WASHINGTON, May 22 (UPI)—If you're young, have a disability, and happen to end up in the juvenile justice system, most likely your disability will go unnoticed and unaddressed, and your chance of leading a productive life will rapidly disappear. As Congress debates the reauthorization of the Individuals with Disabilities Education Act, or IDEA, these abysmal odds can be raised.

Up to 20 percent of the estimated 100,000 youth in incarceration have serious mental disorders, 20 to 50 percent have attention deficit hyperactivity disorder, 12 percent are mentally retarded, and 30 percent or more have specific learning disabilities. IDEA entitles these youth, like all youth with disabilities, to receive an education in regular classrooms and to receive disability-related services.

Many young people in the juvenile justice system might never have landed there had their disabilities and related needs been addressed. Others would not languish in the system for as long as they do if they received services.

Properly treated and educated, almost all would experience greater success after leaving it.

But all too frequently, the juvenile justice system provides little to nothing to help these young people with their disabilities.

One problem may be resource shortages. Under the original IDEA legislation, the federal government was to provide 40 percent of the costs of disability-related services. In practice, that goal, never mandated by law, remains only partially met: the actual contribution has never topped 20 percent.

But insufficient funding is not the only factor at play. Many practitioners—judges, prosecutors, defense counsel, and detention and correctional staff—know little to nothing about disability law or the needs of youth with disabilities. Few states screen and assess young offenders. And school records documenting disabilities and individual education plans rarely follow youth into the justice system. It's hard to fix a problem when you don't know it exists.

It's even harder when you have little if any free time. Justice practitioners are trained and paid to process cases and monitor and supervise youth. Their already crowded schedule leaves little room to take on additional responsibilities.

Add to these problems a reluctance among justice systems, schools, and child welfare and social service agencies to cooperate, and it's no wonder that young people drift from schools to prison and back without ever having their disability-related needs addressed. These institutional barriers could become insurmountable if Congress embraces proposals to make it easier for schools to remove or expel youth with disciplinary problems.

Recent research shows that these problems can be surmounted and makes the punishment-focused "get tough" priorities of the past decade seem shortsighted.

What should be done? First, juvenile justice practitioners must be educated about the unique needs of youths with disabilities. Greater understanding of what kids are up against and which treatments work best is essential if we are to prevent these youth from spending their lives bouncing in and out of the juvenile justice system.

Diagnosis, treatment, and counseling for youth in the justice system should be upgraded and expanded. For
that, better assessment instruments must be developed to pinpoint disabilities and allow practitioners to work
with schools to use existing education or service plans.

For detained and incarcerated youths, best practices such as individualized cognitive-behavioral interventions
that target each youth's specific needs and capacities should be implemented. However, such efforts can't
succeed without greater cooperation and collaboration among juvenile justice systems, schools, and welfare
and social service agencies, and the involvement of families.

Finally, a federal commission should be tasked with developing a strategy to help states and local jurisdictions
address the needs of youth with disabilities in the juvenile justice system. Throwing money at the problem
simply will not work without a coherent "road map."

The juvenile justice system was created to help youth make a successful transition into adulthood, while IDEA
was premised on the idea that having a disability should not amount to a life sentence. Congress should
debate the renewal of IDEA with these practical, humane ends and compatible goals in mind.

These views are those of the authors and should not be attributed to the Urban Institute, its trustees or its
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Other Publications by the Authors
- Laudan Y. Aron
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