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Chalk Talk —

Destiny's Child: Recognizing the Correlation between Urban Education and Juvenile Delinquency

Education is one of the most important attributes a person can acquire during their lifetime. It opens the door to opportunity and allows for effective participation in the structure of a democratic society. However, this level of participation and the opportunities that exist in conjunction with it become less obtainable for the minor who is committed to a juvenile detention facility. His specific societal needs are not addressed, and more importantly, his academic maturation is stifled. The Urban Education Program is tailored to these children and provides a model approach to treatment.

Although government programs and initiatives have addressed the educational needs of American children, they have failed to adequately address the importance of education in juvenile detention facilities.¹ Labeling this population as America's "throwaways" has established a comfort zone for most citizens and politicians in general. However, it is counterproductive to accept such notions,² given the overwhelming results of crime, school drop-out rates, and teenage pregnancy.

This article addresses the importance of education in juvenile facilities. The first part will establish that education is a recognized right for detained minors. In particular, education is paramount to furthering the objectives of juvenile justice systems with rehabilitation in mind. The second part will correlate the special needs and characteristics of the juvenile detention population with Congress' endorsement of special programs for children of urban education. The third part will interpret the legislature's intent in incorporating an urban education section into Chapter 70 of the Education Act. The article will conclude

1. Congress has implemented the Individuals with Disabilities Education Act, 20 U.S.C.A. §1400; the Rehabilitation Act, 29 U.S.C.A. §701; and the Vocational Education Program, 20 U.S.C.A. §2420(a) to address the specific needs of elementary, secondary and postsecondary educational institutions.

2. Larry Siegel & Joseph J. Senna, *Juvenile Delinquency* (West Publishing Co., 5th ed. 1994) (recognizing social theorist view that "labeling" juvenile delinquents perpetuates negative behavior).

with the suggestion that legislatures incorporate the objectives of the Urban Education Program into juvenile justice systems nationwide.

Education as a Recognized Right of Detained Minors

Producing children who can make a significant contribution to society should be at the forefront of the minds of legislators, parents, and the community at large. Discarding children who may already have a propensity for violent behavior is not the answer to this problem. Creating and perpetuating a subclass of illiterates will surely add to the problems and costs of unemployment, welfare and crime.³ Therefore, it is important that detained, or incarcerated, minors be recognized as future contributors to the U.S. economy, political structure, and to the formation of American values and morals. To continue denying their existence and needs is nationally destructive in the long run.

Congress has not set out specific guidelines to which each and every school district must adhere because the Supreme Court has acknowledged the authority of the individual states to maintain and regulate their own education systems.⁴ Consequently, education in itself is not recognized as a constitutional right.⁵ However, in states where compulsory school attendance is the law, courts have held that education programs must also be made available to juveniles in detention facilities.⁶ These holdings comport with the common sense conclusion that to deny a detained minor access to education only encourages his inclination towards truancy and further latent delinquent behavior. In the case of *Plyer v. Doe*,⁷ the Supreme Court recognized the negative effects of denying education to a subclass of youth. The case involved a Texas statute that sought to exclude the children of illegal immigrants from public education.⁸ In its analysis, the Court quoted the language of a prior decision, which stated that "the absolute deprivation of education should trigger strict judicial scrutiny."⁹ The Court recognized a right to education under the Equal Protection Clause of the Fourteenth Amendment, and ultimately held that education is fundamental in maintaining the fabric of our society, given that significant social costs result when select groups are denied the means to absorb the val-

3. See *Plyer v. Doe*, 457 U.S. 202, 230 (1982).

4. See *United States v. Lopez*, 514 U.S. 549 (1995).

5. See *San Antonio Sch. Dist. v. Rodriguez*, 411 U.S. 1 (1972).

6. See *Tommy P. v. Board of Comm'r*, 645 P.2d 697 (Wash. 1982); *Inmates of Boys Training Sch. v. Affleck*, 346 F. Supp. 1354 (D.R.I. 1972).

7. 457 U.S. 202 (1982).

8. *Tex. Educ. Ann. § 21.031* (1975) (*repealed by 74th Leg. Ch. 260 § 58(a)(1) 1995*).

9. *Plyer*, 457 U.S. at 221 (quoting *In re Alien Children Educ. Litig.*, 501 F. Supp. 544 (S.D. Tex. 1980)).

ues and skills upon which social order rests.¹⁰ In the same manner, minors incarcerated in juvenile detention facilities lack the social and interpersonal skills that are needed to effectively understand and control their behavior. Education allows a minor to recognize his potential and understand the consequences of his actions.

Many juvenile justice systems profess rehabilitation as a means of addressing the criminal potential in juvenile delinquents. Others specifically enumerate education as a service provided within their system.¹¹ Apart from the positive institutional benefits that an education program provides, such as less suicide attempts, less disciplinary problems, and a more secure facility, a feeling of achievement and success within the minor aids in the development of a productive citizen. Furthermore, studies have shown that a person's level of education directly relates to their propensity toward delinquent behavior¹² and that more youths who leave school without a diploma are more likely to be involved in chronic delinquency as opposed to their graduate counterparts.¹³ This reality alone reinforces the importance of education as the primary approach to juvenile delinquency.

The Juvenile Detention Population

Economic status is the best yardstick for predicting which juveniles will end up incarcerated. Population profiles indicate that children of poverty and inner-city communities are more likely to be committed to detention facilities,¹⁴ which are most often long-term, secure, and residential. Minorities account for the majority of children incarcerated in juvenile facilities. One reason for this disproportionate amount of minority children in incarceration is the difference in the severity of the crimes committed. White children are more likely to be convicted of non-violent crimes such as truancy, curfew violations, and graffiti. Although property crimes account for the largest percentage of crimes committed by juveniles,¹⁵ the courts' disparate treatment of minority offenders assures their overwhelming presence in detention facilities. The overt and latent origination of such treatment is beyond the scope of this article.

Additional characteristics of the average juvenile offender in a public facility are low academic achievement, residency in racially isolated area, and in

10. *Plyler*, 457 U.S. at 221.

11. See Linda F. Giardino, Note, *Statutory Rhetoric: The Reality Behind Juvenile Justice Policies in America*, 5 J.L. & Policy 223 (1996) (identifying California, Arizona, Iowa, Maryland and New Mexico as states that express rehabilitation as a corrective measure, while identifying Illinois and West Virginia as states that list education as a remedy for delinquency).

12. Siegel, *supra* note 2, at 347.

13. Siegel, *supra* note 2, at 348.

14. *Id.* at 61.

15. *Id.* at 627.

many cases, learning disabilities or mental handicaps. As a matter of fact, 12%–70% of minors within the juvenile justice system have some handicapping condition.¹⁶ Similarly, several cases have addressed the fact that these juveniles are not receiving the type of academic instruction that specifically addresses their special needs.¹⁷

Therefore, in meeting the needs of the juvenile detention population, courts should consider several factors. Those factors include more than just an assessment of a minor's criminal propensity or his prior delinquent behavior. An appropriate assessment must include evaluations based on socioeconomic status, level of academic achievement, ethnic origin, native language, and prior parental involvement. Government officials are going to have to broaden the lens if they seek to adequately address the needs of the juvenile justice system's population.

The Urban Education Program

Congress approved the Urban Education Assistance Program¹⁸ in May of 1998. This program provides federal funding to community organizations that work to improve the educational and social well-being of urban public school children.¹⁹ In addition, it seeks to assist those students in meeting national education goals and encourages community, parental and business participation in the improvement of the nation's urban schools.²⁰ In approving this Act, Congress referred to the inadequacy of urban education. These deficiencies are addressed by funding for activities that will prepare urban students to enter college, pursue careers, and exercise their responsibilities as citizens.²¹ In formulating this program, Congress gave special consideration to students suffering from low achievement, high poverty, and racial isolation.²² In its findings, Congress expressed a desire to close the gap between the "haves"

16. Mary M. Salyer, *Handicapped Incarcerated Youth: What Are Their Educational Rights?* 4-WTR Ky. Children's Rts. J. 13 (1996).

17. See *Morales v. Turman*, 383 F Supp. 53 (E.D. Tex. 1974) (holding that confined juveniles were not receiving meaningful education); *Gary H. v. Hegstrom*, 831 F.2d 1430 (1987) (concluding that confined students were harmed by both the deprivation of an education and insufficient education materials); *Green v. Johnson*, 513 F. Supp. 965 (D. Mass. 1981) (holding that state agency failed to provide and finance adequate education to meet the special needs of inmates under the age of 22); *Alexander v. Boyd*, 876 F. Supp. 773 (D.S.C. 1995) (holding that defendant institution did not adequately identify or implement programs that meet special education needs of detained juveniles).

18. 20 U.S.C.A. §8281.

19. 20 U.S.C.A. §8282(2).

20. *Id.* at §8282(1)(6).

21. *Id.* at §8283(4).

22. *Id.* at 8284(1)-(3).

and the “have nots” in our society.²³ Furthermore, in considering the national effects and consequences of allowing urban education to remain at its present status, Congress commented on the disproportionate amount of “at risk” youth in urban schools.²⁴ Essentially, this program is a call to community leaders to acknowledge and improve the condition of urban education. The program distinguishes the specific needs of its targeted population, including the needs for special education, career, education, and transitional programs that facilitate opportunities for higher education.²⁵ The similarities between the targeted population of the Urban Education Program, the goals of the Act, and the need to rehabilitate juvenile delinquents confirms that the Act provides a sound solution to the miseducation of the juvenile delinquent.

Conclusion

In summary, legislators, policy makers, community leaders, and other government officials need to recognize the special characteristics of the juvenile detention population. Society as a whole needs to acknowledge that prior methods of dealing with these juveniles have not been effective. Education is one key indicator of success. If America intends to effectively deal with this population of children, then a more comprehensive assessment of their needs must be considered. Congress has inadvertently recognized this population through the Urban Education Program. The minor who has already been introduced to the juvenile justice system is about as “at risk” as it gets. However, because he is “at risk” does not mean that he is hopeless. Adopting the guidelines of the Urban Education Program into the education curriculum and overall structure of juvenile detention facilities nationwide can work as an effective intervention method.

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23. *Id.* at 8281(3).

24. *Id.* at 8281(6).

25. 20 U.S.C.A. §8283(4)(B).

