

**Questions for the Record
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**Committee on the Judiciary
United States Senate**

**“Ending the School-to-Prison Pipeline”
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Questions Posed by Senator Franken

- 1. ASSISTANT SECRETARY DELISLE and ACTING ADMINISTRATOR HANES, kids with learning disabilities are more likely than their peers to end up in the juvenile justice system. This suggests that students with disabilities are not receiving the support they need to be successful in school. And, for me, this is an argument in favor of full funding for the Individuals with Disabilities Education Act – or IDEA. But, aside from additional funding, what can the federal government do to help address this disparity?**

The federal government can assist states and localities in employing a number of proven strategies beginning with a continued or expanded investment in high quality early childhood education programs. This benefits special education programs by laying strong educational foundations and intervening early and effectively when weaknesses first present. Research studies, including studies of the High/Scope Perry Preschool¹ and Chicago Child-Parent Center² programs, have shown that high quality early education not only deters crime and saves taxpayers money, but can reduce special education placements. The Office of Justice Program’s (OJP) CrimeSolutions.gov has rated these programs as “Effective” and “Promising,” respectively.

The High/Scope Perry Preschool Study, conducted in the Ypsilanti, Michigan school system, focused on 3- and 4-year-olds living in poverty and at risk for school failure. From 1962–1967, the subjects of the study were randomly divided into a program group that received a high-quality preschool program based on High/Scope’s cognitive and socio-emotional development through active learning approach and a comparison group that received no preschool program. By age 10, early findings showed that 17 percent of the students enrolled in the program were

¹ David P. Weikart, James T. Bond, and J. T. McNeil, *Ypsilanti Perry Preschool Project: Preschool Years and Longitudinal Results Through Fourth Grade* (Ypsilanti, Mich.: HighScope Press, 1978).

² Conyers, L. M., Reynolds, A. J., & Ou, S.-ruu. (2003). The Effect of Early Childhood Intervention and Subsequent Special Education Services: Findings from the Chicago Child-Parent Centers. *Educational Evaluation & Policy Analysis*, 25(1), 75-95. Retrieved from <http://www.jstor.org/stable/3699518>

held back or placed in special education as compared to 38 percent of those not enrolled in the program.

Similarly, children who participated in the Chicago Child-Parent Center program had a significantly lower rate of special education placement at 12.5 percent as compared to the comparison group with 18.4 percent. The Chicago Child-Parent Center is a center-based early intervention program that provides comprehensive educational and family-support services to economically disadvantaged children from preschool to third grade. The program was established through funding from Title I of the landmark Elementary and Secondary Education Act of 1965. It is the second oldest federally funded preschool program in the U.S. (after Head Start) and the oldest extended early childhood intervention program. The program is designed to promote children's academic success and to facilitate parent involvement in children's education.

These studies have been cited by law enforcement leaders and crime survivors who are fighting to protect and strengthen early care and education. They understand that promoting quality early education programs are critical to ensure that children are "directed to a better path in life that leads to success and away from crime."

School should be a safe place for all children to learn and develop. Working with the Department of Education, the Department of Justice's Office of Community Oriented Policing Services (COPS Office) has recently awarded a grant to develop a model for, as well as training curriculum on, the effective use of School Resource Officers (SRO) in school safety programs. In their three-part role as law enforcer, informal counselor, and educator, SROs can be an important component and partner in school safety efforts.

The COPS Office recently awarded a \$500,000 grant to develop a model that will present guidelines, tools, resources, and promising practices from around the country (in jurisdictions of varying size) on the SRO's role in school safety and security efforts. These tools will expand the knowledge base for SROs and those that select, hire, train, and manage them, setting a national standard for their role in school safety. The model and training curriculum will increase the ability of law enforcement agencies, educators, school administrators, and necessary stakeholders (including mental health and other service providers, parents, and students) to work together under integrated and individually tailored school safety and security plans.

The model will provide specific outcome and output based assessments of SRO activities, address best practices regarding discipline issues (i.e., an SRO who observes a violation of the student code of conduct takes the student(s) to the school officials to determine school discipline rather than treating school discipline as a law enforcement issue), address the importance of protecting students' rights by assuring SRO familiarity with the laws regarding arrests according to applicable legal standards, provide best practices on alternatives to arrest—such as restorative justice models and the role of the SRO in restorative justice techniques—and include safeguards to prevent SROs from becoming a conduit in a "school to prison pipeline" and the disciplinary policies and practices that can push students out of school and into the justice system.

Additionally, the President's budget for 2014 provides \$75 billion over ten years for the Administration's preschool initiative and another \$17 billion for other early childhood programs and cites similar research that shows the long term benefits of high quality early education.

Further, federal agencies can support or promote the following additional strategies:

- Enhancing and expanding training for educators and school-related personnel to include school nurses, bus drivers, and other non-academic school staff, as well as law enforcement (such as School Resource Officers) to assist in the early identification of children with special education, social/emotional, and/or behavioral issues.
- Expanding application of multi-tiered behavioral intervention frameworks, which provide differentiated levels of behavioral or instructional supports and interventions, based on the needs of individual students. Such programs, including the Positive Behavioral Interventions and Supports program, can provide a framework for training and support to help school staff put into place developmentally sound and research-based alternatives to punitive discipline practices.
- Enhancing the education of law enforcement and judicial officers and promoting problem-solving approaches to reducing inappropriate referrals of students with learning disabilities to court and law enforcement. One demonstrably effective problem-solving approach initiated in Georgia and Alabama is the basis for a replication project by the National Council of Juvenile and Family Court Judges, which is developing a training curriculum for judicial personnel and a "training of trainers" pilot program to build a cadre of judicial leaders who can help disseminate and replicate this approach.

Federal government activity consistent with these efforts includes law enforcement and policy work to ensure compliance with the civil rights of youths with disabilities. The strategies above are significant in and of themselves; however, direct financial support and technical assistance from federal agencies should be leveraged to assist students with disabilities.

2. ASSISTANT SECRETARY DELISLE and ACTING ADMINISTRATOR HANES, following up on a question that I asked during the hearing, please provide data showing the relationship between early education programming and involvement in the juvenile justice system? In particular, please provide evidence showing whether children who receive such programming are more or less likely to be involved in the criminal justice system later in life.

Few investments have a bigger return to society than high-quality early childhood programs. There is strong research demonstrating that children who attend high-quality preschools are better prepared for school, score higher on reading and math assessments in the elementary grades, are less likely to need special education services and be held back in school, and are more likely to graduate from high school than children who do not attend such programs.³ There

³ Center for Public Education, *The Research on Pre-K*, 2008.

is also considerable evidence that early intervention including educational programming can reduce children's involvement in the criminal justice system later on in life. OJP's Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Fact Sheet, titled "*Costs and Benefits of Early Childhood Intervention*"⁴, examined the benefits of early childhood intervention in the prevention of later delinquency citing, among others, outcomes of the High/Scope Perry Preschool study.⁵ OJJDP's bulletin, "*The High/Scope Perry Preschool Project*"⁶, explains in greater detail how and why the High/Scope Perry Preschool program, as one example, was successful and provides a positive cost benefit analysis.

The longitudinal study found that not only was the program effective as an educational intervention, but it also demonstrated other positive outcomes, including a significantly lower rate of crime and delinquency and a lower incidence of teenage pregnancy and welfare dependency. Data collected showed that by the age of 27, program participants were nearly three times more likely to own their own homes than the control group and less than half as likely to be receiving public assistance.

The data also showed that there were significant differences in the groups with regard to their involvement in the criminal justice system. The control group underwent more than twice as many arrests as the program group (averages of 4.0 versus 1.8 arrests per person). Thirty-six percent of the control group accounted for 98 felony arrests between ages 19 and 27, while 27 percent of the program group accounted for 40 felony arrests during the same period. Thirty-five percent of the control group were considered frequent offenders (defined as five or more arrests), compared with only 7 percent of the program group. In addition, 25 percent of the control group had been arrested for drug related offenses versus 7 percent of the program participants. The control group also averaged more months on probation (6.6 versus 3.2 months) and had more than twice as many of its members placed on probation or parole for longer than 18 months (20 versus 9 percent).

A distinctive feature of this study is its economic cost-benefit analysis which "indicates a savings to the public of more than seven times the initial investment per child, with a return of \$7.16 for every dollar spent" resulting from taxpayer returns based on savings in welfare assistance, special education, prosecution of crime, assistance to crime victims, and increased tax revenue from higher earnings.

3. ACTING ADMINISTRATOR HANES, this is a moral issue – we have a moral responsibility to make sure kids get an education and have a real chance to succeed in life. But this is an important economics issue, too. I've seen data in Minnesota which show that we save about \$3 to \$5 for every one dollar spent on Justice Department

⁴ Greenwood, P.W. 1999. Costs and Benefits of Early Childhood Intervention. Fact Sheet #94. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. <https://www.ncjrs.gov/pdffiles1/fs9994.pdf>

⁵ Barnett, W. S. (1996). Lives in the balance: Age-27 benefit-cost analysis of the HighScope Perry Preschool Program (Monographs of the HighScope Educational Research Foundation, 11). Ypsilanti, MI: HighScope Press.

⁶ Parks, Greg. 2000. High/Scope Perry Preschool Project. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. https://www.ncjrs.gov/html/ojjdp/2000_10_1/contents.html

programs for youth mentoring and youth interventions. How much money do we save or generate relative to what we spend on counseling, mentorship, and other youth programs administered or funded by the Justice Department?

States that have conducted cost-benefit analysis and cost assessments of programs designed to reduce juvenile delinquency and crime found that implementing evidence-based prevention programs resulted in cost savings or avoidance and successfully diverted children from a criminal path.

For example, the Washington State Institute for Public Policy (WSIPP), created in 1983 by the Washington Legislature to carry out non-partisan research on public policy issues, was directed to review “evidence-based” policy strategies in juvenile justice and adult corrections beginning in 1997. WSIPP developed a highly regarded economic model to assess the benefits and costs of prevention programs and calculated a monetary estimate of benefit per participant.

Subsequently, WSIPP published the *Return on Investment: Evidence-Based Options to Improve Statewide Outcomes*,⁷ providing an independent assessment of the many delinquency prevention programs in operation, similar to those funded by the Department. The findings showed that many of the programs provide a significant return on investment. Specifically, the total benefits of youth mentoring were \$7,207 per participant (in 2011 dollars) with average program costs to be \$1,479 per participant, resulting in a net value of \$5,728 per participant; for juvenile drug courts, the net value is \$10,576 per participant; and for intensive counseling services, such as multi-systemic therapy and family functional therapy, the net value per participant is \$24,751 and \$30,706, respectively.

OJP continues to support innovative, evidence-based approaches that help state, local, and tribal jurisdictions maximize resources and improve public safety results. In fiscal year 2012, OJJDP awarded over \$60 million through their National and Multi-State Mentoring programs and over \$6 million to drug courts, with approximately \$2.2 million to the Family Drug Courts and nearly \$4 million to Juvenile Drug Courts/Reclaiming Futures programs. Research indicates that, when well-implemented, mentoring can be a useful strategy in working with at-risk youth and those who experience multiple risk factors for delinquency, school failure and other negative outcomes. Research has also shown that drug courts, when correctly used, can both reduce recidivism and increase public savings. OJP is working to educate the field on the value of evidence-based programs by promoting OJJDP’s Model Programs Guide database and the CrimeSolutions.gov website, where multi-systemic therapy and family functional therapy programs are featured.

⁷ Lee, S., Aos, S., Drake, E., Penucci, A., Miller, M., & Anderson, L. (2012). Return on investment: Evidence-based options to improve statewide outcomes. April 2012 (Document No. 12-04-1201). Olympia: Washington State Institute for Public Policy. Retrieved on January 11, 2013 from http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/WSIPP_Return_on_Investment_April_2012.pdf