

RESEARCH ARTICLE

Reevaluating incarcerated juvenile education in the wake of COVID-19: Why the juvenile system should take advantage of the online learning wave

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Abstract: Incarcerated juveniles have the greatest need for education and potential for improvement, yet they are one of the most underserved populations in terms of public education. Juveniles in detention centers receive a lower quality education when compared to public education systems—courses exclusively based on worksheets, single-room style teaching methods, a shortage of textbooks, and underqualified teachers. They also struggle to earn and transfer credits when moving from the juvenile system back into the public system. In addition, solitary confinement often denies access to education, adding further disadvantages. Currently, juveniles have a low reenrollment rate in the public education system after their release. This paper presents the first steppingstone to a solution for the future of juvenile education, using the national response to COVID-19 of moving education online as a blueprint, combined with social science research, to provide small amendments to promote an effective learning environment.

Keywords: incarcerated juvenile education, COVID-19, juvenile system, online learning

1 Introduction

Even though the juvenile justice system has been separately established from its parent criminal court for over a century, it still struggles to fully embrace its foundational principle of rehabilitation. One clear example of this is the quality of educational environment for incarcerated juveniles within juvenile detention centers and adult prisons. The distinct lack of emphasis within detention centers on education, despite its proven correlation to productive citizenship, demonstrates that rehabilitation is currently only a shell of a goal. The current education programs, whether due to lack of resources, outdated or failed procedures, or a myriad of other reasons, fails to address the distinct educational needs of incarcerated juveniles. Juveniles who experience solitary confinement while incarcerated are further disadvantaged in their education, creating a vicious cycle. Currently, juveniles that are successfully rehabilitated—meaning, they return public school or graduate—do so despite the educational “opportunities” available during incarceration.

The COVID-19 pandemic forced public education systems to adapt and switch to online schooling as an emergency response to prevent the spread of the virus (Li 2020). While online learning has its drawbacks, it also has advantages. This Note will analyze the current shortcomings in the educational programs for incarcerated juveniles within juvenile detention centers and adult prisons and use established social science research to support a shift in collective institutional thinking to a true goal of rehabilitation, using enhanced education as the forefront action. Further, the Note will address the unique needs of juveniles in detention centers and prisons compared to students in a traditional public school, looking to successful schooling techniques in different environments to find solutions to address those needs, with an emphasis on the surge of online education in response to the COVID-19 pandemic. From this, the Note will provide modifications and solutions to close the education gap that is preventing rehabilitation for too many incarcerated juveniles.

2 The evolution of the juvenile system’s emphasis on education

The juvenile justice system was born over a century ago from the idea that juveniles are “developmentally different” than the typical adult, and therefore less culpable for their actions (Bilchik 1999, p. 1). In fact, the Supreme Court has consistently upheld three “fundamental features of youth—lack of maturity, vulnerability to negative influences[,] and capacity for

change” that distinguish juveniles and demonstrate their need for separate treatment under the law (Moriarty, 2012). As such, the juvenile justice system is founded in principles of rehabilitation for these young offenders, rightly believing in the possibility of shaping upstanding citizens through the system (Bilchik, 1999). The juvenile system as it was created “focus[ed] on the [juvenile] as a person in need of assistance,” where the judge (and the whole system) made decisions “in the best interest of the child” (National Research Council, 2001, p. 154). Notwithstanding the stark disparity in treatment by race and class, the juvenile system began with the intention of addressing the juvenile’s specific needs for a path to success and not simply assigning a punishment to the particular crime (Bell, 2016, p. 5).

One significant change that the juvenile justice system brought was the removal of juveniles from adult jails and prisons and placement into juvenile-specific reform schools (National Research Council, 2001, p. 157). The use of reform schools as a measure to control delinquent juveniles actually predates the creation of the juvenile justice system, and they were used to house young criminals in America as early as the late 1820s (Snedden, 1907, p. 12). These early reform schools functioned in practice and form as mini-prisons for mini-adults, however, over time, they transitioned away from punitive practices to focus on juvenile rehabilitation (Snedden, 1907, p. 11–12). This shift in thinking aligned with many mandatory public education laws across the country (Keeley, 2004, p. 282). The traditional workhouse structure of contemporary adult prisons solely “designed to keep the children ‘out of trouble’” were recognized to be ill-equipped to support the “noble ideals” of rehabilitation like life skills and morality (Keeley, 2004, p. 283).

By the time the juvenile justice system was in its fledgling stages, the reform schools were well underway, molding wayward juveniles into upstanding citizens (Snedden, 1907). Instead of the typical prison structure of contracting inmates out in work camps, the reform schools placed an emphasis on providing juveniles with a thorough education to ensure individual success after leaving the reform school (Snedden, 1907, p. 19). This rigorous and daily training included disciplines such as industrial training for future employment, traditional academic schooling, and religious and moral shaping (Snedden, 1907, p. 64). In the late 1800s and early 1900s, industry training for self-support in adulthood naturally varied by gender: girls’ training included domestic work and more artistic outlets such as dressmaking and horticulture, while the boys’ schools used a mix of domestic work and skilled labor trades such as masonry (Snedden, 1907, p. 82–86, 92–94). Training in a structured setting gave juveniles an opportunity for personal growth, as opposed to the prison-punishment system that left juveniles stunted in their development to adulthood.

As the juvenile justice system progressed into the twentieth century, juvenile education within the reform schools (which eventually became modern juvenile detention centers) was left untouched by prison-oriented reformers and suffered as a result (Keeley, 2004, p. 285). Because education was “designed as the focal point” for the incarceration of juveniles, advocates for prison reform focused their attention on problems elsewhere, leaving incarcerated juvenile education standards at the mercy of Supreme Court holdings and statutory standards to raise the minimum bar (Keeley, 2004, p. 285–286).

2.1 The Court’s Impact on Juvenile Education

There are several landmark education cases from the United States Supreme Court that require juvenile education in detention centers to match public school standards: *Brown v. Board of Education* (1954) and *Yoder v. Wisconsin* (1972). These cases enumerated the right to education as an American principle, as well as developed the right of a parent (or state acting *in loco parentis*) to determine the best education for the child. In determining the question of the constitutionality of separate-but-equal schooling, the *Brown v. Board of Education* (1954) Court unequivocally established education as a hallmark right of juveniles, stating:

In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

Even in 1954, the necessity of education as a prerequisite for success was understood. Since public education is provided within state-run juvenile detention centers and adult prisons, and since the goal of the juvenile system is to rehabilitate the offender, the education offered while incarcerated must be to provide the same standards as what is provided in public schools.

The Supreme Court in *Yoder v. Wisconsin* (1972), following precedent in *Pierce v. Society of Sisters*, emphasized “the values of parental direction of the . . . education of their children in their early and formative years [has] as high place in our society.” In that case, the Court determined that conflicting state legislation must be weighed against the parent’s desire for the best educational upbringing for their child (*Wisconsin v. Yoder*, 1972). Under *Yoder* and

the doctrine of *in loco parentis*, a state has the right to determine the “best” education for the incarcerated juveniles in their care. This right to push for the best education for the juveniles, coupled with the responsibility to provide incarcerated juveniles with an education equivalent to public school standards, supports the expectation of quality education within detention centers on—both procedurally through *Brown* and for each individual juvenile through *Yoder*.

2.2 Education in Legislation

Education, while socially viewed as an American right, is actually a state specific responsibility (Yell, Rogers, & Rogers, 1998) (“The Tenth Amendment to the U.S. Constitution implies that education is the responsibility of state government.”). States, by using compulsory education laws and creating grade-appropriate education standards, directly influence juvenile education. The first compulsory education laws were passed before the juvenile justice system was created, and all states passed a version of a compulsory education law by 1918 (Yell, Rogers, & Rogers, 1998). Using Indiana as an example of an average state, the Indiana Compulsory Education statute mandates that students from age seven to eighteen must attend school (Indiana Code § 20-33-2-6). Students sixteen and older may be exempted from compulsory education only if they meet certain standards under an exit interview, namely, the withdrawal must be due to “financial hardship . . . illness . . . [or] an order by a court” (Indiana Code § 20-33-2-9). A satisfactory education within Indiana is determined as six hours of instruction a day for seventh grade through twelfth grade (LeClaire, 2019). The same standards for compulsory education also apply to juveniles who are incarcerated (Indiana Code § 20-33-2-9).

In addition to regulating mandatory school attendance, states have also crafted specific educational standards for Mathematics, English/Language Arts, Science and Computer Science, and Social Studies, as well as career and technical education courses (Indiana Academic Standards, 2020). Each educational standard goes into explicit detail by grade level, outlining the objectives a student should master to successfully complete the course (Indiana Academic Standards, 2020). Homeschooling laws vary widely by state however, as some do not provide a list of required courses for homeschooled students, while other states are highly regulated and outline mandatory courses by grade level for homeschooled students (Homeschool Laws by State).

As education developed into a nationally understood right of juveniles, the federal government used acts of legislation to ensure a minimum standard in education consistent across state lines. The Elementary and Secondary Education Act was created in 1965; neglected and delinquent juveniles were added to the Act a year later (Carter, 2018, p. 376). This Act was amended in 2001, becoming the No Child Left Behind (NCLB) Act (Leone & Cutting, 2004). NCLB required states to develop “systems of accountability” to ensure the “promot[ion of] high standards in public education and [to] ensure all youths receive high-quality services . . . [such as] a rigorous academic curriculum and instruction by highly qualified teachers” (Leone & Cutting, 2004). Title I Part D of NCLB relates to juvenile detention facilities, requiring that “education programs must provide at least 20 hours per week of instruction . . . coordinate services with youths’ home schools, meet the provisions of [the Individuals with Disabilities Education Act], provide transition services and support” in order to retain federal funding (Leone & Cutting, 2004, p. 262). Juvenile detention centers find it hard to fit within the systems of accountability for NCLB, the Adequate Yearly Progress measurements, leading to many detention centers to simply not report measurements from year to year, losing a potential source of funding (Leone & Cutting, 2004, p. 263) (Many of the Adequate Yearly Progress testing issues stem from the short-term nature of detention facilities, namely, scores are only counted if they are in the school for one year and year-over-year comparison is meaningless in a high turnover environment.).

There are also a few federal statutes and regulations pertaining to minimum education standards. Individuals with Disabilities Education Act established the individualized education program (IEP) to create a procedure to support a student with disabilities in their education (Burrell & Warboys, 2000, p. 3–4). As many incarcerated juveniles have learning and behavioral disabilities, this section is especially relevant to education in juvenile detention centers (Burrell & Warboys, 2000, p. 1) (“[A]s many as 70% suffer from disabling conditions.”). The IEP is an annual meeting involving the juvenile’s parent or guardian, a teacher from regular (if relevant) and special education, an IEP coordinator, and the juvenile (Burrell & Warboys, 2000, p. 3). Similarly to NCLB, the IEP section of IDEA also requires transition support services for juveniles from education to beyond (Burrell & Warboys, 2000, p. 4).

3 Current state of incarcerated juvenile education

While there are current education laws designed to protect juveniles’ rights to education, in reality those laws are ineffective, as detention centers and prisons are not providing education

in any significant measure (Department of Education Office for Civil Rights, 2016). In 2014, the Office of Civil Rights within the Department of Justice “issued guidance . . . to remind [detention centers] that the Federal civil rights laws, regulations, and guidance . . . also apply to educational [programs] provided to youth in justice facilities” (Department of Education Office for Civil Rights, 2016). However, despite these reminders, education for incarcerated juveniles is measurably inferior to a public-school education, signaling a systemic disregard for the rehabilitation of the very youth the program was designed for. While incarcerated, juveniles experience a distinct lack of foundational math and science courses compared to what is offered in public school, with 65% of detention centers offering Algebra I (88% of public high schools), 48% offering Geometry (84% of high schools), 28% offering Algebra II (78% of high schools), and only 8% offering Physics (60% of high schools) (Department of Education Office for Civil Rights, 2016).

Perhaps due to a lack of resources, a typical juvenile detention center education consists of a single-classroom teaching model, where students of all ages and grade levels are learning the same materials (Morris, 2015, p. 161) (Juveniles may be separated roughly by academic level; however, the division is not sufficient to cover the diverse range of grade levels by subject.). From this teaching method, it comes to no surprise that 27% of facilities fail to align with the academic standards set for their district (Mozaffar et al., 2020). Considering that each juvenile enters incarceration with a unique combination of academic proficiencies (not to mention a significantly higher likelihood of a learning disability) (Burrell & Warboys, 2000, p. 1) (23% of juveniles within the juvenile justice system have disabilities, compared to 12% in public high schools (Department of Education Office for Civil Rights, 2016, p. 3).), having a single curriculum for all juveniles irrespective of level is not effective. With a single curriculum, it is more likely that the juveniles find the material to be either too easy, or too difficult, rather than the detention center’s idea of using the average to create a “just right” curriculum, like when separated by grade level in public school. Juveniles are also disadvantaged by the instruction method of the one-size-fits-all education. The educational materials available in a typical course include worksheet packets with little to no teacher instruction or guidance, not enough textbooks for each student, or work to be completed on ancient computers with internet connectivity issues that often bar the juveniles from completing their assignments (Morris, 2015, p. 161).

The courses that are offered are of a lower quality than what one would find in public school. The juveniles have teachers that are at best, unqualified to teach a diverse group of students, with individualized needs, in the unique environment of juvenile detention (Morris, 2015; Twomey, 2008) (Juvenile detention center classrooms are constantly on high alert, in a punitive and preventive mode. This creates a hostile and contentious learning atmosphere very unlike a traditional public-school classroom, which teachers are trained for.). At worst, students have teachers that are disinterested in helping the juveniles learn, playing their part in a broken system (Juvenile Law Center, 2015, p. 5). Teachers who teach in detention center classrooms also struggle with burn-out within such an environment, demonstrated by over a third of juvenile detention teachers being absent from school more than ten days within a school year (Department of Education Office for Civil Rights, 2016, p. 1). Juveniles also find themselves being removed from the classroom for punishable “disruptive” behavior, simply by asking a question about the material (Morris, 2015, p. 161). Without the support of an educator, juveniles cannot properly engage in the measly education they are receiving, putting them at even more of a disadvantage upon their return to public school.

In addition to having a smaller course offering, it is also difficult for incarcerated juveniles to (a) earn credits within the detention center and (b) transfer them to the public-school system once they have completed their time at the detention center (Morris, 2015, p. 161). A recent national survey found that only 9% of youth in short-term centers “always earn credit for all work completed” while incarcerated, while only 17% percent always earn credit for all coursework completed in long-term detention centers (Mozaffar et al., 2020). This shocking statistic is partially due to the inherent nature of the juvenile justice system, as incarcerations do not typically follow a school semester (Mozaffar et al., 2020, p. 6). It is not uncommon for academic records to be lost or never sent during transfers between detention facilities, meaning the juveniles are left back at square one in terms of earning credits (Mozaffar et al., 2020, p. 10). Even if records are sent for a juvenile awaiting a hearing in a short-term detention center, they may not arrive before the juvenile’s detention is over (Mozaffar et al., 2020, p. 10). Another significant disruptor to earning credits is the incredible variance between detention centers in determining credits earned—some calculate using “seat-time,” yet others use semester or even year-long periods to award credits (Mozaffar et al., 2020, p. 10).

Even once juveniles manage to earn credits, they encounter additional obstacles when trying to transfer the credits to their local public school. Unfortunately, many of the obstacles are preventable clerical and procedural errors (Mozaffar et al., 2020, p. 12). The same national

survey indicated that 31% of juveniles do not receive credit for coursework completed while incarcerated simply due to lost records during the transfer to their public school (Mozaffar et al., 2020, p. 10). Other common issues surrounding the transfer of credits include delays in sending and incomplete or incorrect academic records, including the failure to label courses specifically enough to be identified to a grade-level curriculum (Mozaffar et al., 2020, p. 12–13). The difficulty obtaining credit when transferring from detention centers causes immense frustration, increasing the likelihood of dropping out entirely (Morris, 2015). Recent studies show that “as many as two-thirds . . . who leave the juvenile justice system drop out of school” (Southern Education Foundation, 2014, p. 18).

The poor quality of education for incarcerated juveniles is amplified by the use of solitary confinement. Solitary confinement is defined as “isolation from others . . . for at least twenty-two hours per day, for one or more days” (Gallagher, 2014, p. 247). In theory, solitary confinement in juvenile detention centers is used as an extreme form of time-out, allowing juveniles time to reflect on their behavioral choices (Gallagher, 2014, p. 246). In adult prisons, it also can be used as a method of protection from adult inmates (Teague, 2016). In reality, juveniles are isolated for extended periods of time, locked in miniature, empty cells, all of which causes physical regression and psychological trauma (Gallagher, 2014, p. 246). Solitary confinement has proven to be significantly likely to create or worsen existing mental health issues; markedly, 50% of all juvenile suicides occur in solitary confinement, while 62% of all suicides in incarceration were by juveniles who had previously spent time in solitary confinement (Gallagher, 2014, p. 251–252). In addition to the troubling mental health aspects, juveniles in solitary confinement are physically removed from their rehabilitation programs, including their educational program. While the number of educational opportunities one would have in solitary confinement varies by detention center, prison, and across state lines—which is an issue in itself—across the board, juveniles in solitary confinement do not receive anywhere close to the level of education they would receive as a regularly incarcerated juvenile (Gallagher, 2014, p. 248). The lucky juveniles in solitary confinement can expect their education to come in the form of a worksheet, which may or may not be at their academic level or have the corresponding answers, but many others receive no educational materials whatsoever (McClusky, 2017).

During the COVID-19 pandemic, juvenile detention centers have had to take drastic measures to slow the spread of the virus, including significantly limiting the number of employees in the detention centers to “essential employees” only (Hager, 2020). In most facilities, only the correctional officers have been deemed “essential,” leaving the juveniles without teachers (Hager, 2020). In more advanced detention centers, pre-recorded video lessons have been created to simulate a classroom learning environment, but other detention centers have been left simply worksheets (Hager, 2020). The decrease in employees also means an increase in isolation, as juveniles are forced to spend the hours previously dedicated to schooling, rehabilitation, and recreation in their rooms (Hager, 2020). The COVID-19 pandemic has affected all schooling, but the disparity between public education’s response and the detention centers’ responses demonstrates how far behind the quality of educational programs is for incarcerated juveniles.

4 The social science reasoning behind education reform

Understanding the science behind rehabilitation is vital to fully committing to the ideal juvenile justice system as it was originally envisioned (and should continue to strive for as we move forward). While skeptics might want to believe that some juveniles are inherently bad (i.e. the “superpredator” of the 1980s and 1990s) (Simmonds, 2019), many landmark social science studies have proven exactly opposite: that once a juvenile’s brain develops into maturity, the likelihood of continued delinquency vanishes (Steinberg, 2005).

The juvenile justice system’s goal of rehabilitation, as well as social science studies, support focusing on education while incarcerated. The likelihood of successful rehabilitation increases with the introduction of education. A 2016 study of 6,000 Norwegian ex-prisoners found that the education program contributed to their “social benefits, self-determination, and accountability” (Tønseth & Bergsland, 2019, p. 1, 3). This change is explained through the theory of transformative learning, which “involves experiencing a deep, structural shift in the basic premises of thought, feelings and actions. . . a shift of consciousness that dramatically and permanently alters our ways of being in the world” (Tønseth & Bergsland, 2019, p. 5). Further, studies have shown that an increase in education is associated with a decreased participation in criminal activity (Lochner & Mortti, 2004; Machin et al., 2011).

Despite online learning being traditionally thought as less effective than in-person learning, some situations, like the COVID-19 pandemic and juvenile detention centers that have diverse grade levels and limited resources, might benefit from embracing online education. Of course,

not all in-person education methods translate to distance learning well. Studies have proven that methods of teaching “with little student-to-student and student-to-teacher interaction,” like text-based lectures, are ineffective when applied in an online setting (Boling et al., 2012). Additionally, the studies demonstrated that students typically struggled in courses that were disconnected—both from a student-to-teacher and student-to-student perspective—a significant challenge in distance learning (Boling et al., 2012, p. 121). The student-to-teacher disconnection can be successfully overcome when a teacher is “flexible” and “accessible” to students outside of the structured class time, combined with individualized feedback on course performance (Boling et al., 2012, p. 121). Fostering a connection between students is a bit more challenging, as many “teacher-driven” interactions like group work and moderated discussion boards, are “inauthentic” (Boling et al., 2012, p. 121). Finally, the study encourages the use of “multi-modal” technologies (audio and video capabilities) to facilitate classroom interaction and ensure successful online learning (Boling et al., 2012, p. 123).

Additionally, the use of solitary confinement has a terrible psychological impact on juveniles (Lee, 2016, p. 854). A study was published in August 2020 evaluating how social deprivation caused by the current pandemic’s “social distancing” regulations might affect juveniles’ development and mental health (Orben, Tomova, & Blakemore, 2020). Using animal studies as background, they explain that

“the effects of social isolation are considered to be twofold: [f]irst, social isolation is a stressor . . . ; [s]econd, social isolation has effects that . . . can be attributed to the deprivation of stimuli crucial for the maintenance of neurobiological mechanisms and development” (Orben, Tomova, & Blakemore, 2020, p. 635).

The effect of social isolation is particularly relevant for juveniles, as their brains are still in a crucial developmental stage (Lee, 2016, p. 845). The study also found that “complete social deprivation during rodent *adolescence* affects brain development, mainly affecting motivation and reward processes” (*emphasis added*) (Orben, Tomova, & Blakemore, 2020, p. 636). While obviously, animal test results cannot translate exactly into the effects of humans, there are documented harms for juveniles in solitary confinement (Lee, 2016, p. 853–854).

Fortunately, social deprivation created in a solitary confinement environment can be mitigated through online means (Orben, Tomova, & Blakemore, 2020, p. 637). In fact, the study notes that the “core components” of social interactions are present when communicating online, finding “[o]nline communication has [even] been shown to remediate negative feelings after social exclusion” (Orben, Tomova, & Blakemore, 2020, p. 637). These “core components” are present in online learning as well, serving not only as a tool to educate, but also to raise the mental health levels of juveniles in solitary confinement.

5 Current attempts to address shortcomings

In recent years, society has begun to take notice of the plight of incarcerated juveniles, especially in their educational struggles. While some juvenile detention centers have benefitted from enhanced programming designed to combat the barriers incarcerated juveniles face, administration of these programs have not been across the board, leaving far too many juveniles to struggle alone.

Even though there are governmental guidelines and other resources in place to attempt to facilitate learning within juvenile detention centers, they are not always followed or utilized. In 2014, the Department of Education and the Department of Justice issued the Correction Guidance Education Package which outlined five pillars of guidance for education while incarcerated: (1) prioritize safety and education, (2) detention centers should receive equivalent funding as compared to public education, (3) hire educators trained to teach incarcerated youth, (4) use a curriculum that aligns with state standards, and (5) assist in juvenile’s transfer to public education (Education for Youth Under Formal Supervision of the Juvenile Justice System, 2019, p. 9). Judging from the continued poor educational environment for incarcerated juveniles discussed in the last section, juvenile detention centers declined to follow these guidelines to enhance their educational programs. The number of programs or resources created is irrelevant to incarcerated juvenile’s success in education unless detention centers are held accountable (For example, the Department of Education created a twelve-page pamphlet to help incarcerated juveniles with their transition back to public education. On the last page there is a “recommend[ation]” of providing it to each juvenile as they enter incarceration. U.S. DEPARTMENT OF EDUCATION, YOU GOT THIS! 12 (accessed Nov. 12, 2020).).

There has also been a push to eliminate and reduce the use of solitary confinement for juveniles. In 2015, President Obama asked the Attorney General to “review the ‘overuse of solitary confinement across American prisons’” (Fact Sheet: Department of Justice Review of

Solitary Confinement, 2016). After a year of investigation, the Department of Justice released a report with recommendations, which President Obama adopted in an Executive Order (Fact Sheet: Department of Justice Review of Solitary Confinement, 2016). Part of the Executive Order put an end to the use of solitary confinement for juveniles in federal prisons (Fact Sheet: Department of Justice Review of Solitary Confinement, 2016), following the recent trend within states of banning or restricting the use of solitary confinement (Eilperin, 2016). Despite these limitations, detention facilities are still placing juveniles in various forms of solitary confinement (Fierman et al., 2017, p. 6). Because the use of solitary confinement for juveniles is not going anywhere soon, it is important to specifically include isolated juveniles in the proposed educational reforms until the practice has been phased out completely.

The juveniles in detention centers are at the most critical stage for encouraging continued education—the opportunity and responsibility to provide a quality program is never greater. Despite the good intentions of increased regulations and guidance for best practices, it is the system itself that is creating the problem. Incarcerated juveniles have the most interaction with the government, yet the least amount of meaningful support to develop into good citizens. The first pillar of this support lies in increasing the quality of the education provided to those in detention centers.

6 Public school's online and hybrid solution to COVID-19

To understand the framework, it is important to travel back through recent history to understand the public-school systems' response to the pandemic, using Bloomington, Indiana schools as the model. While this example is not illustrative of every single school system's policy, this has been the typical, general format of online learning.

When the pandemic began, the public schools were hastily thrust into a 100% online format as quarantines and stay at home orders were issued. Everyone, including teachers, were moved to online platforms that have similar capabilities to the in-classroom experience, like presenting a PowerPoint and creating breakout rooms for small-group discussions. Eventually, students with learning disabilities, who needed one-on-one assistance, returned to in-classroom learning, with most of the students remaining online.

Finally, students and teachers returned to school in-person, with a flexible, hybrid format to limit COVID-19 exposures and outbreaks. While the default learning method is live, in classroom learning, the students revert to online learning after they have (1) contracted COVID-19, or (2) been exposed to COVID-19. Depending on the classroom, the online version is either live, allowing students online to interact real-time with students in the classroom, or recorded for the students to watch once its posted. This hybrid solution allows students to seamlessly transition between in-classroom to online, supporting the necessary quarantine period without sacrificing a student's education.

7 Online education is the solution

While public education's switch to online schooling has been seen as a short-term, emergency response to the COVID-19 pandemic, there are many benefits to an online learning environment for juveniles in both short and long-term detention centers, provided the right program has been developed. In order for an educational program in juvenile detention centers to be effective, it must meet a few key criteria. One, a program must be created with the intention of credit transferability to other detention centers and the public school system. Second, courses must create an environment capable of simulating social interaction and collaborative learning similar to that of an in-person class. Third, the program must be able to work for highly individualized students, acknowledging that each juvenile will enter the program at a unique blend of academic levels.

The most important thing to consider when developing a program is the transient nature of juvenile detention centers. In our current era of technology, the days of a rigid, slow system that disadvantages juveniles should be history. As demonstrated by the flexibility of the COVID-19 responses, we have the power to instead create a program that works with the nature of the detention centers to maximize the rehabilitative ideals the juvenile justice system was founded upon.

Of course, it must be said that taking inspiration from the public-school system's online response of COVID-19 and providing a possible framework for the future of juvenile education is only the first step. There are many limitations that have yet to be addressed within this Note,

namely, the financial and social burdens. Without available financial resources, the initial implementation cost of providing computers or tablets, headphones, and a suitable internet connection would be too great. Further, the proposed solution necessarily requires the participation and support of the public school system, as juveniles transfer from an in-classroom experience to an online format while being detained. Without the support of the public school system, which would take significant cultural change—although potentially less of a shift after nearly two years of educating in the COVID-19 environment—the proposed solution of integration would not be possible.

7.1 Short-Term Detention Center Program

Juveniles in short-term detention centers should be treated within the public school system similarly to how sick students in an in-person classroom are treated in the current COVID-19 blended learning environment (When a student is sick, they can either join the course online through a live video or access a recording after class.). As juveniles in short-term detention centers are typically incarcerated for a period of up to a few weeks, allowing them to continue with their current educational program while incarcerated will reduce the number of lost credits and truancy occurrences (Mozaffar et al., 2020, p. 10). Ideally, the juvenile would be able to join their courses live, through the video capabilities already established during COVID-19. Being able to join the live classes—interacting with the class in real time—will simulate an environment most like an in-person class, which would maximize the juvenile's learning potential while in the transient environment of short-term detention (Boling et al., 2012). If joining their courses live is not feasible, the next best option is to view the class recordings. While simply viewing the recordings may run the risk of a juvenile experiencing a disconnect from their education, in-person check-ins with their teachers as a chance to ask questions and receive performance feedback on activities could at least work to mitigate the student-to-teacher disconnect (Boling et al., 2012).

7.2 Long-Term Detention Center Program

Entering a long-term detention facility signals a break from the juvenile's prior public education system, to be treated much like moving schools within the public school system would (As the detention centers switch to online schooling, hopefully the transcript transit times will increase as well, reducing yet another issue of transferring.). In this time, any academic proficiency evaluations should be completed, as well as the mandatory IEP meeting. Like stated earlier, there are three main aspects that must be addressed when envisioning an effective online learning program. The following three sections begin to discuss how each of those pillars would look within an online program designed for incarcerated juveniles.

7.2.1 Create credits to transfer

Putting effort into creating a quality educational program is pointless without giving the juveniles a meaningful way to use the educational opportunities, namely, without giving them the ability to use the credits earned while incarcerated. There are two hurdles in the credit transfer process: communication between the detention centers and the public school system and creating courses that meet state standards so they can be approved once transferred.

Making sure a transcript accurately and speedily follows an incarcerated juvenile should naturally become easier, especially as schools and detention centers embrace moving more of their records online. The problem now is a lack of standardization, leading to a lack of accountability between the systems that leaves the juvenile to fight on their own behalf. Instead of Adequate Yearly Progress measures that are built for a standard, year-long public education (Leone & Cutting, 2004), detention centers should be held to customized NCLB standards that more accurately hold them accountable. One of the measures should be the speed and accuracy that detention centers transfer transcripts to other detention centers and to public education. Meeting this standard would allow detention centers to earn additional funding through NCLB, in addition to reducing needless credit earning barriers such as delayed transcripts.

Once transcripts are transferred, they need to be accurate enough to get approved by public school administration. Moving to an online program will eliminate the issue of transcript errors made by detention center due to keeping manual records (Mozaffar et al., 2020, p. 12). To further ensure the courses offered during incarceration will be evaluated on the correct grade level, the new curriculum should be designed to meet the state standards published by the individual state's Department of Education. In addition, the online program should follow the semester or quarter system, depending on district, so juveniles can seamlessly transition from detention center to public school, much like a public school to public school transfer.

Further, incarcerated juveniles should have full transparency about credits earned and remaining credits required to graduate. Creating a credit system with transparency empowers incarcerated juveniles to work with the educational program towards a goal, which benefits all parties—the juvenile takes measurable steps towards graduation, the two education systems work towards seamless integration, the juvenile justice system finds a new way to track measurable rehabilitation.

7.2.2 Avoid the disconnect

The ultimate success of an online program hinges on its design. As we have seen from the rushed online education from COVID-19, a successful online program is not simply a replication of an in-person course. Instead, due to the solitary nature of the students, curriculums must face the problem of student disconnect head-on.

The biggest issue of online education is how to engage its students. A significant part of primary-school curriculum is built around lecturing, which has been proven unsuccessful when used in online courses (Boling et al., 2012). However, increasing the level of social interaction and use of multi-modal technologies within a course increases engagement and student satisfaction (Boling et al., 2012). Teachers should be trained to incorporate increased discussions into their lessons, through the use of video platform technology like polling and breakout rooms, as well as general encouragement during class. Additionally, using a mix of presentation features like PowerPoint, videos, and screensharing will reduce the risk of a lecture becoming monotonous and disengaging.

Researchers have found that course flexibility, feedback, and teacher accessibility are key features to reduce student-to-teacher disconnect (Boling et al., 2012). In a juvenile detention center, having flexible access to an online course is less important, as juveniles will be online for set hours during their school day. Similarly, due to the assignment-based structure of middle school and high school curriculum, feedback will be built into the courses. However, teacher accessibility outside of the designated instruction period is vital. Allowing students to ask questions after class will help the juveniles develop connections to their teachers as supporters in their education. Access can be achieved in a variety of ways, but office hours and email are two viable options.

Forming meaningful connections with distanced students proves to be more of a challenge for teachers (Boling et al., 2012). Juveniles might be reticent to engage with distanced juveniles, especially considering the relatively short amount of time spent in a detention facility compared to public education (Boling et al., 2012). Students respond negatively to forced social interaction with online classmates, such as mandatory discussion boards or group projects, objecting to their inauthenticity (Boling et al., 2012) (Group projects would not work with the format of detention centers, due to their transient nature of detention stays.). Because of this response, teachers should instead encourage student-to-student interaction within structured class time, by leading discussions or putting the juveniles into breakout rooms. Additionally, the availability of a monitored, but not mandatory, discussion board could spark organic interactions as the juveniles use each other as a resource to prepare for class.

Moving to online schooling actually increases the connection for juveniles in solitary confinement. Juveniles in detention centers that continue to use solitary confinement will benefit from continuing their education while in isolation for several reasons. First, the juvenile will not be disadvantaged by having significant lapses in education, as they can continue taking the same online courses from their cell. Second, and of greater importance, online learning will provide needed stimuli crucial for brain development, hopefully reducing the negative impact of social isolation on their mental health (Orben, Tomova, & Blakemore, 2020). It is estimated that around 60% of juveniles that have been arrested have some form of mental illness, which can be exacerbated by solitary confinement (Teague, 2016). A well-created online program can replace some of the “core components” of social interaction juveniles lack while in solitary confinement (Lee, 2016), potentially reducing the extreme harm to their mental health.

7.2.3 Allow a customized course path

Like the short-term detention centers, juveniles at long-term detention centers also will benefit from having their educational programs moved online, as it would alleviate many current problems—namely, the single-classroom teaching style (Morris, 2015) and sourcing and maintaining qualified teachers (Twomey, 2008). These two issues stem from a lack of resources. Even within a small group of incarcerated juveniles, the wide range of grade levels makes it impossible for a single detention center to hire enough teachers to teach every needed subject and grade level (Morris, 2015). The limited teacher resource results in a detention center combining students of several grade levels into a single classroom (Morris, 2015). Moving to online learning will

instead allow multiple detention centers to create virtual classrooms of students at the same grade level. This would allow a juvenile to enroll in courses that match the level they are by subject and grade level. In addition to combining students, the detention centers can combine funds by course to source qualified teachers.

Logistically, a teacher will need to be present in each detention center as well to act as a supervisor while the juveniles are receiving online instruction, but the in-person teacher should also be able to provide support while juveniles are completing homework and assignments offline. COVID-19 proved that corrections officers can fulfill this role to some extent (Hager, 2020), but the learning environment would benefit from a trained professional.

The advantage of a juvenile detention center over the traditional public-school academic calendar lies within its unique “year-round nature,” demonstrated by almost a fourth of detention centers reporting having over 230 days of school in a year (Department of Education Office for Civil Rights, 2016) (This is compared to an average school requirement of 180 days.). While the program should match the state’s designation of a semester or quarter system, juveniles who are incarcerated over traditional school breaks like summer or winter break should be able to take courses to earn credits they might have been missing or fallen behind on. While not all juveniles will be able to take advantage due to timing, the potential benefit to those who are incarcerated for long-terms is significant.

7.3 Further Application of Going Online

Further, the application of online learning has the potential to be applied as a solution to a myriad of other gaps within the juvenile justice system. Namely, online interactions can be used to supplement where human interactions are not possible or sufficiently frequent enough to be useful. It has long been known that increased family support has an effect on a juvenile’s successful rehabilitation (Northwestern School of Law, 2018). Unfortunately, many families in urban areas may lack the resources for in-person visits to juvenile detention centers, which are often in rural locations. Using virtual visits to supplement or replace these juvenile’s interactions with their families might bolster and provide support for rehabilitation. Additionally, virtual educational lessons could easily be translated and applied to counseling sessions for all juveniles, especially those juveniles in solitary confinement.

8 Conclusion

While moving to a cohesive online program would give incarcerated juveniles access to better education, increasing the likelihood of continued enrollment in school once released, it is not the complete solution to juvenile rehabilitation. The first hurdle would be addressing other implementation barriers, such as resource scarcity and allocation. Additionally, many other processes within the juvenile justice system deserve a critical evaluation in light of the potential enhancements from current technologies. The initial investment to reimagining juvenile education is steep, however juvenile detention centers’ use of online learning can provide these institutions with the ability to maximize limited resources, such as partnering with other detention centers to hire more qualified teachers or to increase course offerings (because the per student cost would be reduced if classroom sizes were not limited to one detention center). Online learning, combined with current programs like placement testing, can eliminate the harm from the one-room schooling style and ensure juveniles receive material that corresponds to their education level. Further, it can serve as a bridge while juvenile detention centers work through phasing out solitary confinement.

Creators of the online learning programs should use lessons learned from public school’s reactions to educating during COVID-19 to sift through and select the most effective measures for educating juveniles and IEP juveniles, although further research into what constitutes effective online learning should be conducted, for the benefit of all future education. In addition, when selecting course offerings, long-term detention centers should focus on both the state mandated curriculum by grade level and local public schools’ curriculums, to ensure offerings will be relevant and transferable post-incarceration.

Additionally, using the current widespread hybrid learning effort as a launching platform, online-learning would provide opportunity to allow short-term incarcerated juveniles to continue their schooling while in the detention centers, to eliminate the unnecessary loss of schooling, difficulty transferring credits, and potential risk of being labeled a truant.

Even though the future of education has been slowly changing as a natural response to technology advancements, COVID-19 rapidly forced most public education systems to embrace the digital era, yet COVID-19 left incarcerated juveniles in the dust. While there are still questions left to be answered, the juvenile detention centers have been given an opportunity to

borrow the tested framework of hybrid and virtual learning and adapt it to fit the needs of our most vulnerable youth.

References

- 20 Indiana Code Annotated. § 20-33-2-6.
 20 Indiana Code Annotated. § 20-33-2-9.
- Bell, J.R. (2016). *Repairing the Breach: A Brief History of Youth of Color in the Juvenile Justice System*. W. Haywood Burns Institute of Youth Justice Fairness and Equity.
- Bilchik, S. (1999, November). 1999 National Report Series. U.S. Department of Justice. <https://www.ncjrs.gov/pdffiles1/ojdp/178992.pdf>
- Boling, E. C., Hough, M., Krinsky, H., Saleem, H., & Stevens, M. (2012). Cutting the distance in distance education: perspectives on what promotes positive, online learning experiences. *Internet & Higher Education*, 15(2), 118-126. <https://doi.org/10.1016/j.iheduc.2011.11.006>
- Brown v. Board of Education 1954 347 U.S. 483 (USA).
- Burrell, S., Warboys, L. (2000). Special Education and the Juvenile Justice System. <https://www.ojp.gov/pdffiles1/ojdp/179359.pdf>
- Carter, G. (2018). Repairing the Neglected Prison-to-School Pipeline: Increasing Federal Oversight of Juvenile Justice Education and Re-Entry in the Reauthorization of the Elementary and Secondary Education Act XXV. *Georgetown Journal of Poverty Law and Policy*, XXV, 372-376.
- Department of Education Office for Civil Rights. (2016, December 2). Protecting the Civil Rights of Students in the Juvenile Justice System. <https://www2.ed.gov/about/offices/list/ocr/docs/2013-14-juvenile-justice.pdf>
- Education for Youth Under Formal Supervision of the Juvenile Justice System. (2019, January). Office of Juvenile Justice and Delinquency Prevention. <https://www.ojjdp.gov/mpg/litreviews/Education-for-Youth-in-the-Juvenile-Justice-System.pdf>
- Eilperin, J. (2016, January 26). Obama Bans Solitary Confinement for Juveniles in Federal Prisons. *The Washington Post*.
- Fact Sheet: Department of Justice Review of Solitary Confinement. (2016, January 25). The White House. <https://obamawhitehouse.archives.gov/the-press-office/2016/01/25/fact-sheet-department-justice-review-solitary-confinement>
- Fierman, J. (2017). *Unlocking Youth*. https://jlc.org/sites/default/files/publication_pdfs/JLC_Solitary_Report-FINAL.pdf
- Gallagher, L. (2014). More Than a Time out: Juvenile Solitary Confinement. *University of California Davis Journal of Juvenile Law and Policy*, 244, 244-252.
- Hager, E. (2020, May 5). Solitary, Brawls, No Teachers: Coronavirus Makes Juvenile Jails Look Like Adult Prisons. *The Marshall Project*. <https://www.themarshallproject.org/2020/05/12/solitary-brawls-no-teachers-coronavirus-makes-juvenile-jails-look-like-adult-prisons>
- Homeschool Laws by State. <https://hslida.org/legal>
- Indiana Academic Standards. (2020, November 11).
- Juvenile Law Center. (2015, April). *Justice for Juveniles: Youth Recommendations to Improve Educational Outcomes for Youth in the Juvenile Justice System*. https://jlc.org/sites/default/files/publication_pdfs/J4EdRecs4-15-15.pdf
- Keeley, J.H. (2004, December). Metamorphosis of Juvenile Correctional Education. *Journal of Correctional Education*, 55, 277-286.
- LeClaire, R. (2019, May 29). *Indiana Dept of Education Memorandum. Department of Education*. <https://www.doe.in.gov/sites/default/files/attendance/detentionmemo119.pdf>
- Lee, J. (2016). *Lonely Too Long: Redefining and Reforming Juvenile Solitary Confinement*. *Fordham Law Review*, 85, 845-854. <https://doi.org/10.2139/ssrn.2715909>
- Leone, P.E., Cutting, C.A. (2004) *Appropriate Education, Juvenile Corrections, and No Child Left Behind*. *Behavioral Disorders*, 29, 260-263. <https://doi.org/10.1177/019874290402900305>
- Li, C., Lalani, F. (2020, April 29). The COVID-19 Pandemic has Changed Education Forever. This is How. *World Economic Forum*. <https://www.weforum.org/agenda/2020/04/coronavirus-education-global-covid19-online-digital-learning>
- Lochner, L., & Mortti, E. (2004). The Effect of Education on Crime: Evidence From Prison Inmates, Arrests and Self-Reports. *American Economic Review*, 94, 155. <https://doi.org/10.1257/000282804322970751>
- Machin, S., Marie, O., & Vujić, S. (2011). The Crime Reducing Effect of Education. *The Economic Journal*, 121, 463. <https://doi.org/10.1111/j.1468-0297.2011.02430.x>
- McClusky, M. (2017, December 24). 'What if This Were Your Kid?'. *The Atlantic*. <https://www.theatlantic.com/politics/archive/2017/12/juvenile-solitary-confinement/548933>

- Moriarty, P. (2012, September 24). Restoring Rehabilitation to the American Juvenile Justice System, *Jurist*.
<https://www.jurist.org/commentary/2012/09/perry-moriearty-juvenile-justice>
- Morris, M.W. (2015). *Pushout: The Criminalization of Black Girls in Schools*. New York, NY: The New Press.
- Mozaffar, N., Burdick, K., McInerney, M., Moon, K., Dunn, K., Burke, S.C., & Goldstein, N.E. (2020). Credit Overdue (How States Can Mitigate Academic Credit Transfer Problems for Youth in the Juvenile Justice System).
https://www.splcenter.org/sites/default/files/credit_overdue.pdf
- National Research Council. (2001). *Juvenile Crime Juvenile Justice*. McCord, J., Widom, C.S., Crowell, N.A. (Eds.). Washington, D.C., National Academy Press.
- Northwestern School of Law. (2018). *Parents as Partners: Family Connection and Youth Incarceration*. Children and Family Justice Center.
<https://www.law.northwestern.edu/legalclinic/cfjc/documents/communitysafetyfeb.pdf>
- Orben, A., Tomova, L., Blakemore, S. (2020). The Effects of Social Deprivation on Adolescent Development and Mental Health. *Lancet Child Adolescent Health*, 4, 634-637.
[https://doi.org/10.1016/S2352-4642\(20\)30186-3](https://doi.org/10.1016/S2352-4642(20)30186-3)
- Simmonds, M. (2019, January 2). Education Behind Bars: Can Young People Be Taught in Adult Justice System?. *Juvenile Justice Information Exchange*.
<https://jjie.org/2019/01/02/education-behind-bars-can-young-people-betaught-in-adult-justice-system>
- Snedden, D.S. (1907). *Administration and Educational Work of American Juvenile Reform Schools*. New York, NY: Author.
- Southern Education Foundation. (2014). *Just Learning*.
<https://www.southerneducation.org/wp-content/uploads/2019/02/Just-Learning-Final.pdf>
- Steinberg, L. (2005). Cognitive and Affective Development in Adolescence. *Trends in Cognitive Science*, 9, 69.
<https://doi.org/10.1016/j.tics.2004.12.005>
- Teague, S. (2016, January 5). Incarcerated Youth in Solitary Confinement: A Growing Concern, *Child Trends*.
<https://www.childtrends.org/blog/incarcerated-youth-in-solitary-confinement-a-growing-concern>
- Tonseth, C., & Bergsland, R. (2019, June 17). Prison Education in Norway - The Importance for Work and Life After Release. *Cogent Education*, 6, 1-5.
<https://doi.org/10.1080/2331186X.2019.1628408>
- Twomey, K. (2008). The Right to Education in Juvenile Detention Under State Constitutions. *Virginia Law Review*, 94, 765-772.
- Wisconsin v. Yoder* 1972 406 U.S. 205 (USA).
- Yell, M.L., Rogers, D., & Rogers, E.L. (1998, July). The Legal History of Special Education. *Remedial and Special Education*, 19, 219.
<https://doi.org/10.1177/074193259801900405>