts like the JDAI, have revealed what these training opportunities may look like.

For example, in some jurisdictions that have made important progress with their reform efforts, SROs and school security officers are now given similar training. Those in both positions now receive Crisis Intervention Team training that is offered multiple times during the year. Other training may include National Incident Management Training so other officers responding to an incident know how the SROs and other officers responding will react in

different situations. Both groups are trained in verbal judo de-escalation training and other training intended to ensure greater safety and to keep kids in school whenever possible.

To a large degree, these developments reflect the evolution of continued school justice reforms, the seeds of which were sown during the early School Pathways Project. Future TA efforts and the sites engaged in school justice systems change should pay close attention to these developments.

9. All TA team members recognize that significant school pathways reforms take time.

Substantive and sustainable school discipline reforms can take significant time. TA providers quickly recognized that meaningful system change in disciplinary practices in most of the demonstration sites was (and is) going to take substantial time. Faced with that reality, facilitators encouraged incremental progress and, in general, TA facilitators did not leave any of the sites with at least some, albeit initial, indications of tangible progress and action steps.

The demonstration phase revealed that many sites wanted and needed more time for on-site TA. As noted earlier, while some sites did receive follow up visits, most received only one visit. Each visit involved two days and that translated into a day and half for most sites. More time was needed.

“The pace of local government change could be frustrating for some. Some want change to happen more quickly than is possible.”

The slow pace at which local governments tend to make changes also could be frustrating for some local stakeholders. With all of the sites being at different levels of readiness for the School Pathways Project, it is generally recognized by the NCJFCJ and TA providers that follow up assistance - to help the sites maintain progress and to help them overcome key obstacles - would have been of great benefit. While some follow up assistance was provided through subsequent telephonic or email assistance, it is recognized that additional on-site assistance from the TA teams would have helped more of the demonstration sites overcome obstacles and continue to move forward.

CONCLUDING REMARKS

In most communities that took part in the School Pathways Project work, there are signs of positive impacts. While the initial evaluation of the School Pathways Project encountered a number of obstacles that limited its scope, there are other informative examples of projects initiated before (e.g., Clayton County, GA) and after the initial Pathways demonstration phase that have documented the positive impacts of school-justice reforms.

During the almost four years that have transpired since the initial School Pathways Project, school-justice reforms have experienced important changes, challenges, and signs of progress. With the evolution of school reform efforts that began with the School Pathways to the Juvenile Justice System Project, much has been learned about how to support effectively initial planning efforts in jurisdictions that want to initiate school justice related changes, and how to support initiatives better to reduce the numbers of students who are unnecessarily referred to the juvenile justice system. But, as one can see in this *Bulletin*, much important work remains. The NCJFCJ and its TA facilitation teams have learned that each jurisdiction presents unique challenges and dynamics that resist one-size-fits-all approaches. Yet, through the School Pathways Project and subsequent developments, there is room for greater consistency and practical guidance that can be provided now to help spur and support even more jurisdictions to initiate needed reforms.

REFERENCES

1. Skiba, R. J., & Peterson, R. L. (2000). *School Discipline at a Crossroads: From Zero Tolerance to Early Response*, *Exceptional Children*, 66(3), 335-346.
2. APA Zero Tolerance Task Force. (2008). *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations*. *American Psychologist*, 63(9), 852-862.
3. Advancement Project. (2005). *Education on Lockdown: The Schoolhouse to Jailhouse Track*.
4. Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks, M. P., & Booth, E. A. (2011). *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*. New York, NY: Council of State Governments Justice Center and the Public Policy Research Institute.
5. Insley, A. (2001). *Suspending and Expelling Children from Educational Opportunity: Time to Re-evaluate Zero Tolerance Policies*. *American University Law Review*, 50, 1039-1074.
6. Education Development Center. (2012). *Supportive School Discipline: A Snapshot from Safe/Healthy Students Initiatives*.
7. Richart, D., Brooks, K., & Soler, M. (2003). *Unintended Consequences: The Impact of "Zero Tolerance" Exclusionary Policies on Kentucky Students*. Building Blocks for Youth.
8. Villarruel, F. A., & Dunbar, Jr., C. (2006). *Culture, Race, and Zero Tolerance Policy: The Implications*. *Journal of Forensic Psychology Practice*, 6(2), 53-63.
9. Hobbs, A., Wulf_Ladden, T.L., & Strawhun, J. (2013). *Assessing Youth Early in the Juvenile Justice System*. *OJJDP Journal of Juvenile Justice*. Vol. 3, Issue 1.
10. Fronius, T. Persson, H., Guckenbug, S., Hurley, N., Petrosino, A. (2016). *Restorative Justice in U.S. Schools: A Research Review*. WestEd Justice & Prevention Research Center.
11. Teske, S. C., Huff, B., & Graves, C. (2013). *Collaborative Role of Courts in Promoting Outcomes for Students: The Relationship between Arrests, Graduation Rates, and School Safety*. *Family Court Review*, 51(3), 418-426.
12. Deal, T., Ely, C., Hall, M., Marsh, S., Schiller, W., and Yelderman, L. (2014) *School Pathways to the Juvenile Justice System Project: A Practice Guide*. Reno, NV: National Council of Juvenile and Family Court Judges.
13. National Council of Juvenile and Family Court Judges. (2015). *Report on the Evaluation of Judicially-Led Responses to Eliminate School Pathways to the Juvenile Justice System*. Reno, NV: Author.

NCJFCJ
est. 1937

NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES

WWW.NCJFCJ.ORG

