UC Santa Cruz

UC Santa Cruz Electronic Theses and Dissertations

Title

Centripetal Constructions: Juvenile Courts, Schools, Disability, Delinquency, and Coalitions of Resistance

Permalink

https://escholarship.org/uc/item/7wj5j39n

Author

Svigelj, Melissa Marini

Publication Date

2023

Copyright Information

This work is made available under the terms of a Creative Commons Attribution-NonCommercial-NoDerivatives License, availalbe at
https://creativecommons.org/licenses/by-nc-nd/4.0/

Peer reviewed|Thesis/dissertation

eScholarship.org Powered by the California Digital Library
University of California

UNIVERSITY OF CALIFORNIA
SANTA CRUZ

CENTRIPETAL CONSTRUCTIONS: JUVENILE COURTS, SCHOOLS, DISABILITY, DELINQUENCY, AND COALITIONS OF RESISTANCE

A dissertation submitted in partial satisfaction of the requirements for the degree of

DOCTOR OF PHILOSOPHY

in

EDUCATION
with an emphasis in SOCIOLOGY

by

Melissa Marini Švigelj

June 2023

The Dissertation of Melissa Marini Švigelj is approved:

____
Professor Cindy Cruz, chair

____
Professor Ronald D. Glass

____
Distinguished Professor Craig Haney

____
Professor Alfredo J. Artiles

____
Peter Biehl
Vice Provost and Dean of Graduate Studies

Copyright © 1-12413029861 by

Melissa Marini Švigelj

2023

Table of Contents

Table of Contents iii

Table of Illustrations xi

ABSTRACT xiv

ACKNOWLEDGMENTS xvi

CHAPTER 1: Introduction to Centripetal Constructions: Juvenile Courts, Schools, Disability, Delinquency, and Coalitions of Resistance **1**

Figure Out My Color (poem) 1
THE JOURNEY TO HERE AND NOW 3
THIS RESEARCH 5
Cuyahoga County: Chapters Two and Four 7
Chapter Two: A PROEM, The Centripetal Construction and Sustenance of Children's Suffering and Sorrow in Cuyahoga County, Ohio 8
The Third Chapter: The IDEA of Educational Access for Incarcerated Youth in Local Adult Jails 8
Chapter Four: We had no enthusiasm for punishing individuals: The co-constitutive emergence and development of juvenile courts, schools, and social agencies during the Progressive Era 9
Chapter Five: Witness Marks 10
THEORETICAL INFLUENCES 11
Method-Making 13
DisCrit 13
Critical Carceral Studies 14
Critical Education Policy Studies 14
Critical Archival Studies 15
Critical Horology 16
Scholarship and Time 18
Witness Marks 19
Some Particulars of Witness Marks 20
METHODOLOGIES 22
Critical Policy Analysis 22
Critical Historical Archiving 23
Archival Activism and Activist Archiving 26

Limitations and Partial Positionality 27
IN OTHER WORDS (GLOSSARY) 27
Carceral Care 27
Carceral Logics 29
Disability 30
Extending StPP 32
IDEA, Section 504, and the ADA 33
IEPs 35
Jails 35
Network 36
Non-reformist Reforms 39
Resistance 40
Youth/Young People/Children 41

CHAPTER TWO: A Proem: The Centripetal Construction and Sustenance of Children's Suffering and Sorrow in Cuyahoga County, Ohio 44

INTRODUCTION 44
CHILDREN IN CUYAHOGA COUNTY AND CLE 46
YOUTH (IN)JUSTICE IN CLEVELAND, CUYAHOGA COUNTY 48
Origins 48
A Hollywood-worthy Exemplar 49
More Contemporaneously, 1995-2022
Social agencies, schools, law enforcement, and the detention center 52
Department of Children and Family Services 52
Law Enforcement Background 53
Public Schools 54
Cuyahoga County Juvenile Detention Center 56
Two 1997 Reports & a Business Plan 57
1999-2000 The Children Grieve 58
A 2001 Assessment and 2002 Report 61
2003 Audit, Analysis, Languishing, and Suicidal 62
2004 Mission, the Primary Function, & Report Recommendations 63
Early 2000s: Children's Suffering & Sorrow 65
2005 66

2006-2018: An Assessment of Attempts at Alternatives to Detention 68
2011-2012 Youth Violence Prevention Working Group 68
2012 69
2013 A Tour of a New Sterile Institution 71
2014 Who is Heartless? 71
2016 Fight Nights 72
2017 Accountability for Significant Flaws 73
2018 Dangerous Dependencies 74
2019 The ACLU Asks How, When, and Why 76
A Pandemic 77
2021 Sinking 79
2022 Privilege 82
ADVOCACY AND ACTIVISM 84
In Northeast Ohio, nothing is given 84
Abolitionist Roots 85
Contemporary Movements 88
CONCLUDING THOUGHTS 92

CHAPTER THREE: The IDEA of Educational Access for Youth Incarcerated in Adult Jails: A Survey of Federal-Level Civil Complaints 95

INTRODUCTION 95
Transfer Practices and Youth 95
Young People in an Adult System 96
Significance of this Investigation 98
Outline of the Chapter 98
THE SCOPE OF THE ISSUE 99
Some Data 99
Incarceration and Young People with Disabilities 101
METHODOLOGY AND THEORETICAL INFLUENCES 104
Critical Policy Analysis 104
DisCrit, Critical Education Policy Studies, Critical Carceral Studies, and Complaint 104
Complaint! 105
Data Collection 106

Federal Courts 107
Dual Sovereignty, Persuasive Precedent 108
Eleven Federal Civil Cases 109
THE COMPLAINTS: TRAILS AND TALES 111
PART I: SAYING NO TO THE STATUS QUO 111
Green v. Johnson 112
Donnell C. v. Illinois State Board of Education 113
Handberry v. Thompson 113
Brian B. v. Pennsylvania Department of Education 114
Garcia v. Los Angeles County Sheriff's Department 114
United States v. Hinds County 115
PART II: SAYING NO TO THE STATUS QUO 115
A.T. v. Harder 116
V.W. by and through Williams v. Conway 116
H.C. v. Bradshaw & Buckley v. State Corr. Institution-Pine Grove 117
Charles H. and Israel F. v. The District Of Columbia 118
Trails and Tales of Refusals 118
PART III: TALES FROM THE TRAILS 121
Maintaining the Status Quo--Time, Responsibility, & Accountability 121
Carceral Time 121
Responsibility 122
Accountability 125
PART IV: INVESTED IN MAINTAINING THE STATUS QUO 127
Codified Deprivation in *Brian B. v. Pennsylvania Department of Education* 128
Excluded from Protections 130
The Preservation of Power 131
PART V: BACKGROUND OF THE IDEA'S FEDERAL ENFORCEMENT AND FUNDING 133
PART VI: FUNDING AND UNIQUE ACCOUNTABILITY IN THE DISTRICT OF COLUMBIA 135
D.C. Background 136
Education in D.C. 136
The IDEA in D.C. 137
D.C.'s Funding Allocation Versus A Larger State 138

Exceptions to Protections and Funding 139
CONCLUDING THOUGHTS 139
Unresolved Tensions of Institutional Reforms 139
Freedom with Violence 140
Carceral Humanism & Non-reformist Reforms 140
Institutional Reform Litigation: *Halderman v Pennhurst State School and Hospital* 141
Is this the Best? 143
Further Suggestions 144
Conclusion 147

CHAPTER FOUR
We had no enthusiasm for punishing individuals: The co-constitutive emergence and development of juvenile courts, schools, and social agencies during the Progressive Era in Cuyahoga County 150

INTRODUCTION 150
Currently 150
Previously 151
Repetitions of the Previous and Current 152
My Journey to Explore the Previous and Current 153
WHAT FOLLOWS 154
Significance 154
METHODOLOGIES & THEORETICAL FRAMEWORKS 155
Critical Archival Studies 155
Theoretical Influences: DisCrit and Carceral Care 156
Data Collection 156
HISTORICAL CONTEXTUALIZATIONS AND PEOPLE OF THE PROGRESSIVE ERA & CUYAHOGA COUNTY AND CLEVELAND 161
The Progressive Era 161
Cuyahoga County & Cleveland 166
Segregation and Racism in Cleveland at the Turn of the 19th Century 167
Organizations and Settlements in Cleveland and Cuyahoga County 168
Tom Johnson, Cleveland's Progressive Mayor 170

Progressive Reform within an Oppressive System 174
JUVENILE COURTS, DETENTION CENTERS, AND STATE CUSTODY 175
Julia Lathrop and Lucy Flower 176
In Loco Parentis and *Parens Patriae* 177
No Refuge for Children in Cleveland & Cuyahoga County 178
Juvenile Court and Detention in Cleveland 179
SCHOOLS, JUVENILE COURTS, SOCIAL AGENCIES 182
Schools, Prisons, Charities: The illusion of differences 182
Unclassified Schools 184
RACE, GENDER, AND PLACE 186
Cleveland Boys' Home 187
John Malvin 191
Girls 191
Synthesis 192
DELINQUENT, DISQUALIFIED, DISORDERLY, DEFECTIVE, DEFICIENT 193
Constructing Compulsory Inclusion for Carceral Care 193
Cleveland's First Truancy Officer, Juvenile Court, City Farm School 196
Cleveland's Second Truancy Officer 197
Deserving or Disqualified? 199
Compulsory and Elective Exclusions 201
Attendance Exemptions 203
A New Type of Pupil 205
Truant and Defective 208
Professional Proliferation 210
Sandalphon School: Economics and Carceral Care 212
CONCLUSION 215

CHAPTER FIVE: Not This! Witness Marks from Incarcerated Youth Seeking Educational Access and Compliance with the Individuals with Disabilities Education Act 221

INTRODUCTION 221

Significance 223
METHODOLOGY AND THEORETICAL INFLUENCES 223
Thinking with Method Making 224
Critical Horology 224
Witness Marks 225
DATA COLLECTION 226
BINDOVERS GENERALLY AND CONTEXTUALLY SITUATED 227
Youth Transfer Practices (also referred to as Bindovers and Waiver Law) 227
Youth Bindovers or Transfer Practices in City, River County, Midwestern State 229
Schooling in River County's Juvenile Detention Center 230
CAPTIVE YOUTH AND NOT THIS! 231
I Still Haven't Given Up 231
Transcripts, The IDEA, IEPs, MFEs/ETRs, and the school district's SED 232
Transcripts, High School Credits, State Standardized Tests, & Grades 234
Exclusions through Exemptions 237
WITNESS MARKS 238
Witness Mark One: Tim, Inadequate Instruction, and ISE or Actions that Designate and Maintain Inaction 238
Witness Mark Two: Quincy, Inadequate Instruction, PR-01, & an ETR or In-designations as Dis-locations 243
In-designations Mean Not Included in Educational Spaces 247
Witness Mark Three: Isaiah, Individual Advocacy, Illogical Logic 249
Witness Mark Four: Taylor, Trauma, Testing, & the Punishing Time of the Carceral State 251
Taylor at school in the JDC 254
Witness Mark Five: Matt, Jail, Compensatory Time, and Prison Schooling 256
SYNTHESIS 261
Educators and Carceral Facility Personnel 262
Charter Schools in the Midwestern State 263

Accountability for Whom? 264
Bindovers 266
Cash Bail 267
Prosecutors 268
CONCLUSION 269
END NOTES 270

CHAPTER SIX, THE END: Tying Together Strands in Juvenile-Court-Schools-Social-Agencies-Networks 273

CONCLUSION 273
The Integration of Method-Making 273
Main Ideas from this Research 274
Internal Review Boards (IRBs) 276
Finale 278
Who or what is considered criminal? 278
SUMMARY OF POLICY RECOMMENDATIONS 280

APPENDIX A: TWO CODE DISTRIBUTION CHARTS PRODUCED WITH MAXQDA FOR CHAPTER THREE 284

APPENDIX B: CODE SYSTEM, OVERVIEW OF CODE CO-OCCURRENCES, & SAMPLE CODE MODELS PRODUCED FOR CHAPTER FOUR VIA MAXQDA 286

APPENDIX C: SAMPLES OF ARTIFACTS ARCHIVED FOR CHAPTER FIVE 291

REFERENCES 297

Table of Illustrations

Visual 1. A graphic that organizes the theoretical frameworks, methodologies, and analyses throughout the chapters 12

Visual 2. In Verse Operationalization 43

Visual 3. The orbital pattern across the decades that results in repeated failures to protect and care for Cuyahoga County's children 45

Visual 4. Photograph from Judge Eastman's photo albums showing the Judge with actors Russ Tamblyn and George Brent filming "The Kid From Cleveland" in 1948 50

Visual 5. Photographs from Judge Eastman's photo albums show the filming of "The Kid From Cleveland" in 1948 on the playground at the Cuyahoga County Juvenile Detention Center, which opened in 1931 51

Visual 6. Images of the grievances found in 2020 at the abandoned 1932 detention center 59

Visual 7. The middle section of the title page is shown from the 2004 annual report from the Cuyahoga County Court of Common Pleas, Juvenile Court Division. 64

Visual 8. This image from 2013, taken by a photographer at The Plain Dealer appeared in various AP news stories around the region. 71

Visual 9. In this still image captured from a video, members of Laborers Local 860 protest conditions inside the detention center, claiming that it is unsafe for youth and employees. 78

Visual 10. The Oberlin-Wellington Rescuers were released in July 1859, after three months in the Cuyahoga County Jail for violating the 1850 Fugitive Slave Act. 87

Visual 11. Justice for Our Youth members with Ohio Supreme Court Justice Jennifer Brunner (in the center of the photo) at Cleveland's City Club in August 2022 90

Visual 12. Image of the print version of the opinion piece published August 7, 2022, in The Plain Dealer. 92

Visual 13. Poetic Injustice in the Headlines 94

Visual 14. Federal Level Courts Map 110

Visual 15. Summary of federal courts and main complaints represented in Chapter Three 110

Visual 16. Summary graph of details from eleven complaints in Chapter Three's analysis 120

Visual 17. A reminder that policies happen to people, and behind data, there are people 149

Visual 18. Image of the Honorable Harry J. Eastman in *Juvenile Court Judges Journal*. (2009). The Builders. 158

Visual 19. A campaign poster for Tom Johnson, Cleveland's Progressive Era Mayor. 171

Visual 20. Building on Seneca Street used for the first juvenile court in Cuyahoga County and a photograph of Judge George S. Addams and Juvenile Court staff in 1906 or 1907 from Judge Eastman's photo albums 181

Visual 21. Postcards. 1906 "Greetings from the Cleveland Boys' home, Hudson, O. 189

Visual 22. May 19, 1907 copy of Plain Dealer article about truancy (MS. 3978, Sol Kahn Papers, 1907-1985) 195

Visual 23. Graphic of network connections between juvenile court, schools, social agencies 215

Visual 24. Screenshot of *Shattering*, published in the fall of 2021 220

Visual 25. Irrational Numbers published in *Interim Poetics* 229

Visual 26. A student at the detention center walks to the graduation ceremony 248

Visual 27. Isaiah at his graduation at the juvenile detention facility 251

Visual 28. Taylor on his graduation day 256

Visual 29. Graphic summary of five witness marks 260

ABSTRACT

Centripetal Constructions: Juvenile Courts, Schools, Disability, Delinquency, and Varieties of Resistance

Melissa Marini Švigelj

This dissertation considers the social, political, legal, cultural, historical, temporal, and other contextual forces concerning educational access for young people experiencing forms of state custody and surveillance at the intersections of multiple identity markers and inquires into efforts to resist injustices. It also explores educational experiences and institutional interactions of youth identified as deviant, delinquent, and/or disabled, with particular attention on youth transferred from juvenile court jurisdictions to adult criminal courts and jails. Most of the research focuses on an urban county in the Midwest, and one chapter presents an analysis of a national landscape.

The primary methodologies are critical policy analysis, critical archiving processes, activist archiving, and archiving activism. Multiple trans-disciplinary critical frameworks inform and accompany this process, including DisCrit, Critical Policy Studies, Critical Horology, Critical Carceral Studies, Method-Making (McKittrick, 2021), and Sara Ahmed's (2021) interrogation of the complex phenomenology of institutional complaint procedures and complainants' experiences during complaint processes. The analysis exposes disconnects between policy intentions and policy outcomes and the unjust consequences of those policy fractures

experienced and resisted by affected young people and their loved ones. It also reveals how carceral logics inform, intersect with, and buttress institutions such as schools and social agencies.

ACKNOWLEDGMENTS

If I listed all of the individuals to whom I am infinitely grateful, it would require the space of at least one more dissertation. In the interest of brevity, I will not list all of those many individuals who supported, assisted, cared for, and loved me along this journey. However, their plethora of kindnesses, consideration, thoughtfulness, efforts, generosity, and labor are forever inscribed in my heart.

I am incredibly grateful to my dissertation committee for agreeing to join my educational journey. I learned so much from all of your scholarship, and more importantly, your contributions to improving so many lives are beacons and emblematic of what I will constantly strive to achieve. I remain eternally grateful to you, Cindy Cruz, Ron Glass, Craig Haney, and Alfredo Artiles. Additional gratitude extends to my remarkable co-advisors, Cindy and Ron, and to former Education Department Chair Cynthia Lewis, who were always sources of indispensable feedback, guidance, and support and were far more generous in multiple ways than one deserves.

Everyone I ever interacted with affiliated with the Education Department, Sociology Department, Literature Department, Psychology Department, Legal Studies Department, and Feminist Studies Department at UC Santa Cruz (undergrad and grad students, faculty, and staff) were only wonderful to me and a reservoir for learning, fellowship, creativity, and inspiration for transformation.

I am also indebted to the young people, their families, allies, and communities with whom I continue to be incredibly privileged to engage.

Thank you to my family members, the ones I did not choose, the ones I chose, and those who chose me. Finally, I am enfolded with and ferry something beyond gratitude for the infinite ways motherhood has given me ongoing inspiration, joy, and freedom dreams.

CHAPTER ONE

Introduction to Centripetal Constructions: Juvenile Courts, Schools, Disability, Delinquency, and Coalitions of Resistance

INTRODUCTION

Figure Out My Color

The police thought I had a gun one time and they asked me

"where's the gun, where's the gun?"

I didn't have a shirt on

so it was obvious that I didn't have a gun

in my waistband

and they checked my pockets

and they thought I had a gun

but I didn't.

Now think for a minute...

What if it was you

Stopped for being brown

For being in a certain part of town

For being too poor

to afford

To be free?

Do we even know what we celebrate today for?

Is it just celebrating more

of the punishing of the poor?

Enslavement, rape, disease, genocide

Are these sources of pride?

History lies

Mothers cry

for those who've died

Living in a country

Where the flag waves

For the home of the brave

"Don't flee!"

"Get on your knees!"

Police scream at me.

Does anyone hear my plea

To end painful legacies?

For people who will stand

For their fellow man?

The above poem was collaboratively written across two pods in one housing unit by three students imprisoned at the Cuyahoga County Juvenile Detention Center. Prosecutors and jurists transferred two of the three authors of the poem to the adult court system. They wrote the poem in response to a request from an organizer in Washington, D.C. It was read on Indigenous Peoples Day in New York City by a member of the Urban Youth Collective (Švigelj, 2022, pp. 295-296).

In this writing, I ally with the detained young people with whom I have had the privilege to interact. Their survival, refusals, resistance, and the resilience and agentic acts of incarcerated youth I never met and will not know are the inspiration for this dissertation. I hear and uplift their pleas.

THE JOURNEY TO HERE AND NOW

Near the end of my sixteenth year of teaching in urban public high schools in the Midwest, I was ready to quit teaching entirely. Excessive testing and other mandates harmful to students yet imposed on educators to implement seemed too overwhelming to circumvent. I had been engaged on multiple fronts challenging the privatization and corporatization of public education (and unions) and felt frustrated, discouraged, and angry. A colleague heard about my plans to resign and encouraged me to interview for an open teaching position at the school within the county juvenile detention center, where a veteran principal of alternative education programs in the city school district had recently taken charge.

I interviewed, was hired, and taught for four more years. Teaching at the detention center alleviated some of the frustrations experienced in other public high schools and expanded the fronts on which I continue to engage. We organized and initiated a few changes by utilizing and extending the activist networks in which I was already a participant. I also maintained political activities like testifying before the state legislature, visiting lawmakers' offices in Washington, D.C. (2015), protesting outside of Bill Gates' building in Seattle (2016), orchestrating visits from a Senator's State Deputy Director (2015), national public radio interviews with

students (2018), coordinated artist and activist visits to the detention center, kept writing for my education blog, and accepted interviews and speaking engagements. Allies also contributed time and materially to the state school board campaign of our retired teacher friend, Meryl Johnson, and she won (2018). Meryl, one of our cherished co-conspirators, is now in the room where it happens.

Yet, as other scholars have noted (London & Glass, 2022), institutional powers such as state and national legislatures and higher education entities frequently dismiss or ignore the experiential knowledge activist educators and allies produce and disseminate. Thus, the idea that a few more consonants (Ph.D.) after my already consonant-heavy last name might amass more access to institutional power developed during my final years of teaching (2016-2018) and compelled me to seek a graduate school.

There is certainly nothing remarkable about my pedigree or academic background. After speaking with Ron Glass, he referred me to Cindy Cruz at UCSC as a potential advisor. Not only was Cindy willing to take a risk on someone with a glaringly dull official paper trail, but Cindy also secured a Cota-Robles fellowship to make my transition to graduate school more stable. Thus, I arrived at UCSC in August of 2018 with my youngest son and dog, intent on figuring out how to leverage institutional power on behalf of those who have not been fortunate enough to encounter a Cindy or Ron.

THIS WORK

Broadly, this research and analyses explore the educational experiences and institutional interactions of youth identified as deviant, delinquent, and/or disabled at the intersections of multiple identity markers. In this dissertation, I explore the social, legal, historical, and political contexts of educational access for young people experiencing forms of state custody and surveillance and how carceral logics inform, intersect with, and buttress institutions such as schools and social agencies. I also inquire into efforts to resist injustices and advance justice.

The title is influenced by Antonio Gramsci's "'integral' conception of the state" (James, 2023, n.p.) and draws from discussions about centripetal forces and centripetal acceleration in physics based on Newton's laws of motion along with political geographer Richard Hartshorne's (1950) conceptualizations of centripetal and competing forces within geographic states. Centripetal means "center-seeking." In physics, accelerated motion is represented by any motion in a curved path. It requires a force directed toward the center of curvature of the path. Any net force causing uniform circular or accelerated motion is called the centripetal force (Georgia State University, 2016). When calculating centripetal force, data values may change (e.g., radius **r**, mass **m**, weight **W**, velocity **v**). Gramsci provides an attuned political analysis of civil society's "equilibrium" of force and consent. In *Prison Notebooks* (1929-1935), Gramsci observes that states combine force and coercion to cultivate consensual support for dominant powers through "functioning as an 'ethical state' or 'educator' by promoting 'a certain way of life' for its citizens" (Martin, 2023, n.p.).

The political, cultural, social, economic, and technological variables can change to support shifts or transformations or reinscribe the status quo.

Hartshorne (1950) explains centripetal force in a geographic context as an attitude that unifies people and enhances support for a state. Centripetal forces from within a state can stabilize and strengthen a country and create a sense of unity. Centrifugal forces are resistant, separate, and can transform uniformity. The potentialities of both forces are typically flexible. They may advance movements for change or a gradual winning of the *war of position,* as Gramsci discusses (James, 2023), diversely mapped along a spectrum of justice and injustice (Hartshorne, 1950). I consider how social, political, legal, cultural, historical, temporal, and other contextual forces spur and limit

- federal-level civil litigation aimed at enforcing educational civil rights under the Individuals with Disabilities Education Act (IDEA) for a class of young people incarcerated in adult jails,
- reforms during the Progressive Era in Cuyahoga County, Ohio, related to the emergence and development of juvenile courts, public schools, compulsory attendance legislation, and publicly funded social agencies
- individual agentic and collective acts of resistance and refusal when youth are in the custody of the state in one Midwestern county

Cumulatively, these chapters consider how observed racial, ethnic, and ability disparities in educational and juvenile justice systems might be altered through legal reform, structural and organizational change, innovative individual or collective

initiatives, and more inclusive and equitable education policies and teaching practices. The main themes explored throughout the chapters are carceral logics, policy architectures, and youth resistance and refusal. This reporting exposes disconnects between policy intentions and policy outcomes and the unjust consequences of those policy fractures experienced and resisted by affected young people and their loved ones.

In this first chapter, I provide brief overviews of chapters two through five. Next, I review research processes and theoretical influences consistently present or unique to certain chapters. Finally, I offer a glossary of terms used throughout the chapters. The specific queries motivating investigations and the significance of the research vary among chapters, as well as some of the methodologies and theoretical influences. Thus, those details are elucidated or further discussed in individual chapters.

Cuyahoga County: Chapters Two and Four

Cuyahoga County—an urban county in Northeast Ohio—is the focus of two dissertation chapters, including the second chapter, A PROEM: The Centripetal Construction and Sustenance of Children's Suffering and Sorrow in Cuyahoga County, Ohio, and the fourth chapter, "*We had no enthusiasm for punishing individuals*: The co-constitutive emergence and development of juvenile courts, schools, and social agencies during the Progressive Era." This research focused on Cuyahoga County because it was the second county in the nation to legislatively and materially establish a juvenile court. The first juvenile court was established in Cook

County, Illinois, in 1899. Cuyahoga County's juvenile court was established in Cleveland in 1902, became a national model for juvenile justice reform, and its longest-serving judge founded the National Juvenile Court Judges Association. The region is also one of very few with a city that has had two Department of Justice investigations into its police force and is one of the most segregated cities in the country (Kerr, 2011).

Chapter Two: A PROEM, The Centripetal Construction and Sustenance of Children's Suffering and Sorrow in Cuyahoga County, Ohio

This chapter chronicles events in the past few decades in Cuyahoga County and Cleveland, Ohio, in a format akin to a literature review. It offers background information regarding the treatment of children who come into contact with officials and public employees in Cuyahoga County institutions and systems. Although the chapter focuses mainly on the Cuyahoga County Juvenile Detention Center, there are also mentions of county welfare agencies, schools, and law enforcement to provide additional context and portray a more informed encapsulation of what children who need to be cared for in Cuyahoga County often encounter and experience. This background information also demonstrates why these systems and institutions in Cuyahoga County and beyond demand attention.

The Third Chapter: The IDEA of Educational Access for Incarcerated Youth in Local Adult Jails

The third chapter, "The IDEA of Educational Access for Incarcerated Youth in Local Adult Jails," uses Critical Policy Analysis and focuses on federal civil case

complaints filed in the U.S. between 1975-2021. The first version of the IDEA became law in 1975. Youth incarcerated in locally operated adult jails initiated these complaints to challenge educational civil rights violations when eligible young people ages twenty-two and under are denied educational access and services under the Individuals with Disabilities Education Act (IDEA). This scholarship illuminates the systemic oppression of young people incarcerated in locally operated jails, resistance to that oppression, embedded inequities, and flaws in components of the IDEA's regulations. Also considered are strategies and policy recommendations for transforming the IDEA's aspects that enable unjust practices.

Chapter Four: *We had no enthusiasm for punishing individuals*: The co-constitutive emergence and development of juvenile courts, schools, and social agencies during the Progressive Era

The fourth chapter, "*We had no enthusiasm for punishing individuals*: The co-constitutive emergence and development of juvenile courts, schools, and social agencies during the Progressive Era," uses critical thematic analysis to examine data collected from two archives stored at the Western Reserve Historical Society in Ohio's Cuyahoga County. The archives represent the founder of the National Association of Juvenile Court Judges, who was also Cuyahoga County's longest-serving juvenile court judge (1926-1960) and an attendance officer employed by Cleveland's Board of Education in the county during the same time. Insights emerge in this chapter concerning the treatment and custody of children who often confront intersections of oppression and violence in judicial, educational, and social

welfare institutions. This historical acumen informs current practices and policies for improving the education, care, and healing of children who experience state custody.

Chapter Five: Witness Marks

The fifth chapter is titled "*Not this!* The Witness Marks of Incarcerated Youth Seeking Educational Access." The fifth chapter provides case-contextualized examinations of resistance to injustice and oppression and legal, social, and policy analyses guided mainly by critical archival studies. The fifth chapter also draws from the potential of activist archives and archival activism within grassroots political and social movement campaigns. I collected the resources as an observer and participant while simultaneously forging solidarity networks. The activist archive spans approximately eight years (2014-2022) and focuses on a Midwestern county. This chapter documents the histories and ongoing struggles of young people whose educational civil rights are violated and the allies and co-conspirators accompanying them.

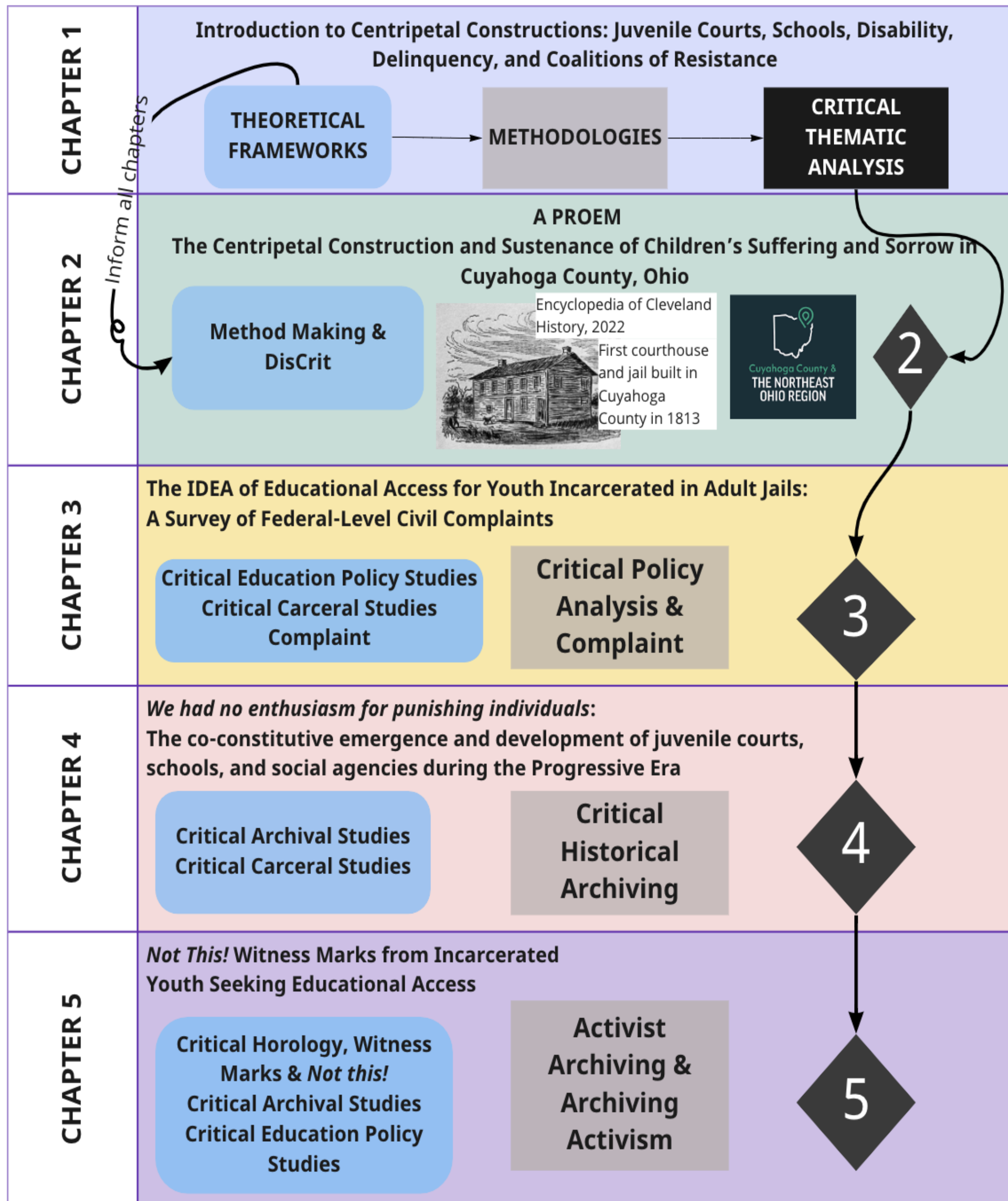
In this fifth-chapter endeavor, materials for an archive are collected and used as sources documenting persistent obstacles to educational justice for incarcerated young people. Accumulated artifacts and narratives preserve and share the memories and accounts of daily living, refusals, and resistance among people harmed by policy deficiencies and institutional mechanisms of carceral care and violence. The resources are also helpful in discovering how families, affected young people, community members, educators, legal professionals, and other advocates serve as or

can become resources for schools and policymakers. This work can also support communities' ongoing claims for justice and healing.

THEORETICAL INFLUENCES

Method Making and DisCrit's features inform and influence elements in all chapters. I also draw from Critical Education Policy Studies for chapters three and five. Critical Carceral Studies inform chapters three and four. In chapter three, I also draw from Sara Ahmed's conceptualizations in *Complaint!* (2021). Critical Archival Studies imbue chapters four and five. Finally, Critical Horology also contributes to chapter five. Below is a graphic to outline the organization of this document.

Visual 1. A graphic that organizes the theoretical frameworks, methodologies, and analyses throughout the chapters (created by Melissa on March 7th, 2023)



Method-Making

Method-making emerges from Black studies scholars as an anticolonial way to read, research, and write differently and radically (McKittrick, 2021). According to McKittrick (2021), method-making is "relational, intertextual, interdisciplinary, interhuman, and multidisciplinary" (p. 44). I am thinking with McKittrick's method-making description and my interest in the roles that artistic expressions and stories occupy towards creating a more just world to situate this research within an expansive framework that borrows from several disciplines.

DisCrit

DisCrit interrogates the constructions of race, gender, class, disability, and other identity markers in U.S. society, particularly in educational settings (Annamma, 2018; Connor et al., 2016). Notably, the tenets of DisCrit invite analyses beyond a school-to-prison-pipeline (StPP) and acknowledge that even those who work in helping professions in fields such as the law, medicine, education, or psychology are influenced by carceral logics reflected in carceral care practices. Annamma explains, "That is, though their initial commitments may have been to love and support multiply-marginalized students, prison nation encourages a mindset of observing for problems (surveillance), identifying issues (labeling), and fixing (punishing) those considered abnormal" (2018, p. 6). Thinking with DisCrit also entails understanding the "web of punitive threads...which capture the historical, systemic, and multifaceted nature of the intersections of education and incarceration" (Meiners, 2007, p. 32). Utilizing DisCrit contributes to advancing the metaphor of StPP beyond

a school-to-prison nexus and buoys the potency of considering juvenile-court-schools-social-agencies networks.

Critical Carceral Studies

Legal and policy scholars commonly suggest the problem of civil rights violations as an enforcement issue (Tyler et al., 2015; Tyler & Jackson, 2014) or as stemming from issues of procedural justice wherein the intended protections granted through civil rights legislation are rarely or never realized by the protected class (Hinds, 2007; van Zyl Smit, 2013). Critical Carceral Studies involve "critically examining reification and even reliance on law in pursuits of social justice" (Brown & Schept, 2017, p. 446). Scholars who embrace a Critical Carceral Studies approach argue that researching carceral systems includes an obligation to "bear witness to what happens behind the doors of closed institutions" (Scraton & McCulloch, 2009, p. viii) but caution against research and reform efforts that may serve to reinforce and reproduce carceral logics and their accompanying practices (Parkes, 2017).

Critical Education Policy Studies

Critical Education Policy Studies intertwine with Critical Policy Analysis. They involve recognizing the various political projects of state institutions, such as schooling, and the complexities of educational policy contexts. CEPS asks during research design, data collection, analysis, and interpretation how those complexities influence and are influenced by power, politics, litigation, and social relations (Apple, 2019; Ball, 1991, 1993, 1997; Brewer, 2014; Diem et al., 2014; Taylor, 1997).

Critical Archival Studies

The importance of critical archival practices as instrumental in disrupting dominant methodological modes and the impossibility of professional impartiality became apparent in 2018 when I observed data collection for an autonomous and participatory archive project documenting state violence. According to Caswell et al., “As an academic field and profession, critical archival studies broaden the field’s scope beyond an inward, practice-centered orientation and build a critical stance regarding the role of archives in the production of knowledge and different types of narratives, as well as identity construction” (2017, p. 2). Critical archival studies identify and interrogate injustices and oppression and challenge existing inequitable power relations, including practices that exclude and/or privilege.

In the 1970s, renowned historian Howard Zinn demanded a more critical approach to archival research, including reflections on archivist and researcher positionalities. Recognizing the significance of archives and archival practices, Zinn argues, “the archivist, in subtle ways, tends to perpetuate the political and economic status quo simply by going about [their] ordinary business” (1977, p. 20). There is a particular emphasis in critical archival studies on recognizing archives as social constructs and acknowledging that archives “are not passive storehouses of old stuff, but active sites where social power is negotiated, contested, confirmed” (Schwartz & Cook, 2002, p. 1). Thus, incorporating “critical” into archival studies necessitates understanding archives' positions in naturalizing current injustices through

highlighting particular claims and making specific affirmations or exclusions concerning the past.

Critical approaches also consider power relations represented in archives that manifest in contemporary society and archivists' roles in perpetuating or disrupting dominant power structures. Thus, throughout this analysis, I adopt critical archival practices to examine historical and contemporary contexts and ideologies that exist and evolved beginning in the late nineteenth century concerning treating and caring for children who confront intersections of social, economic, and political oppression and violence that lead to additional or extra-ordinary encounters in judicial, educational, and social welfare institutions.

The presence of an intersectional lens in critical archival approaches is imperative. Consequently, an intersectional scope remained dominant throughout my engagements with the archival collections utilized for analysis and during investigations of relevant historical artifacts. Furthermore, critical archival studies are situated to discover insights into social struggles related to gender, class, race, ability, and additional axes of injustice. Critical archival studies also carry intentions to reveal and inspire radical actions toward justice.

Critical Horology

Horology is the study of time. It broadly refers to studying the measurement of time and instruments or approaches used to measure time. Time also operates as a power mechanism. This power is operationalized in a variety of ways, including students required to be at an assigned seat before a tardy school bell rings, having to spend a

certain amount of time in school or workspaces to “earn” a benefit or payment, being forced to spend additional time in school through detention issuances, and being sentenced to spend time confined in carceral spaces (Huebener, 2015). Drawing from geographers in critical cartography, Bastian (2017) explains how more expansive and politicized approaches in cartography and horology produce liberatory modes for acquiring and disseminating knowledge beyond imagined disciplinary boundaries and university buildings. Bastian (2017) “suggests a new development in the field of horology, towards a critical horology that emphasizes the political, social and environmental aspects” of time (p. 369). Ahmed (2021) notes how time is incorporated into institutional inefficiencies, which efficiently reproduces the power of those institutions.

A 2020 education-related article in *Applied Developmental Science* mentions *time* in sixty places, especially the benefits of extended learning time (Darling-Hammond et al.). *Time* in this 2020 article and appropriately timing developmental and educational interventions for young people are connected in various ways to the best strategies for promoting or hindering positive youth learning and development (Darling-Hammond et al., 2020). Timekeeping and measuring time are integral components in schools and the carceral state. Meiners notes, "Our prison nation alters time, uses time against us” (2016, p. 191). Time infiltrates, commands, is struggled against and is coopted to serve particular aims. Huebener (2015) argues on behalf of scholarship that examines temporal resistance in critical time studies.

The young people included in these chapters are sentenced to time, entangled in time-consuming legal processes, given credit for time served, "do" time, may run out of time, receive compensatory learning time, experience time lags between what does not happen, and what should happen (Ahmed, 2021) and create personal modes for tracking time, passing the time, and resisting temporal dictates (Flaherty, 2003).

Scholarship and Time

In academic circles, some scholars argue for a deceleration of time to decrease excessive pressures in higher education for academics to produce and publish. Instead, they consider the benefits of slowing down research processes to "highlight the importance of social relationships, long-term engagements (both social and material), and careful contemplation and collaboration" (Theoretical Archaeology Group, 2019, n.p.). Scholars calling for slower research practices also contend that research must be "situated in an ethics of care, co-becoming, and 'making-with.' These ethics are central to multi-species and post-human histories that require situated voices and decolonized, more inclusive storytelling practices that dismantle dominant narratives, human exceptionalism, and isolated agents" (Theoretical Archaeology Group, 2019).

According to scholars advocating for a "slower science," eliminating some time constraints associated with research demands presents more opportunities for emancipatory knowledge production and imagining. Since the data collected for chapter five is based on the experiences of youth and their allies between 2014-2022, I consider the time I had to collect, organize, engage with, think, analyze, and write

about the data as more aligned with advocates of slower research practices, which include long-term engagements grounded in social relations and collaborative endeavors. The reporting critically situates stories (witness marks) from those exercising forms of contextualized resistance who are traditionally excluded from dominant narratives and official archives and borrows *witness marks* from horology with infusions of critical horology as a research and analytic tool.

Witness Marks

In horology, clockmakers, and watchmakers master the art and trade of timekeeping. Prior to the proliferation of instruction manuals accompanying timekeeping devices, clockmakers and repairers relied upon witness marks to guide necessary servicing and maintenance of timekeeping instruments. Impressions, outlines, dents, and holes in clocks, referred to as *witness marks,* create a textless narrative of clues into the thinking and actions of prior clockmakers (Hart et al., 2017). Leaving their witness marks or hallmarks on their work indicated profound pride in the artisanship and quality of clockmakers' and repairers' skills (Atkins & Overall, 1881). Incarcerated youth are not allowed to wear watches but leave indelible marks during their time in captivity that demand archival attention.

In archives sanctioned by the state or prominent historical or educational organizations, "certain voices will be heard loudly, and some not at all; certain views and ideas about society will, in turn, be privileged and others marginalized" (Shwartz & Cook, 2002, p. 14). Thus, critical horology in this context invites writings as representations of witness marks to explore the often-silenced or ignored

smaller-scale protests within carceral spaces. Witness marks are examples of *not this*. Povinelli (2011) describes *not this* as interruptions and imaginative possibilities that persist in defying what usually proceeds without question or disruption. Those who challenge what usually happens are exclaiming *Not this!* These narratives present guideposts into the thinking and actions of people resisting, refusing, stating, and acting through lenses of *not this* within a carceral state and also illuminate institutional resistances when power is challenged from below.

Some Particulars of Witness Marks

I am drawing from the versatility of specialists during the twelfth through fifteenth centuries who worked with metals leading to witness marks integration into the manufacturing of armaments, locks, and clocks. Hence, future specialists had signs from the past (Fléchon, 2019). Witness marks made in specific moments to create or adjust the mechanics of inventions span time as guideposts for future specialists. Those laboring to overcome intense oppression have also incorporated remarkable inventiveness and versatility for centuries. Just as one might need to open a clock, watch, or gun to discover witness marks left by previous encounters, this endeavor reveals agentic acts that leave contextualized marks of resistance and refusals in opposition to educational injustices. Witness marks left by resistance and refusals serve as guideposts for others seeking to challenge power from lower, and sometimes the lowest levels, within power hierarchies. Witness marks also deposit into the archive artifacts of youth oppression and captivity otherwise omitted.

The relation of weaponry and locks to clocks is also conveniently relevant to a discussion on young people captive in a carceral state and the weaponization of time in connection to carcerality. *Witness marks* travel between clockmaking and guns as the vocabulary used to describe traces of something left behind after interactions and actions. Witness marks provide evidence of past and ongoing interventions, suggest how time is used as a power mechanism, introduce connections between constructions of time with violence, and encourage decipherings and discoveries of how the past influences the present and future. According to Bastian (2017), spatial philosopher Emmanuel Levinas might consider witness marks as "insertion[s] of space in time" (2003, p. 42). In this chapter, witness marks are metaphorical for what is left behind by daily intimate material struggles for justice and as "material signs that can unlock dimensions of knowledge" (Gross & Ostovich, 2016, p. 2).

Witness marks leave information that transcends temporal limitations to instruct future generations. Witness marks can coalesce to reveal patterns of oppression and resistance. Ahmed describes how "A pattern is experienced as weight. We learn from this: to try to bring someone to account is to come up against not just an individual but histories, histories that have hardened, that stop those who are trying to stop what is happening from happening. The weight of that history can be thrown at you; you can be hit by it" (2011, p. 140). Thus, witness marks compose an archive from which others might learn how to avoid the weight of thrown history or perhaps at least slow the throws to less painful tosses.

METHODOLOGIES

Different methodologies and approaches for data collection were incorporated based on the issues driving my research and reporting. These methodologies include Critical Policy Analysis, Critical Historical Archiving, Activist Archiving, and Archiving Activism. Theoretical frameworks and methodologies often overlap. I illuminate specific methodologies when they are incorporated into chapters. The thematic analysis and software program used for this research and reporting is consistent across chapters three to five.

Critical Policy Analysis

Significantly, methodologies and theoretical frameworks are often intertwined and overlap throughout chapters because "any method always goes with a theory…. [and] cannot be separated" (Gee, 2014, p. 11). Particularly in Critical Policy Analysis (CPA), "methodology and theoretical perspectives work hand in glove (Diem et al., 2014; Young, 1999). CPA involves a lens for looking as well as a way of looking" (Young & Diem, 2018. p. 83). Embracing CPA involves applying critical theoretical frameworks throughout research, including data collection, analysis, and interpretation (Young & Diem, 2018). CPA research design decisions connect the study's focal issue to developing research questions, identifying data collection methods, and analytic procedures based on scholars' paradigmatic and theoretical frameworks (Young & Reynolds, 2017). CPA "allows for a nuanced, holistic understanding of the complexities associated with education policy, from problem

finding and framing to policy development, implementation, and evaluation" (Young & Diem, 2018, pp. 79-80).

Young and Diem (2018) described incorporating critical practices such as probing differences "between policy rhetoric and practiced reality…examin[ing] the distribution of power, resources, and knowledge and… interest in the nature of resistance to or engagement in policy by members of historically underrepresented groups" (p.82) as typical when employing CPA. In CPA, critical theories lead methods (Young & Diem, 2018).

Critical Historical Archiving

In Bergis Jules' keynote address during the November 2016 annual National Digital Stewardship Alliance meeting, Jules calls for archivists to model their "work after projects, organizations, or institutions already doing people-centered work" (para 38). *A People's Archive of Police Violence in City* is one among a list of examples Jules offers to attendees for emulation.[1] The classroom of male students ages 15-20 years old featured in chapter five was also a source of data collection in 2017 for *A People's Archive of Police Violence in City*. This is an autonomous and participatory archive project that documents state violence. The importance of critical archival practices as instruments for disrupting dominant methodological modes and the impossibility of professional impartiality was exemplified during this collection of students' narratives that recounted local incidents with policing.

[1] *City* is used in place of the name of the actual city

Schwartz and Cook argue that “Archives validate our experiences, our perceptions, our narratives, our stories. Archives are our memories” (2002, p. 18). As evidentiary bases of history shift and expand through digital potentialities, critical archiving practices can develop more inclusive archives and amend archival silences that exclude stories from hegemonic historical narratives (Dávila-Freire, 2020). Critical Archival Studies identify and interrogate injustices and oppression and challenge existing inequitable power relations, including practices that exclude and/or privilege.

Critical approaches also consider power relations represented in archives that manifest in contemporary society and archivists’ roles in perpetuating or disrupting dominant power structures. If issues of power during archival labor are “denied, overlooked, or unchallenged, it is misleading at best and dangerous at worst. Power recognized becomes power that can be questioned, made accountable, and opened to transparent dialogue and enriched understanding” (Schwartz & Cook, 2002, p. 2).

According to Caswell et al., “As an academic field and profession, critical archival studies broaden the field’s scope beyond an inward, practice-centered orientation and build a critical stance regarding the role of archives in the production of knowledge and different types of narratives, as well as identity construction” (2017, p. 2). Critically engaging with archival practices includes attention to power. Schwartz and Cook explain, “Archives have always been about power… Archives have the power to privilege and marginalize. They can be a tool of hegemony; they can be a tool of resistance. They reflect and constitute power relations” (Schwartz &

Cook, 2002, p. 13). Critical approaches to archival productions and interactions can potentially disrupt locations of power and elicit agency through diversification and accessibility.

As part of a video series from The Engaging Tradition Project and the Barnard Center for Research on Women, trans activist, writer, and filmmaker Reina Gossett shares how historical erasure is linked to isolation and violence. Gossett asserts that including and disseminating non-dominant histories can contribute to healing and transformation (Dector & Spade, 2016). Yet, archiving processes and reporting from archives will undoubtedly have exclusions even when their explicit intentions are to diversify representations and experiences (Gossett et al., 2017). Nevertheless, chapters four and five draw from Critical Archival Studies to present artifacts as witness marks of resistance and refusals from individuals often excluded from archives and the histories of broader social movements.

Flinn and Alexander describe the independent and community-based archival initiatives of the 1960s and 1970s as endeavors to assemble archive materials for use "as sources documenting and memorializing past struggles and violations of rights, as resources supporting ongoing claims for justice and healing, and as tools for understanding the past in order to influence the present and the future" (2015, p. 330). Chapter five proceeds from these prior endeavors. Through artifacts collected between 2014-2022 from a county detention center in a Midwestern state, I document and memorialize as resources the persistent struggles of incarcerated young people seeking educational access and the protections that should be afforded to them

through the Individuals with Disabilities Education Act (IDEA). This is achieved through a methodological mixture of critical archival practices, archival activism, and activist archiving.

Archival Activism and Activist Archiving

Archival activism and activist archiving acknowledge a lack of neutrality and tend to combine activism and archiving and an archivist as an activist. According to Flinn and Alexander, "Archival activism describes activities in which archivists, frequently professionally trained and employed but not exclusively so, seek to campaign on issues… [and] act to deploy their archival collections to support activist groups and social justice aims" (2015, p. 331). Relatedly, Flinn and Alexander add that "activist archiving describes the processes in which those who self-identify primarily as activists engage in archival activity, not as a supplement to their activism but as an integral part of their social movement activism" (2015, p. 332).

Before I considered being "professionally trained" in graduate school, I created sources to document local injustices and struggles in public education while linking them to larger movements for equitable educational opportunities. As part of graduate school processes, I am integrating prior and current activist archiving with an archiving of that activism. Through these practices, my intention is to leave witness marks as memory-making documentation to ensure the violence and deprivation perpetrators enact and passive participants allow, as well as incarcerated young people's resistant acts of survival and agency alongside allies, are recognized and acknowledged in a public arena.

Limitations and Partial Positionality

Flinn and Alexander explain, “Although not necessarily synonymous, activist archiving and archival activism approaches intersect with other contemporary archival debates about more creative, collaborative and participatory record-keeping practices, especially with regard to furthering human rights agendas” (2015, p. 332). The democratization and dissemination of knowledge and its mobilization are assisted by communication technologies, especially the internet. Capabilities for digitally embedding history, memory, and identity offer “potentially transformative opportunities for a less mediated documentation and collection of memory” (Flinn & Alexander, 2015, p. 331). Of course, the freedom to proliferate information invites contestation, flaws, and opportunities to advance agendas reinforcing the status quo instead of justice. My orientation unapologetically leans toward mobilizing transformative justice and will undoubtedly contain flaws, even though I prioritized systematic organization and analysis and engaged with established rigorous research practices while engaging with the data and reporting.

IN OTHER WORDS (GLOSSARY)

This final section describes how I am engaging with certain words throughout the chapters and their intended meanings when invoked.

Carceral Care

Many scholars join and expand upon Michel Foucault’s tracings of how surveillance, discipline, and punishment operate in systems and professions portrayed as caring, such as medicine, social services, and education. Foucault (1977) describes a carceral

archipelago extending beyond prisons that normalizes and legitimizes techniques of carceral care across institutions. Invoking references to *carceral care* implies punitive approaches and practices that organize the operations of governments and institutions designed with intentions to label, categorize, surveil, train, school, cure, rehabilitate, and correct. Carceral care often occurs in places not widely understood as intimately related to prisons and policing, such as welfare institutions and social agencies (Meiners, 2014). Addressing dualisms embedded in general understandings of *care*, Hwang (2019) explains that "Care, even in its etymological tie to cure, is not necessarily carceral. However, the attendant logics of care mimic a curative model of carcerality" (p. 561).

Carceral care relies on reductive labeling and social and political hierarchies and surfaces through operations reliant upon *carceral logics*. Erica Meiners defines *carceral logics* as "used to highlight the multiple intersecting state agencies and institutions--including not-for-profits doing the work of the state--that have punishing functions and effectively regulate poor communities, including child and family services, welfare/workfare agencies, public education, immigration, and health and human services" (2014, p. 122). Reforms within state agencies and institutions introduce modifications constrained by the logic that informs carceral care. These institutional reforms may immediately reduce or increase suffering for those entangled in a juvenile-court-schools-social-agencies network, but *reform* does not necessarily equate with improvement. *Reforms* mean alterations but not liberation.

Even those who enter caring professions intending to help others, like many who advocated for juvenile courts and detention centers during the Progressive Era, are still operating in systems established and guided by racialized, gendered, ableist, and genocidal colonial and carceral processes. Carceral care practices "mutate through space or are assembled in contingent and emergent ways" (Gill et al., 2018, p. 188). These are exemplified in demands upon educators, librarians, medical professionals, and social service providers to police others while performing in their different professional roles and spaces. In this way, carceral care contextually adapts to serve and strengthen the carceral state through social and public service provisions (Ngyuen, 2022).

What is considered *carceral* is not confined to institutions that contain. Instead, "the punitive thrust of carcerality permeates all sectors of society and sustains the culture it produces" (Khan, 2022, p. 53). The fibers of carceral care are repeatedly woven throughout institutions in juvenile-court-schools-social-agencies networks. These institutions create and expand modes for surveillance, hierarchical categorizations, discipline, and punishment. Although frequently initiated with benevolent intentions inspired by caring, reforms within the confines of carceral care entail elitist and reductive social and political hierarchies of respectability that perpetuate power dynamics of the status quo (Higginbotham, 1993).

Carceral Logics

Over the decades, several scholars have explored how intersections of difference operate within education and carceral systems and how public schools and carceral

facilities are co-constitutive (Annamma, 2018; Meiners, 2007; Sojoyner, 2015: Vaught, 2017). Carceral logics are punitive ways of thinking and acting under carceral regimes. Erica Meiners defines carceral logics as “used to highlight the multiple intersecting state agencies and institutions--including not-for-profits doing the work of the state--that have punishing functions and effectively regulate poor communities, including child and family services, welfare/workfare agencies, public education, immigration, and health and human services” (2014, p. 122). Additionally, invoking references to a “carceral state” implies punitive approaches and practices that organize the operations of governments and institutions, even those not widely understood as being intimately related to prisons and policing (Meiners, 2014).

Disability

Some scholars use *dis/ability* to disrupt the concept of disability and perceptions of disability as permanent or stable and often use *dis/ability* intending to advocate for more holistic analyses of the context in which a person functions (Connor et al., 2015). *Dis/ability* might also be invoked as a refusal of deficit notions situated in historical conceptions of disability (Annamma & Handy, 2021). Others consider the word *dis/ability* as working counter to how it is intended and choose to use *disabled* or *disability*, understanding that it “connotes a personal and political identity with a history of resistance to injustice” (Annamma & Handy, 2021, p. 47).

Knowing the “distinctions or parameters between disabled and non-disabled bodies shift historically” (Puar, 2017, p. xiv), I am engaging with *disability* as a category present in legal, social welfare, and educational contexts and not as accepted

facts and with the recognition that vulnerability is relationally constructed (Rodriguez et al., 2020). The use of *disability* throughout these chapters includes differences in abilities, whether noticeable or noticed by other human or non-human animals.

According to the book *Social Work in Greater Cleveland* (1938), sponsored by Cuyahoga County's Welfare Federation, the Ohio Bureau of Juvenile Research was established by the state legislature in 1914 as the first "mental clinic" for children organized by any state government. Children were sent to the Bureau by county juvenile courts (Bing, 1938, p. 100) and given Binet-Simon intelligence tests to determine whether they could be categorized as "defective delinquents" (Bing, 1938, p. 101). A label of "defective delinquent" designated the child as having a mental disorder, and their participation in "offending against the laws of the state and good moral practices [meant]... they were too far advanced in bad ways to fit into a training school" (Bing, 1938, p. 101).

Since there are chapters grounded in historical data collection and analyses, I will regularly use the language of artifacts, such as those used in the prior paragraph. This language frequently links being outside of social constructs of normativity with criminality. Using this language does not endorse or accept archaic and harmful words and beliefs. Instead, an accurate representation of the archive reflects the creators' language, attitudes, and views. It provides the potential for a more accurate analysis of historical events and ideas in their contexts beyond contemporary understandings (The National Archives UK, 2017).

Extending StPP

School-to-Prison-Pipeline (StPP) metaphors are frequently invoked to reference the unequal and punitive practices disparately dispensed in schools as well as the mis-educational and under-educational experiences imposed upon young people who are often simultaneously deprived of investments that keep people safe and thriving and maintain safe communities and neighborhoods (Ayers et al., 2001; Meiners & Winn, 2010; Shange, 2019; Sojoyner 2013; Vaught, 2017). Some scholars have suggested that thinking beyond the StPP metaphor can more accurately illuminate the core functions of systems operating through carceral care practices and why and how these systems employ techniques to incapacitate, punish, contain, debilitate, and disable (Puar, 2017).

Considerations of a school-prison nexus rather than a pipeline not only imply the fundamental and symbiotic relationship among state institutions but also how institutions in the U.S. are premised on advantaging and disadvantaging some students through the normalization of divisions based on constructions of race, class, gender, innocence, and ability (Tomlinson, 2015). Adams and Erevelles note how race, gender, class, ability, and other identity markers at the intersections of social difference lead to labels invoked across state institutions to suggest dangerousness as being attached to and marking specific categories of youth for "dis-location… out of (White, normative) place" (2015, p. 132). These divisions and dis-locations form patterns of oppression that reproduce entrenched inequities and too often engender violence. The school-prison nexus lens alters perceptions of institutions like welfare

agencies or schools as inherently helpful and good (Vaught, 2017). Instead, the framework of a school-prison nexus expands our scope to consider the possibility that disciplinary institutions intentionally inform and bolster each other.

In these chapters, I aspire to shift beyond StPP metaphors and to advance current contemplations within frameworks of a school-prison nexus by thinking of schools, social agencies, and juvenile courts as not only connected but as originating from and symbiotically and co-constitutively existing within the same punitive fibrous *network*.

The IDEA, Section 504, and the ADA

The Individuals with Disabilities Education Act (IDEA) was signed into law by President Gerald Ford as the Education for All Handicapped Children Act (Public Law 94-142) on November 29, 1975. The prominent triumphs of the law for its supporters include guaranteed access to free appropriate public education (FAPE) in the least restrictive environment (LRE) for every child identified as having a disability. Artiles (2003) notes, "The passage and refinement of IDEA was a major accomplishment in the history of special education that has made a difference in the lives of millions of people with disabilities" (p. 165). Congress has repeatedly reauthorized and amended the IDEA. In December 2015, through Public Law 114-95, Congress declared that "Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy" (U.S. Department of Education, n.d., para 6).

Specific regulations within the IDEA exempt adult correctional facilities from providing free appropriate public education to school-aged youth in their facilities. These include if providing such services would be inconsistent with state law or practice and if the individual in question was not previously identified as a child with a disability before placement in the adult correctional facility. There is also an allowance for the child's IEP team to modify the child's IEP or placement if there is "a bona fide security or compelling penological interest that cannot otherwise be accommodated" (34 C.F.R. § 300.324d2i). Other exemptions relate to statewide or district-wide testing and requirements regarding transition planning if the youth will be incarcerated when their eligibility for such services ends (34 C.F.R. § 300.324d1i). Finally, the federal government's ability to enforce the IDEA is statutorily limited to withholding federal funds from states that do not provide special education and related services to all students in schools and state-operated facilities (20 U.S.C. § 1412a). Statutorily limited enforcement of the IDEA's provisions happens through referrals to the Department of Justice (DOJ) or withholding some federal funds from states. These enforcement mechanisms appear significantly unmotivating to education leaders in multiple parts of the United States in the eleven complaints analyzed in chapter three.

Two other Federal laws also protect the rights of students with disabilities in correctional facilities: Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits disability discrimination in programs or activities of entities, such as public schools and correctional agencies, that receive Federal financial assistance (29

U.S.C. §794, 34 CFR part 104, 2010); and Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibits disability discrimination by public entities, including public schools and correctional agencies, regardless of whether they receive Federal financial assistance (42 U.S.C. §§12131-12134, 28 CFR part 35, 1990). While these latter statutes were not explicitly designed for educational purposes, both indicate that access to public agencies' services should not be denied to individuals with disabilities (Morris & Thompson, 2008).

IEPs

Children ages 3 through 21 receive special education and related services under the IDEA Part B. Some states, such as Connecticut, provide public education opportunities to individuals through age 22, so the IDEA requires that those states also offer free appropriate public education to individuals with disabilities through age 22. Once an individual qualifies under one or more of the thirteen disability categories covered by the IDEA, and there is evidence that the disability (or disabilities) adversely affects their performance in school, the IEP team members develop an Individual Education Program (IEP). IEPs detail the special education supports and services students need to thrive in school environments. The process for obtaining and maintaining an IEP involves a voluminous amount of procedures and documentation precisely and elaboratively delineated in the Individuals with Disabilities Education Act (Part B, Subpart D, Sections 300.300-300.328).

Jails

Jails are defined as locally operated interim facilities for adults that detain individuals awaiting trial or sentencing, those waiting to be transferred to another institution or released, and those generally serving sentences of one year or less (Carlson & Maike, 2013; Vallas, 2016). Similarly, individuals aged eighteen and older held in jails and youth under eighteen transferred to the adult system can be subject to pretrial detention if their family or friends cannot afford bail. As a result, they may be jailed in adult facilities for weeks or months without ever being convicted of any crimes (Human Rights Watch, 2017).

Network

Network is the compound word of two free morphemes: *net* plus *work*. It first appeared as a noun in the 1550s to describe a "net-like arrangement of threads, wires, etc., anything formed in the manner of or presenting the appearance of a net or netting" (Origin and Meaning of Network by Etymonline, n.d.). In 1839, the noun version of *network* extended to indicate "any complex, interlocking system (originally in reference to transport by rivers, canals, and railways)" (Origin and Meaning of Network by Etymonline, n.d.). The verbification or denominalization of *network* appeared in 1887 as a conversion of the noun form to indicate an action. It has been reused since the 1940s to mean "to broadcast over a (radio) network; 1972 in reference to computers; [and] by 1982 in reference to persons, 'to interact with others to exchange information and develop contacts'" (Origin and Meaning of Network by Etymonline, n.d.).

I utilize *network* rather than nexus, particularly in chapter four, for a few reasons. First, unlike *network,* the word *nexus* is not understood as a noun and verb through anthimeria, "a rhetorical term for creating a new word or expression by using one part of speech or word class in place of another" (Nordquist, 2020, para 1). I consider it essential to explore the formation and subsequent actions of the institutions that comprise juvenile-court-schools-social-agencies networks. For my purposes, the word *network* implies a more dynamic set of relations among institutions. Plus, the word *nexus* has not experienced evolutions of its use since it appeared in the English language in the 1660s. In contrast, *network* has been applied with various contextualized meanings over time. Secondly, although a school-prison nexus indicates the connections, bonds, and interdependence of the similar carceral logics under which schools and prisons operate, the two free morphemes that create *network* as a compound word offer additional portals for my analysis.

A net or netting is typically associated with something designed to catch something alive or keep it enclosed. A net is described as an "open textile fabric tied or woven with a mesh for catching" (Origin and Meaning of Network by Etymonline, n.d.). The intentionality of a net is significant to the development of juvenile-court-schools-social-agencies networks. This network's interdependent aim to "catch" those pushed to society's margins during industrialization and urbanization is not by accident or chance but was integral to its origin and maturation. Yet, even when thriving is prevented or interrupted, an "open textile fabric" metaphorically allows for actual resistance, agency, and survival.

Additionally, *work* is derived from the Old English words *woerc* and *worc,* which describe "that which is made or manufactured, products of labor" (Origin and Meaning of Network by Etymonline, n.d.). In late 19th century Cleveland, "rapid population growth and the incursion of railroads and factories into impoverished neighborhoods caused overcrowding and heightened the possibilities of fatal or crippling diseases" (Morton, n.d., p. 6). An emphasis on making or manufacturing a product aligns with events in Cuyahoga County and Cleveland during the development of juvenile courts, schools, and social agencies and with the principles of efficiently managing people in educational and judicial systems and institutionalizing charity. These productivity ideas were drawn from the ethical structure of Protestant Christianity and an "overriding search for order and efficiency which characterized Cleveland and the nation during the Progressive Era" (Grabowski, 1986, p. 31).

Finally, the extension of the noun version of *network* in 1839, originally used in reference to canals, rivers, and railroads, is particularly relevant to how waterways and railways contributed to propelling the urbanization and industrialization of Cleveland during the nineteenth and early twentieth centuries as well as playing a role in the freedom dreams of those escaping enslavement. The city of Cleveland in Cuyahoga County became a significant transportation hub that intensified commerce, increased its population (Wheeler, 1987), and established its position along the Underground Railroad. Specifically, after the completion of the Ohio and Erie Canal in 1833, "Cleveland dominated Ohio trade to Canada and therefore [Black people's]

access to safe territory" (Wyatt-Brown, 1986, p. 105). Thus, using the framework of a *network* in the context of this analysis, which includes critical movements within its historical record and as an analytic, offers multiple entries into "Radical scholarship [that] continues to make visible histories and pathways of resistance" (Meiners & Winn, 2010, p. 273).

Non-reformist Reforms

In the 1960s, Andre Gorz proposed that non-reformist reforms, rather than mere reforms that reify current institutions and systems, could accomplish immediate gains and build strength for broader revolutionary struggles and transformative movements. Scholars such as Ben-Moshe (2020) and Puar (2017) claim that merely focusing on reforms within the current punitive system is insufficient. I aim to be attentive to how reformist orientations enable the prioritization of punishment and fail to destabilize the violence of institutionalized carceral logics.

My ongoing involvement in activist and advocacy groups and my belief that scholars should labor in solidarity with movements for transformative justice indicate my intentions to advance justice in legislative, educational, and judicial arenas. Attention to the historical record conjures caution as radical ideas, and progressive movements are repeatedly tamed and absorbed into current systems of violence and oppression. I adamantly oppose reforms that would expand existing carceral structures, such as building larger jails with schools inside (Durbin, 2022). The practically palpable tension between wanting to eradicate suffering and injustice

immediately while operating within and working towards dismantling entrenched systems of violence and oppression remains unresolved in this dissertation.

Resistance

In this dissertation, I consider resistance as being "about forming assemblies, individual protests, manipulations, or about desperately opposing one's precariousness. It involves power relations, violence, and our political, physical, and social environment" (Liljaa & Vinthagen, 2018, p. 211). I seek to understand the articulations of resistance by captive young people and their allies through collecting and examining federal court complaints filed across the United States between 1975-2021 and through artifacts collected from U.S. states across centuries (the 1800s-2022). Lilja and Vinthagen explain resistance studies as "primarily about studying various responses to power (or violence as an extreme form of power) from below" (2018, p. 215). I am examining the multifarious ways that different resistance practices are enacted, including local practices of resistance that may never or could be linked to sustained collective actions (Liljaa et al., 2017). Mostly, I am interested in "resistance as a response to power from below – a practice that might challenge, negotiate, and undermine power, or such a practice performed on behalf of and/or in solidarity (proxy resistance)" (Liljaa & Vinthagen, 2018, p. 215). This is not intangible, quiet, or disguised resistance. Instead, this resistance in response to institutional resistance and institutions' refusal to abide by their policies has yet to be amplified (Ahmed, 2011). This writing to document and illuminate these specific

witness marks attempts to remedy this lack of notice slightly. Critical and activist archival processes assist with this task.

Youth/Young People/Children

Legal and educational scholars have exposed that "childhood, like adolescence and other categorizations, is a shifting and invented construct… Childhood reflects a period of 'legal strangeness' (Stockton, 2009, p. 16) or ambiguity, with the transitory period into adulthood defined as juvenile, adolescent, minor, youth, or teenager. Yet there is no consensus on the boundaries of these transitions" (Meiners, 2014, pp. 123-124). Advocacy groups campaigning to raise the age of juvenile court jurisdiction above eighteen or modify standard adult criminal justice policies for young people through age twenty-four recognize how socially constructed age parameters have material consequences (Justice Policy Institute, 2017). Ahmed describes this work as encountering "the materiality of resistance to transformation when you try to transform what has become material" (2011, p. 138).

Additionally, critical scholars have postulated that there is an "uneven distribution of innocence and criminality or pathology that precedes anyone encountering the legal system—these labels apply to the working poor and impoverished, those racialized as Black or brown, gender non-conforming and trans people, and psychiatrized people (and their intersections) much earlier in their lives and much more frequently" (Rodriguez, Ben-Moshe & Rakes, 2020, p. 546). Thus, I use the categories of teen, youth, young person, and child interchangeably. In a legal or bureaucratic context, "youth," "young person," or "juvenile" indicates anyone

under eighteen who would be considered a minor under the law. Additionally included are those within the parameters of policies that mandate youth receive educational services protected by the IDEA (commonly through age 21). I also use the phrase “students with disabilities” as defined in 34 CFR §300.8 to refer to youth with disabilities.[2]

[2]Title 34 - Education; Part 300 - ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES, Subpart A - General, Subjgrp - Definitions Used in This Part, Section § 300.8 - Child with a disability.

Visual 2. Screenshot of 2021 poetry publication in *Iron City Magazine 6*, p. 11.

POETRY

In verse operationalization

Melissa Marini Švigelj, California

In verse operationalization

A.

Equation

child + hood =

Solve

child + hood = childhood

Childhood Variable

child(m^2) =

Evaluate

m^2 = more melanin

Solve

child(m^2) = CHILD
≠ adult
≠ adult
≠ adult
≠ adult

B.

Childhood Variables

m^2(childhoods) + ḋ =

Evaluate

ḋ = dispossessed, disinvested, divested, dechildhooded, detained

m^2 = more melanin

Solve

m^2(childhoods) + ḋ = CHILDREN
≠ adulthood
≠ adulthood
≠ adulthood
≠ adulthood
= unsatisfiable falsehoods

now find solutions

Inspired by Giovanni Singleton and sidony o'neal, I wrote this poem on March 5, 2021 as part of a submission for a studio writing workshop course at UCSC. Many thanks to Alan A.P.O. for his mathematical analysis and suggestions.

CHAPTER TWO

A Proem: The Centripetal Construction and Sustenance of Children's Suffering and Sorrow in Cuyahoga County, Ohio

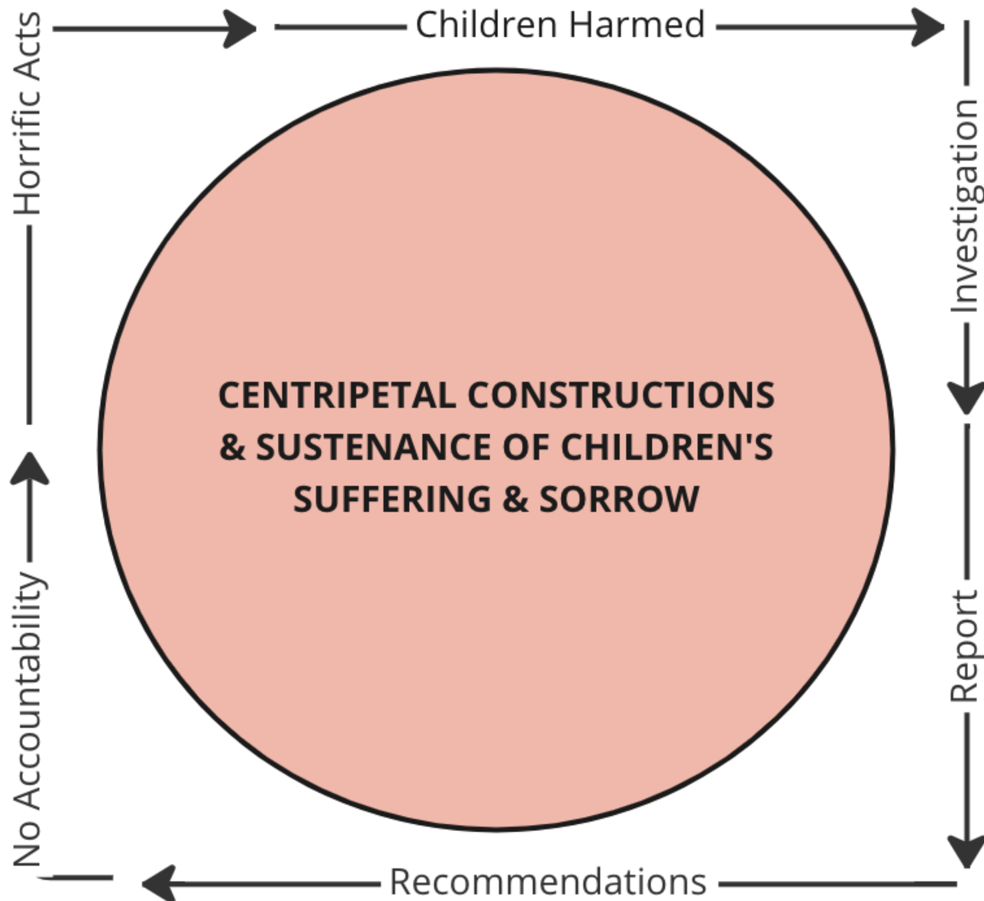
INTRODUCTION

This chapter chronicles some events related to children in the past few decades in Cuyahoga County and Cleveland, Ohio. These experiences and events, some of which I witnessed, compelled me to research topics related to the education of incarcerated young people. Although the focus is on the county's juvenile (in)justice center, adult jail, and prosecutorial transfer practices, details regarding other agencies Cuyahoga County officials are responsible for monitoring, funding, and operating are also included to provide a broader scope of what children of color, children with disabilities, and impoverished children in particular encounter and experience after contact with institutions, law enforcement, and public employees in Cuyahoga County.

In this section, I provide a brief sketch of children in Cuyahoga County and Cleveland. Most children who experience contact with county services and institutions reside in the city of Cleveland within Cuyahoga County (Cleveland Foundation, 2022). Then, I offer a brief history of juvenile court and practices related to detaining children in Cuyahoga County. Next, I chronicle patterns of egregious acts of harm against children in the county over the past few decades. Although some background and foundational information is discussed from decades previous to the 1990s, I chose to mainly focus on the most recent few decades as a timeframe to

illustrate the pattern of what I refer to as the *centripetal construction and sustenance of children's suffering and sorrow* in this area of Ohio, particularly when youth have contact with Cuyahoga County institutions and law enforcement.

Visual 3. The orbital pattern across the decades that results in repeated failures to protect and care for Cuyahoga County's children, created by Melissa S.



Numerous scholars have noted that even though there was a decrease in crime across the United States in the 1990s, the already high prison population that had been growing since 1973 more than doubled in size by 2001 (Alexander, 2020; Garland, 2001; Gilmore, 2007; Haney, 2012). Thus, tracing this chronology of events related to children who have contact with or are taken into custody by Cuyahoga

County officials and law enforcement illuminates general systemic and institutional patterns that harm children in multiple ways and sometimes contribute to their death.

CHILDREN IN CUYAHOGA COUNTY AND CLE

Residents of Cuyahoga County represented in the U.S. census amount to a demographically diverse population with 28.9 percent of residents being Black or African American, 6.6 percent Latinx or Hispanic (of any race), 3.5 percent Asian, 56.8 percent white, 0.1 percent American Indian or Alaska Native, 3.6 percent identified as belonging to two or more races and 0.5 percent to *other* race (2020). Based on poverty thresholds set by the Census Bureau, approximately twenty percent of Cuyahoga County residents live in or near poverty. Cleveland is ranked worst or tied for worst among large cities in the U.S. for both poverty and child poverty. Cleveland's poverty rate is nearly 2.5 times the U.S. average of 12.8 percent. Cleveland has the highest poverty rate of any large U.S. city for young people, with 45.5 percent of Cleveland children living in poverty (Campbell, 2022).

Although poverty exists throughout Cuyahoga County, it is most prevalent in Cleveland and the inner ring suburbs, particularly the East Side inner ring (Campbell, 2022), where Black residents with lower incomes have historically been segregated. After Glenville and Hough's uprisings in the 1960s, "a federal commission noted that the poverty in Black areas was 'the worst they had ever seen'" (Fleming, 2015, n.p.). Between 1950-1980, three-hundred thousand people left Cleveland in what is commonly called a period of "white flight." By 1980 almost half of the city's

population was Black, with significant populations of Latine and Appalachian residents (Van Tassel & Grabowski, 1986).

The care of dependent children has been chiefly the responsibility of cities and counties in the United States (Morton, 2000). The second Children's Aid Society was founded in 1854 (New York City had the first) in Cleveland. The second juvenile court was established in Cuyahoga County (after Cook County in 1899) in 1902. These institutions emerged from notions that youth have needs that cannot be met in facilities designed to punish or selectively serve adults (Morton, 2000); however, since the inception of various charitable or justice-related institutions in the region, religious, racial, gender, and economic disparities have influenced or determined how and which children receive nurturing care versus carceral care.

During the 19th century, children were initially and then intermittently held in prisons and jails with adults throughout Ohio. Sometimes children were segregated from adults in the facilities. Often the incarceration of children was not due to violations of laws. Instead, the House of Refuge in Cleveland between 1871 and 1891 was the public facility available to shelter children who needed care due to poverty, illness, and deceased family members. The House of Refuge "was not a success as a charitable or reformatory institution" (Cleveland Centennial Commission, 1896, p. 10).

YOUTH (IN)JUSTICE IN CLEVELAND, CUYAHOGA COUNTY

Origins

At the turn of the 20th century, Cleveland continued to experience rapid urbanization, industrialization, and mass immigration to the area. It was considered one of the nation's largest and most important cities (Darbee, 2001). Like similarly situated U.S. cities, this also created disease and poverty on a level Clevelanders had not previously encountered. Many reformers during the Progressive Era in the 1890s advocated for a juvenile court to save children from adult courts and jails. Simultaneously, publicly funded social agencies emerged as integral institutions in child welfare reform legislation and procedures.

In 1901, Cleveland's City Solicitor Newton D. Baker startled an audience at the Goodrich Social Settlement into action after he described the conditions children experienced while incarcerated in the Cuyahoga County Jail. A movement in 1901 quickly advanced to establish a juvenile court in Cuyahoga County to spare youth from incarceration in the adult jail. In the spring of 1902, Ohio legislators approved the establishment of a juvenile court in Cuyahoga County for children under age sixteen taken into state custody. Placing a child under fourteen in an adult jail in Ohio also became illegal. The Cuyahoga County Juvenile Court (CCJC) was the second official juvenile court established in the United States in 1902 (Bing, 1938; MS. 3978, Sol Kahn Papers, 1907-1985).

The City Farm School, initially envisioned in the 1890s and popularly known as the Cleveland Boys' Home in Hudson, opened in 1903 under the efforts and

guidance of Reverend Harris Reid Cooley, Director of Charities and Corrections in Cleveland under Progressive Mayor Tom Johnson. City Farm supporters believed its more nurturing atmosphere and cottages, barns, schoolhouse, and outdoor activities made it less punitive. It became a model facility nationally.

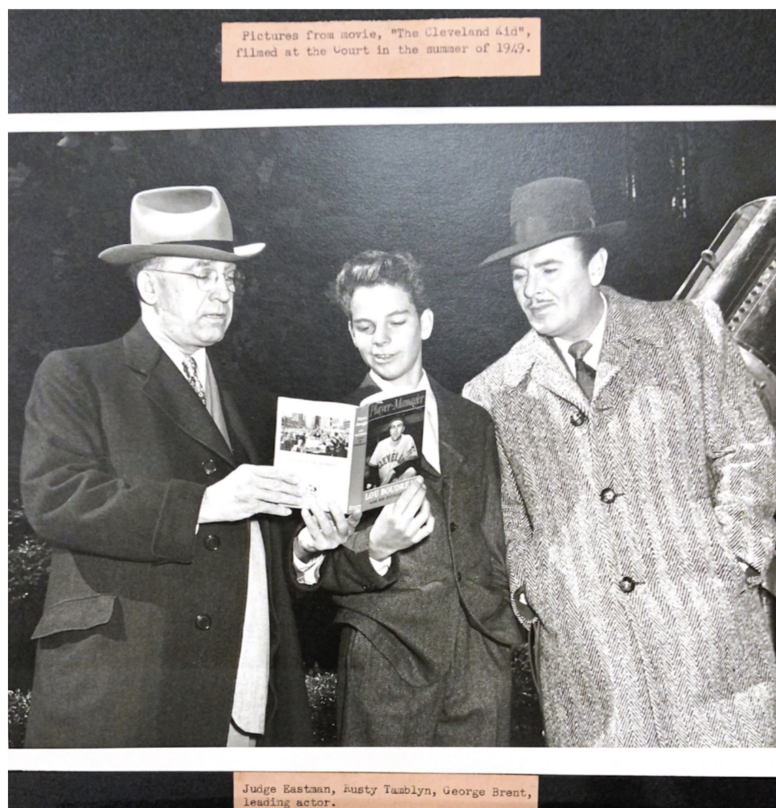
According to historical records, Judge Harry Eastman supervised the new construction of a juvenile justice complex in Cuyahoga County for the Juvenile Court in 1931. This complex consisted of the Court, detention facilities, and child welfare services. It became a national and international model of court services for children (MS. 3301, Harry L. Eastman, 1917-1967). This 1931 juvenile justice complex, referred to as the oldest juvenile detention center in the U.S., is currently abandoned (Joo, 2020).

A Hollywood-worthy Exemplar

Cleveland's reputation as an exemplar in juvenile justice was so renowned that its juvenile complex was used for filming a movie released in 1949, "The Kid from Cleveland." The movie starred Russ Tamblyn as a troubled youth who gets informally adopted by 1948 world champion Cleveland baseball team members, including Bob Feller, Lou Boudreau, Satchel Paige, and Hank Greenberg (MS. 3301, Harry L. Eastman, 1917-1967). Unfortunately, less than twenty years after Judge Eastman's retirement, the detention center began to be called the "snake pit." It was described as having poor nutrition and an educational program provided by the Cleveland Board of Education that consisted of watching movies and completing puzzles. Attorneys from the local Legal Aid Society filed a suit in 1979 alleging abuse and mismanagement at

the county juvenile detention center after beatings against children were alleged (Willey, 1979). Attorneys blamed the conditions at the detention center on juvenile court judges' lack of concern. The suit was settled in 1985, and many positive changes were implemented, including abandoning isolation practices and a "progressive education program and organized recreation" (Siemon, 1985, p. 28). About twelve years after some positive changes were installed, the National Juvenile Detention Association described this same detention center as filthy, poorly maintained, holding Black youth disproportionately, and a place where children were prone to injuries (Plain Dealer, 1997).

Visual 4. Photograph from Judge Eastman's photo albums showing the Judge with actors Russ Tamblyn and George Brent filming "The Kid From Cleveland" in 1948 (MS. 3301, Harry L. Eastman, 1917-1967).



Visual 5. Photographs from Judge Eastman's photo albums show the filming of "The Kid From Cleveland" in 1948 on the playground at the Cuyahoga County Juvenile Detention Center, which opened in 1931 (MS. 3301, Harry L. Eastman, 1917-1967).

More Contemporaneously, 1995-2022

Social agencies, schools, law enforcement, and the detention center

Deficiencies and inequities appear throughout historical records documenting Cuyahoga County's treatment of children within their custody as well as disparities regarding which children receive the most helpful or punitive forms of treatment. The county's public and private agencies that take custody of Cuyahoga County's children and those charged with caring for them in public and publicly funded institutions have treated them "often separately, almost always unequally, and at worst punitively" (Morton, 2000, p. 141).

Department of Children and Family Services

In 2021, a major news organization serving Cuyahoga County explored its archives since 1997 to tally children's slayings. Reporters found nearly twenty news articles covering cases that involved children dying after the children and their families had been brought to the attention of county welfare agency officials. At least nineteen deaths occurred between 1996-1997, prompting then County Commissioner Tim McCormack to make headlines as he attempted to raise awareness regarding the deficiencies at the county's Department of Children and Family Services (Astolfi & Higgs, 2021). Meanwhile, forty-four individuals in 1997 who were guards at the Cuyahoga County Jail or worked as police officers in three departments throughout Cuyahoga County were about to be charged with conspiring to distribute cocaine as part of a nearly three-year FBI probe and undercover operation (Quinn, 1998).

Law Enforcement Background

In the summer of 1963, a seventeen-year-old Glenville High School student and Black youth, James Long, brought his younger sisters to a playground where he was playing in a baseball game nearby. James had three operations on his ears as a child and could not hear as well as average children. Police showed up at the playground after one of the sisters was in an altercation with another girl. When James appeared at the playground to check on his sisters, the two police officers on the scene interpreted his lack of response to their questions as disrespectful rather than due to poor hearing and mercilessly beat him. Nevertheless, James was charged with assaulting an officer and had to appear in juvenile court. Fourteen witnesses testified in juvenile court on behalf of James' defense, stating under oath what the Black community already knew—that the attack by police was completely unprovoked (Robenalt, 2018).

James Long's encounter with two police officers illustrates centuries of police brutality and violence inoculated from repercussions. A report in *The Nation* in 1964 claimed, "'the policy of the Cleveland police force is to employ terror and brutality toward Negroes and to do so systematically'" (Kerr, 2011, p. 156). During a hearing before the state legislature in 1966, Cleveland Police Chief Richard Wagner argued against abolishing the death penalty in Ohio because, according to Wagner, capital punishment was needed to keep Black people in line (Kerr, 2011).

Jason Goodrick, a former police officer who is the executive director of the Cleveland Community Police Commission that was created in 2015 after the

execution of Tamir Rice by a police officer, asserted that a study of 100 years of police reform efforts in the city found that cumulatively not much has changed (Felton, 2022). Cleveland has one of the only police departments in the nation to be investigated twice by the Department of Justice for civil rights violations. The city paid out almost forty-million dollars in settlements for police misconduct between 2012 to 2022 (Felton, 2022). Overall, the Cleveland Police Division's proclaimed mission to "protect the lives, property, and rights of all people… with a reverence for human life" (Cleveland Division of Police, n.d., para. 1) has not been considered by local citizens to be an accurate representation of police practices in the Cleveland area, especially for those at the intersection of multiple identity markers including being a person of color, disabled, and impoverished.

Public Schools

Law enforcement and public schools in Cleveland have been intimately connected since truancy officers were invested with police powers during the Progressive Era (MS. 3978, Sol Kahn Papers, 1907-1985). In the 1940s, parents of Black students became concerned about the addition of police in segregated schools to maintain discipline. Between 1947-1952 the school board only approved the building of new schools in white areas of the city (Frazier, 2017). Police silently watched as white people physically attacked Black people and their cars during protests against school segregation in the Murray Hill neighborhood in the early 1960s. Police not only refused to investigate incidents of brutality but encouraged them (MS. 3978, Sol Kahn Papers, 1907-1985). Reverend Bruce Klunder (who was white) was crushed by

a bulldozer while protesting the construction of a segregated school a day after a Black person protesting was clubbed in the head by police while at the same school construction site (Frazier, 2017; Kerr, 2011). Eventually, Cleveland's NAACP won a school desegregation complaint filed in federal court in 1973.

A *Washington Post* article in June 1995 described Cleveland as "home of one of the nation's most troubled school systems" (Walsh, 1995, para 3), whose condition compelled a federal judge to order state authorities to take complete control of the city's public schools (Walsh, 1995). At the time, Cleveland was the "largest school system ever to be stripped of local control" (Walsh, 1995, para 4), and about seventy percent of students in Cleveland's public schools were considered impoverished (Walsh, 1995). A planning firm concluded in 1994 that fourteen to twenty-five of the district's 126 school buildings should be abandoned because they were beyond repair. More than 600 building and fire code violations in the schools were also on file at City Hall, some more than ten years old (Walsh, 1995).

In 1997, the Ohio Supreme Court ruled in favor of the Plaintiffs in *DeRolph v. State*, which claimed that Ohio's elementary and secondary public school financing system violates Section 2, Article VI of the Ohio Constitution. Article VI mandates a thorough and efficient system of common schools throughout the state. Although DeRolph won in court, the school funding system based on property taxes that was challenged in the case still exists. This school funding scheme generally results in poorer districts like Cleveland receiving less money per capita from residents (Rochford, 2022). As with the police department in Cleveland, not much has changed

concerning how schools are funded, except for charter schools siphoning additional money from public schools in the city since the 1990s (O'Donnell, 2014; Rooks, 2017). Schools, social agencies, and those meant to enforce laws in Cleveland have never provided the comprehensive care its children and families need and deserve.

The Cuyahoga County Juvenile Detention Center (CCJDC)

Two weeks after Charles Hardman was taken to the juvenile detention center in the fall of 1996, he was beaten by guards and hospitalized for four days due to his injuries. His mother courageously complained to the county's Ombudsman Office, and an investigation by hired consultants ensued. The consultants reported that guards abused children at the detention center "without fear of reprisals" (Quinn, 1998, p. 6) and directed scathing criticism at the "disproportionate percentage of minority children held" (Quinn, 1998, p. 6).

Although the actors' names change and communication technologies advance, there are forces in Cuyahoga County that cause and maintain a consistent repetition of injustices throughout state institutions. First, egregious acts and deprivations disproportionately occurring against the certain children in the county are revealed, sparking a reaction. This usually results in a formal investigation and report by outside experts who are paid by the county, or a task force is formed (Willey, 1979). Then, a few or none of the suggested solutions in the report are implemented with fidelity or maintained because of flimsy or absent accountability mechanisms, employee and leadership transitions, and/or a diversion of public interest. The

repeated result is another unfolding of more time and space for additional horrific acts against children to occur, be revealed, and spark a reaction.

Two 1997 Reports & a Business Plan

After an ombudsman report in May of 1997 disclosed the beatings and abuse of children at the Cuyahoga County Juvenile Detention Center, Cuyahoga County's Juvenile Court judges began meeting with the director of the Ohio Department of Youth Services, Geno Natalucci-Persichetti, in August 1997 to develop a business plan for the Juvenile Court. According to Natalucci-Persichetti, "'Government has got to learn to do more of a business approach [and the county commissioners and judges] have to see themselves as CEOs of a $30 million corporation'" (The Plain Dealer, 1997, 21A). The Juvenile Court budget was $30 million annually in 1997. These neoliberal notions tied to corporatization and the privatization of public services have not met the hype extolled twenty-five years ago by Natalucci-Persichetti and are another force swirling on repeated paths. In 1998, the Cuyahoga County Juvenile Detention Center was rated in the bottom fifth of the country (Russo, 2004).

Also in 1997, Cuyahoga County Juvenile Court Judges hired The National Juvenile Detention Association (NJDA) to investigate and report on conditions and practices at the juvenile detention center. In the September 1997 NJDA report, evaluators described the existing juvenile detention center as "'one of the most adult-oriented, bleak, depressing, and psychologically harmful facilities that anyone on the review team has ever visited'" (Johnston, 2011, n.p.). The evaluators also

lambasted the detention center for not tracking abuse and injuries to captive children. They noted that many of the solutions they presented in their findings *had been suggested in the past yet never incorporated*. Artifacts in the 1931 juvenile detention complex that were left behind by children when the building closed in 2011 reveal that the abuse continued after the consultants, ombudsman, and NJDA reports in 1997.

1999-2000 The Children Grieve

In October 2020, someone preserving architectural history through photographs documented Cuyahoga County's abandoned 1931 juvenile detention complex in Cleveland. They discovered a lockbox left behind when the complex closed in 2011. Curiosity compelled them to pry the box open. There were grievances in the lockbox written by young people held captive there in 1999 and 2000—approximately two to three years after the 1997 NJDA report. Those grievances were never read by detention center employees or administrators since they were found still locked in a lockbox in 2020. However, they were posted online with identifying information redacted in the architectural photography archive of the old detention complex. This citizen's architectural photography archive acknowledges the grieving children's words, which I also wish to uplift in this section.

On a grievance form dated July 1, 2000, a youngster wrote about detention staff members favoring some residents. In particular, this young person was "cursed out for no reason" by a staff member. Another youth's handwritten grievance form describes being forced to stay "in the box for eight hours for something I did not

commit.” The same handwriting appears on a separate grievance form and describes how another “resident” hit them. Physical violence is described again in letter format on a paper dated April 4, 2000. In the letter, the young person describes a horrifying scene in which one detention staff member is accused of pushing the child in the back, slamming them around, and putting his hands around his neck. The youth also mentions that similar scenes have happened before and that the staff member “keeps putting his hands on me.” A different young person describes this same incident in a letter dated April 4, 2000. This young person who witnessed the staff member abusing another child also reported attempting to intervene as the staff member dragged the child to another room and choked them.

Visual 6. Images of the grievances found in 2020 at the abandoned 1932 detention center (Joo, 2020).

A December 12, 1999 grievance form succinctly described the reasons prompting their grievance as “mistreatment towards residents and taking food.” Somewhat presciently, the youngster submitting this grievance also completed the bottom section of the form reserved for completion after youth received a response to their grievance from a shift supervisor. The section meant to be completed by a shift supervisor after the supervisor read the grievance was blank. This young person decided not to wait for a shift supervisor’s decision and declared at the bottom that they just wanted to do their time “and get out of here.”

Food deprivation weaponized against youth appeared in two additional grievances. They were filed against the same staff person accused of cursing a child "out for no reason." The grievance forms are dated March 3 and March 13, 2000. The staff member is accused on March 3rd of sending a young person back to the unit during a meal because the youth "rolled my eyes." Then this staff member arrived at the unit with a food tray and threw the food out in front of the young person. The young person wrote, "so I didn't get to eat." On March 13, 2000, this same staff member caught one young person giving another young person a cookie, "so their trays got dumped." However, the young person completing the grievance form was not one of the youths whose trays were dumped. Instead, this young person was aggrieved because they were held back at lunch due to items left behind by the two youths whose trays were dumped. The young person wrote, "I ate my food and threw away my trash… [but she] made me stay back at lunch for something I didn't do."

While children continued to be abused at the county detention center, Cuyahoga County Commissioners paid $2.75 million in 2000 for sixteen acres of land on the city's east side to build a new county juvenile facility that would supposedly be better for youth. The company the county bought the sixteen acres from had purchased the land a year before for about $400,000. It was the former site of Christian Schmidt and Sons Brewing Company (Johnston, 2011). The land was a brownfield that was declared one of the worst environmental hazards in the city because of the variety of chemicals found on this former factory and brewery site

(Mazzolini, 2004). A new nine-story Cuyahoga County Juvenile Court facility opened on this land on Quincy Avenue in 2011.

A 2001 Assessment and 2002 Report

After a request from Cuyahoga County's Board of Commissioners in 2001, a team of technical assistance providers from the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative and researchers from Case Western Reserve University (located in Cleveland, Ohio) began assessing Cuyahoga County's juvenile detention policies, programs, and practices (Roche, 2002). As a result of the research team's efforts, a "Report to the Board of Cuyahoga County Commissioners Regarding Juvenile Detention System Practices and Recommended Reforms" was produced and delivered in 2002 to the commissioners and the public.

In addition to finding inconsistent and misused tests meant to evaluate the amenability levels of youth, a pattern emerged that indicated program placements for youth entangled in the juvenile court system were driven more by availability than by suitability. The report explained that placing youth where there is a program space rather than where they are best suited is a "capacity-driven" use of non-secure detention resources. The research team warned that "if the county proceeds to build a secure facility with excess bed capacity, this pattern strongly predicts that the new facility will remain filled, regardless of actual need" (Roche, 2002, p. 4).

2003 Audit, Analysis, Languishing, and Suicidal

Cuyahoga County Juvenile Court jurists received another report commissioned by county officials to assess the court's processes in mid-2003. Researchers at Case Western Reserve University's Center on Urban Poverty and Social Change were paid $85,000 by the county for the study as discussions about a new detention center continued. Investigators found multiple inefficiencies and unnecessary delays in court proceedings, resulting in young people spending seven or eight months in the juvenile detention center without ever being found guilty of wrongdoing. An audit of juvenile court processes in Cuyahoga County in 2001 by the state of Ohio produced the same findings regarding the lengthy time youth languished in detention while waiting for their cases to go before a judge. In the 2001 audit and 2003 analysis, researchers recommended a centralized docketing system for the juvenile court to assist with processing cases more quickly and moving youth out of the detention center within the ninety-day limit recommended by the Supreme Court (Mazzolini, 2004). Many young people who should have been released to their homes were instead inappropriately detained at the detention center.

In the last months of 2003, Cuyahoga County Commissioners agreed to end a suit filed on behalf of a girl formerly captive at the county's juvenile detention center. The small monetary settlement resulted from detention center guards failing to care for the girl after they were alerted to her suicidal ideations. Instead of being attentive to the girl's fragile condition, the youth was able to find and swallow poison in an attempt to escape an environment she referred to as "nasty" and "like a prison" (Brett,

2003, p. 11). Although her mouth was too swollen from the poison to swallow water, and she was vomiting blood, the guards did not immediately seek or provide medical attention. Instead, detention center workers put her in a solitary confinement room with only cold walls and a cold floor. The girl was brought to the hospital twenty hours after she attempted suicide, where she remained on intravenous fluids for six days. This young person told a reporter that what bothered her most was not her burnt esophagus but that kids in her neighborhood who were sent to the detention center after she returned home had told her that nothing at CCJDC had changed (Brett, 2003).

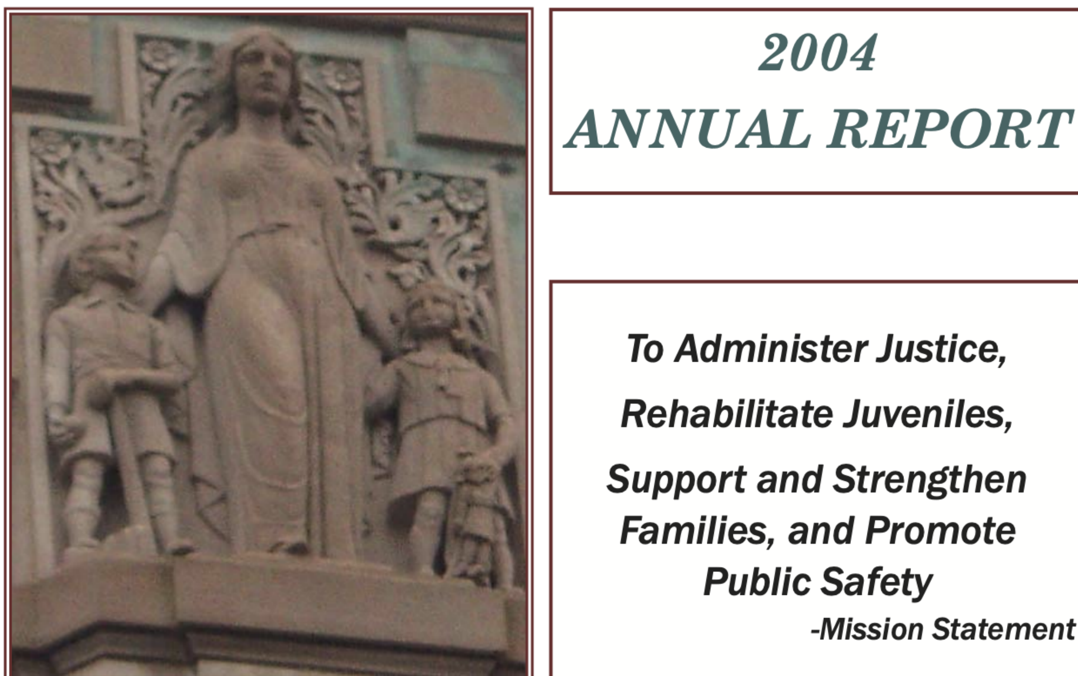
2004 Mission, the Primary Function, & Report Recommendations

From 1979 to 2004, lawyers, the media, and advocacy organizations uncovered and documented abuses in the District of Columbia and 23 states, including Ohio, in state, local, or privately operated youth facilities (McCarthy et al., 2016). According to a 2016 paper published by Harvard's Kennedy School, documentation of states violating the constitutional rights of confined youth continued in seven states between 1970 and 2015, including Arkansas, California, Florida, Nevada, New York, Ohio, and Texas, (McCarthy et al., 2016).

The 2004 annual report from the Cuyahoga County Court of Common Pleas, Juvenile Court Division, includes its mission statement on the title page. The Juvenile Court Division's mission was "To Administer Justice, Rehabilitate Juveniles, Support and Strengthen Families, and Promote Public Safety." A photo on the title page and fourth page of the thirty-six-page document shows a historic relief sculpture on the

front of the 1931 Juvenile Court building on East 22nd Street. The sculptural group includes a woman centered in the style of what Meiners might consider as reminiscent of "Lady Bountiful" (2002). A child stands on each side of the woman, and the tops of their heads almost reach the height of her hips as she places her hands behind each of the children's shoulders. The architect Frank Ball offered the significance of the relief sculpture in 1932, explaining it as a symbol of "the care and guidance of children, which is the primary function of the entire project" (2004 Annual Report, fourth page). Neither "care" nor "guidance" nor any of their standard synonymous terms are included in the Court's 2004 mission statement.

Visual 7. The middle section of the title page is shown from the 2004 annual report from the Cuyahoga County Court of Common Pleas Juvenile Court Division.



The 2004 annual report also noted that the Court "secured the services of Steve Hanson, Family Law Caseflow Manager of the Supreme Court of Ohio, to

perform an Abuse, Neglect, and Dependency Caseflow and Operational Review" (p. 4). The review resulted in a report providing eighty-seven recommendations for case scheduling, uniform procedures, technology, and training. The Court claimed it "addressed eighty percent of the recommendations including… performance goals and expectations such as establishing a culture that hearings will go forward in a timely fashion on the date they are scheduled" (Russo, 2004, p. 4). The Court did not claim to *implement* any percentage of recommendations. However, a Social Climate Study determined that the Detention Center's quality of life for captive children had moved from the bottom fifth in 1997 to the 57th percentile in 2004. Children's grievances from 2004 to confirm the Court's claims in their annual report are not publicly available.

Early 2000s: Children's Suffering & Sorrow

As Cuyahoga County officials and employees failed to one hundred percent prevent further physical, psychological, and social harm to youth captive at the detention center, Cuyahoga County's Children and Family Services agency failed to enact life-saving supportive interventions and care. Between 1997 to 2006, eleven children were reported in the news as suffering violent deaths because of systemic and institutional processes and practices at the county's welfare agency (Astolfi & Higgs, 2021). Some parents blamed for their children's deaths were children who had children at ages 12, 13, 14, and other unspecified years during their teens. One of the teenage parents of a child who was killed was a child living in a foster home with their infant child (Astolfi & Higgs, 2021).

A unit was formed in the late 2000s at Cuyahoga County's Children and Family Services agency to explore strategies to combat child deaths that follow abuse complaints (after more child deaths and investigations). In 2018, after news reports of another child's death because social workers allegedly failed to follow agency protocols, investigators from the Ohio Department of Job and Family Services discovered that the unit to combat child deaths had been "disbanded and never reconstituted when key employees left the agency" (Astolfi, 2018, n.p.).

As the violence of state custody persists across generations, state reviewers and scholars are intermittently summoned to investigate and audit shortcomings and produce reports, which also amounts to nothing significant for the children and families who may experience fleeting moments of relief yet continue to suffer.

2005

Although it did not open for another six years, an editorial in the Plain Dealer on January 22, 2005, applauded county commissioners for ignoring the "whining and wailing of the Juvenile Court Judges" and deciding to build a $130 million Juvenile Court Complex on Quincy Avenue. The editors referred to the 1931 Juvenile Court Complex on East 22nd as a "dump" and "hellhole" that "generations of troubled children of Cuyahoga County" have been waiting to get out of for over two decades (Editors of the Plain Dealer, 2005, p. 24).

Also in 2005, *Roper v. Simmons* appeared before the Supreme Court on the federal level. Utilizing contemporary brain science about adolescent development, the Supreme Court determined that youth have a "'lack of maturity and an

underdeveloped sense of responsibility," which can lead to recklessness, impulsivity, and irresponsible risk-taking (543 U.S. 551, 127 S.Ct. 1183; 2005).

The Cuyahoga County Court of Common Pleas, Juvenile Court Division established a new contract in 2005 with the National Council of Juvenile & Family Court Judges (NCJFCJ) Model Court. Since 1992, participating jurisdictions affiliated with NCJFCJ Model Court processes have committed to improving outcomes for children and their families. "The Model Courts are a group of 27 national juvenile and family courts committed to making a difference in handling child abuse and neglect cases. In the fall of 2005, Cuyahoga County Juvenile Court executed a contract with the NCJFCJ and was designated as the 28th model court in the country" (Russo, 2005, p. 8).

Between 2005 to 2006, three children in Cuyahoga County died from abuse. Child deaths due to abuse and neglect increased each year after 2006. From 2007 to 2009, twenty-one children connected to county services died (The Cuyahoga County Child Fatality Review Committee, 2010). Between 2006 and 2015, sixty-two kids died because of abuse and or neglect in Cuyahoga County (WKYC Staff, 2017). The Court still contracted with NCJFCJ. The Cuyahoga County Court of Common Pleas, Juvenile Court Division's 2007 annual report claimed, "The Court also dramatically changed its process and hearings for the emergency removal of children from their homes by the Department of Children & Family Services (CFS)" (Russo, 2007, p. 11).

2006-2018: An Assessment of Attempts at Alternatives to Detention

In 2006, Cuyahoga County joined about a dozen other counties in Ohio to become part of a Behavioral/Health Juvenile Justice Initiative (BHJJ). Ohio's BHJJ "was designed to provide youth evidence and community-based behavioral health treatment in lieu of detention" (Butcher et al., 2018, p. 4). A 2018 report assessed the initiative across the state after twelve years of implementation. The researchers and authors of the 2018 report determined that 81% of adjudicated youth in Cuyahoga County are Black, and 85% are male. Researchers also asserted, "Many of the youth enrolled in the BHJJ program are residents of the City of Cleveland, English-speaking, indigent, and multi-system involved" (Butcher et al., 2018, p. 13).

In Cuyahoga County, the BHJJ program operates through partnerships between the Alcohol, Drug Addiction & Mental Health Services (ADAMHS) Board of Cuyahoga County, Cuyahoga County Juvenile Court, Family and Children First Council of Cuyahoga County, and the Bellefaire Jewish Children's Bureau (Butcher et al., 2018). Thus, a network of intertwined public and publicly funded institutions attempts to meet the needs of the county's children. However, the gender and race disparities often exacerbated by divestment in specific county neighborhoods are consistently evident in the percentages consultants and researchers report across decades.

2011-2012 Youth Violence Prevention Working Group

The Youth Violence Prevention Working Group was created as part of the Healthy Cleveland Initiative under the direction of Mayor Frank Jackson and several

Cleveland city council members. Three youth violence forums were held in Cuyahoga County on November 19, 2011, March 9, 2012, and June 22, 2012, to explore causes and solutions to youth violence in the region. Within the one-hundred-page final report from the working group was an admired acknowledgment made in 2008 by officials in Minneapolis that "the problem of youth violence and juvenile crime cannot be arrested away" (Flannery, 2012, p. 44). Unfortunately, neither this report nor the task force deterred violence from occurring within the newly constructed Cuyahoga County Juvenile Detention Center that opened on Quincy Avenue in 2011.

2012

In Cuyahoga County in 2012, there were 6,134 reports of children being abused or neglected. Nearly forty percent of all allegations involved children under the age of six. The reports included 15,536 children under eighteen, and 1,423 reports were substantiated. Children residing within the city are between two and three times more likely than suburban children to be investigated for child maltreatment. Nine children in the county died in 2012 due to abuse or neglect (Center on Urban Poverty and Community Development, 2014).

An investigation by scholars at the Begun Center for Violence Prevention Research and Education produced another report for the Juvenile Court in 2012. The report outlined inconsistencies among jurists when deciding which young people were released or detained after an arrest. The director of the Begun Center highlighted research that elucidated the costly social and monetary effects of detaining youth for minor adolescent behaviors. The director also recommended a model where young

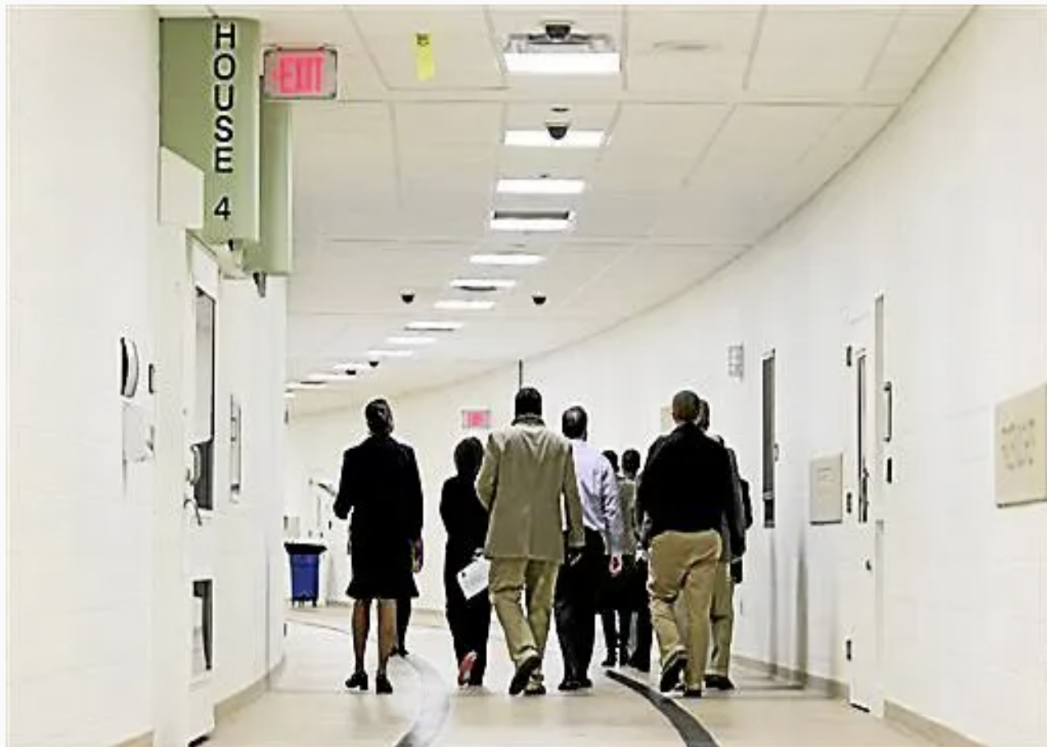
people could be immediately assessed after contact with the legal system and potentially avoid confinement in the detention center (Unknown, 2014). In years before 2012, that model had also been "studied and championed by some judges at the court. But it got lost amid other political skirmishes over where the court and detention center should be located" (Unknown, 2014, p. 4).

In 2012, Ohio also passed Senate Bill 337, which included changes to whether youth charged with delinquencies could stay in the juvenile detention center instead of being moved to the adult county jail. According to the law, young people can remain in juvenile detention until they are 21, even if the juvenile court judge transfers their case to the adult court system. Requests from prosecutors or Juvenile Courts can still propel youth to be transferred from juvenile detention centers to adult jails (DiChiera, 2013).

Reports from the detention center in 2012 and 2013 in Cuyahoga County's new Juvenile Justice Complex on Quincy Avenue revealed violence between young people and staff in the residential units, on the basketball court, and in the cafeteria. The new nine-story cream-colored Cuyahoga County Juvenile Justice Center that opened in 2011 did not eliminate the systemic and institutional violence ensnaring children in the legal system and detention centers. Nor did it eradicate the persistent violence throughout the many institutions in Cuyahoga County charged with caring for its young people.

2013 A Tour of a New Sterile Institution

Visual 8. This image from 2013, taken by a photographer at The Plain Dealer, appeared in various AP news stories around the region.



AP Photo/The Plain Dealer, Marvin Fong This 2013 photo shows members of the Cuyahoga County Council touring the detention area of the new Juvenile Justice Center in Cleveland. Prosecutors say members of a violent Ohio juvenile gang beat other youth, stole food and attacked guards with virtual impunity because they knew there likely would be no consequences.

2014 Who is Heartless?

In February, The Plain Dealer reported that since the move to the new detention center site on Quincy Avenue in 2011, threats toward detention center staff members increased three-hundred percent, and assaults between youth in detention increased two-hundred-thirty percent (Dissell, 2014).

Juvenile Court Administrative Judge Kristin Sweeney told reporters in June that youth who are members of a gang called the Heartless Felons, which began in 2000 in an Ohio youth prison, had created considerable problems in the new juvenile

detention center since its opening in late 2011 (Staff Writer, 2014). Prosecutors wanted forty-three youths aged 15 to 17 years old to confront accusations in adult criminal court concerning their alleged membership in the Heartless Felons. An assistant prosecutor claimed the Juvenile Court and its detention center could not control the youth and that eighty percent of the violent incidents in the facility were video recorded. However, detention center staff did not report most violence (Staff Writer, 2014). Cuyahoga County Councilman Michael Gallagher spearheaded an initiative that proposed allowing the sheriff to take over the detention center, which would remove administrative control from the juvenile court judges. Gallagher claimed, “This isn't juvenile detention of the old days. These are hardened street criminals that we're dealing with” (Ferrise, 2018, n.p.).

The systemic and institutional violence instigated and perpetuated in Cuyahoga County against its children drew international attention after November 22, 2014, when a white police officer executed twelve-year-old Tamir Rice in a play area outside Cleveland’s Cudell Recreation Center.

“We are tired of this,” said Black-on-Black Crime President and local activist Art McCoy (Wade, 2014, n.p.).

2016 Fight Nights

An investigation into assaults on youth in a common area of the detention center in 2016 revealed that guards were forcing incarcerated youth to fight each other. Two officers resigned due to the investigation, and four youths reached a financial settlement with Cuyahoga County in 2018 from a suit filed in federal court in 2017.

The guards involved “told the teenagers that ‘fight night’ was a long-held tradition in the jail and bragged about the ‘good old days’ when jail nurses would provide covert medical care to the teens to help cover up the fights” (Shaffer, 2017, n.p.). The suit claimed the guards told the boys not to hit each other in the face and to shower after the fights to wash away blood (Shaffer, 2017, 2018).

Weeks after a video release of youth at the detention center engaging in fights orchestrated by guards, a second video circulated that showed a 16-year-old boy held at the detention center being doused in liquid by staff. Investigative reporters at a local news station obtained the video. The teen was led into a staff room where he was instructed to sit at a desk facing a table of seated officers. Then, an officer doused the boy with a liquid the officers claimed was urine (Melaku, 2018). Officers later denied the liquid was urine and tried to justify their actions by claiming the incident was retribution for the teen’s earlier urine throwing at a guard (personal notes, 2018).

2017 Accountability for Significant Flaws

At the request of the juvenile court’s Administrative Judge in 2017, Cuyahoga County Corrections Center director, Ken Mills, led a committee that authored a report about practices and conditions at the juvenile detention center. The 14-page report, dated November 29, 2017, concluded there were “‘significant flaws’ in its daily operations that permeate all levels of the facility” (Shaffer, 2018, n.p.). The report included nearly three dozen suggestions, including strip-searching teenagers at intake to reduce contraband and allowing supervisors to carry pepper spray foam (Shaffer, 2018).

In September 2021, Mills was convicted of falsification and dereliction of duty related to the deaths of seven people who died while detained at the county's adult jail under Mills' management. The Ohio Eighth District Court of Appeals overturned the 2021 conviction of the former Cuyahoga County Jail Director Kenneth Mills in November 2022 (Bingel, 2022). Mills did not offer an apology or statement at his first sentencing hearing, but his lawyer said, "other people need to be held accountable for the jail's breakdown" (Bingel, 2022, n.p.).

2018 Dangerous Dependencies

In 2018, eight children in Cuyahoga County died because of neglect or abuse. Between 2008-2018, an average of seven children per year died in Cuyahoga County due to child abuse or neglect. The national rate in 2018 for child fatalities due to abuse or neglect was 2.32 per 100,000 children, significantly lower than the 2018 Cuyahoga County child abuse or neglect fatality rate of 3.0 (Stacklin, 2019). Of course, any rate of abuse or neglect is unacceptable.

Cuyahoga County Executive Armond Budish appointed an independent panel in March to review the Department of Children and Family Services' handling of a case involving a four-year-old girl's death. The young girl's father led about two dozen activists in chants and marches along Euclid Avenue in front of the Cuyahoga County Department of Children and Family Services home to demand an investigation into the agency. The march was eight days after his daughter's death and about three months after the father "first told court officials that he suspected his daughter was being abused and that he feared for her life" (Shaffer, 2018b, n.p.). The

panel concluded its work on June 28th. According to a news report, “Officials at the Department of Health and Human Services and Department of Children Family Services will review the panel's recommendations and *decide what changes, if any* [emphasis added], to implement” (Astolfi, 2018a).

Many of the same government actors and officials are responsible for operations and conditions in Cuyahoga County’s largest detention centers and Children and Family Services agencies. Less than eight weeks before U.S. Marshalls released a report in the fall of 2018 about the horrifying and deadly conditions in Cuyahoga County’s adult jail, the Center for Children’s Law and Policy released an equally disturbing assessment in September 2018 of conditions at the Cuyahoga County Juvenile Detention Center (CCJDC).

On January 8th, the last evening before school was to resume after winter break at the detention center, twelve young people aged fourteen to sixteen engaged in a destructive uprising that caused approximately $200,000 in material damages (Ferrise, 2018c). The youth had spent the holidays incarcerated without consistent access to enrichment activities (personal communications, 2018). A SWAT team was called to quell the rebellion. One young person and an officer experienced injuries (Ferrise, 2018b). A news article about the “brawl” noted that “The juvenile detention center has been a target of reform efforts since the facility opened in 2011” (Ferrise, 2018b, n.p.).

In April 2018, the Cuyahoga County Juvenile Court and the George Gund Foundation agreed to support an independent assessment by the Center for Children’s

Law and Policy on the conditions at the Cuyahoga County Juvenile Justice Center's Detention Center. Among the findings were inadequate food for the youth, the youth not getting legally required education services, and supervisors showing a dangerous dependence on confining children alone in their cells for extended periods (Center for Children's Law and Policy, 2018). The report also stated that "the Juvenile Justice Center faces a number of serious, long-standing challenges that directly impact the wellbeing of young people and the staff charged with their care. However, these are challenges that facilities throughout the country have confronted and overcome" (Center for Children's Law and Policy, 2018).

2019 The ACLU Asks How, When, and Why

In 2019, Cuyahoga County recommended 161 youths be transferred from juvenile to adult court (101 of those bindovers were discretionary and sixty mandatory according to state law). One hundred one youths were ultimately transferred into the adult system. Comparatively, Franklin (the most populous county in Ohio) and Hamilton (the third most populous county) recommended fifteen and twenty-one youths be bound over in 2019, respectively, with many other Ohio counties recommending none (Franklin County Court of Common Pleas, 2020). Of the 209 youths bound over to adult courts in Ohio in 2019, 170 (81.3%) were Black (Young, 2022).

Through public records requests, the American Civil Liberties Union (ACLU) in Cleveland found that thirty-four youths were transferred from the Cuyahoga County Juvenile Detention Center to the adult jail in the first six months of 2019. Eight guards at the adult jail had recently been criminally charged based on

accusations of beating people incarcerated, ignoring a dying incarcerated person, and selling drugs in the jail (ACLU of Ohio, 2019; Ferrise, 2019). Part of a statement from ACLU Advocacy Director Jocelyn Rosnick remarked, "'Every week there are new reports about the horrors at the Cuyahoga Jail, and now we have learned that not only are juveniles being sent there at alarming rates, but that the Juvenile Court has no written policy of how, when, and why youth are transferred'" (Ferrise, 2019, n.p.).

A few of the reasons Cuyahoga County Juvenile Court judges gave when ordering young people to the adult jail that the ACLU uncovered included youth refusing to attend or being disruptive during school classes at the Juvenile Detention Center, vandalism, and speculations about whether or not youth would be able to earn a high school diploma if they stayed in the juvenile facility (ACLU of Ohio, 2019; Ferrise, 2019). The adult jail does not provide high school educational services.

A Pandemic

On March 2nd, 2020, detention officers protested conditions in the detention center outside of the Cuyahoga County Juvenile Justice Center. They had been working without a contract since December 31st, 2019. A field representative from the union representing justice center employees said, "They can't seem to get staff or retain staff. These low-staffing levels lead immediately to dangerous conditions for the youth inside of here and the officers" (Haidet, 2020, n.p.).

Visual 9. In this still image captured from a video, members of Laborers Local 860 protest conditions inside the detention center, claiming that it is unsafe for youth and employees (Haidet, 2020).

In 2020, 113 youths were subject to bindover requests from the Cuyahoga County Prosecutor's Office, the highest in Ohio (Cleveland Foundation, 2022). Ohio has one of the nation's largest jail and prison populations and was among the states with the highest overall number of COVID-19 cases in prison populations and the fourth-highest number of COVID-19-related deaths in state prisons (ACLU Ohio, 2021). The Cuyahoga County Jail and Juvenile Detention Center, as well as involvement with Cuyahoga County's Department of Children and Family Services, were designated by many as deadly and dangerous before the pandemic began (ACLU of Ohio, 2019; Astolfi, 2018, 2021; Brett, 2033; Dissell, 2018; Ferrise, 2019). The pandemic did not make these institutions safer.

2021 Sinking

Despite being the second most populous county in the state, Cuyahoga County had the highest prison incarceration rate, accounting for 14.97% of all state prison commitments. The most populous county in the state (Franklin) accounted for 10.45% of all prison commitments (Cleveland Foundation, 2022).

In 1922, the Cleveland Foundation commissioned a study that surveyed police, prosecutorial, and judicial practices throughout the city, resulting in a 782-page report (Fosdick et al., 1922). Another report issued in the summer of 2022 by the Cleveland Foundation "introduces and examines the feedback from stakeholders involved in change efforts around Cuyahoga County's criminal legal system and the issues they raised" (p. 3). The Cleveland Foundation acknowledged in its 2022 report that "many of the same problems that proliferate today, including significant disciplinary actions against police for misconduct, a lack of due process for criminal defendants, the ineffectiveness of monetary bail, and excessive, complicated steps in the criminal legal system" (p. 7) were also present in the 782-page report in 1922—one-hundred years earlier.

In July 2021, Laborers Local 860, the union that formerly represented juvenile court and detention center staff, again raised alarms about working conditions in the facility. Colin Sikon, a union field organizer, claimed that staffing shortages led to lockdowns during which youth cannot leave their rooms or housing pods to attend activities, school, or recreation (Richmond, 2021). Sikon said the union asked for four percent pay increases at the end of its contract in 2019, but the judges rejected the

offer. Then, juvenile court judges filed a lawsuit in Cuyahoga County Common Pleas Court in December 2020 to dissolve the juvenile court's relationship with the union (Ferrise, 2021a).

A news report on August 10th, 2021, described acts of vandalism by three youths over a weekend at the detention center, including damages to windows, the ceiling, and television. In online reporting, the youths were repeatedly referred to as "inmates" (Sloop, 2021, n.p.). Inadequate staffing before and during the COVID-19 pandemic contributed to youth being denied basic access to resources. This particular incident occurred "because youth were held in their cells for extended hours, had insufficient programming, and were unable to make phone calls due to staffing issues (Richmond, 2021)" (Cleveland Foundation, 2022, p. 21).

A few weeks after the incident in early August, security video shows a struggle in the doorway of a teen's room between a youth and detention officers. Eventually, a manager on the unit wraps handcuffs around his hand and uses the handcuffs to punch the teen four or five times (Gallek, 2021a). Another incident in September at the detention center involved a young person taking an intake office worker as a hostage for about twenty-five minutes until detention officers used a crowbar to access the room where the employee was trapped (Gallek, 2021b). Another video recording of a December 11th incident shows a residential unit at the detention center where several young people begin attacking other youth, throwing them to the ground and repeatedly punching them. According to a news report, a statement from the Juvenile Court claimed, "'Our initial investigation has shown that

the incident was not a result of staffing levels, and no youth were injured or at risk at any time'" (Gallek, 2021c, n.p.). After watching the video, it is difficult to believe no one was at risk of injury or actually injured during and after the attacks. The Juvenile Court statement inspires questions about how the Juvenile Court defines danger or injury.

In October, Cuyahoga County officials agreed to raise the pay of detention center guards "at the struggling Juvenile Detention Center after juvenile court officials warned a staffing crisis has led to juveniles being locked down for long periods of time" (Ferrise, 2021b, n.p.). A letter the Juvenile Court's Administrative Judge wrote to county officials dated August 24th pleaded for additional money for detention officer pay raises of twenty percent. The letter claimed that low pay contributed to staffing shortages leading "to increased lockdowns for juveniles for non-disciplinary reasons, which is a violation of Ohio law. Extended periods of lockdowns intensify mental health issues and lead to a lack of access to programs, such as school or required exercise" (Ferrise, 2021b, n.p.).

Administrative Judge O'Malley "also wrote that from Jan. 1, 2020, through June 30, 2021, there were 969 incidents in the center. That includes 611 incidents of violence, such as fights, assaults, threats to staff, and group disturbances" (Ferrise, 2021a, n.p.). Recalling the four-percent pay increase detention officers requested and Juvenile Court judges previously rejected, Local 860 union field organizer Sikon said, "'Had they listened back then [2019-2020] and put more money on the table, they

wouldn't be in the staffing situation they are now. When left to their own devices, the court, without oversight, will sink the ship'" (Ferrise, 2021a, n.p.).

According to Juvenile Court's annual report, which disclosed details from 2021, the Cuyahoga County Court of Common Pleas Juvenile Division's Program, Training, and Quality Assurance Unit (PTQA) collaborated and consulted with "Case Western Reserve University's Begun Center's Center of Innovative Practices for Violence Prevention Research Education, the Annie E. Casey Foundation, Ceres Research & Policy, and the Center for Children's Law and Policy" (O'Malley, 2022, p. 31). The annual report does not include what the collaborations and consultations produced, nor does the report include how juvenile court jurists define *danger* or *injury*. In November 2021, lawyers, advocates, politicians, educators, representatives from the detention officers' union, and other community activists gathered online from across the country for the first meeting of the Justice for Our Youth coalition (personal notes, 2021).

2022 Privilege

In March, a video from the multipurpose room at the detention center showed youth beginning to destroy property and hurting each other after some youth followed a teacher through a door into the room. It also shows detention center staff attempting to remove the young people from the room and stop the violence (Gallek, 2022). Investigative reporters also received incident reports provided by the court that indicated a recently hired detention officer "was accused of 'staging fights' between juveniles. And, he 'forced multiple youths to fight'" (Gallek & Gallek, 2022, n.p.).

The reporters' inquiries further revealed that a detention center manager was fired on March 23rd amid an active investigation by the Cuyahoga County Sheriff's Department into explicit photos of an "'underage, unidentified female'" on an electronic device (Gallek & Gallek, 2022, n.p.).

During a May 11th hearing on juvenile crime charging trends that included Cuyahoga County Prosecutor Mike O'Malley and juvenile court Administrative Judge Thomas O'Malley (both white men), Cleveland City Council Safety Committee member, Councilwoman, and former Ohio State Representative Stephanie Howse (a Black woman) asked both O'Malleys "about assessments their offices conduct to understand what happened in teenagers' lives that may explain why they turned to carjacking, for example. Such information, were it actually collected, could be used to help prevent crime in the future, Howse said" (Astolfi, 2022, n.p.). What eventually followed Howse's questions was an abusive attack from Prosecutor O'Malley that included a challenge to Howse's knowledge and professional demeanor and an attempt to shame the Councilwoman (Cleveland City Council, 2022).

During the summer of 2022, a partnership between the detention center and the Beck Center for the Arts resulted in two murals added to the otherwise sterile and harshly white walls at the juvenile detention center. Students had to earn the privilege to help draw and paint murals (Cristi, 2022). Meanwhile, on a Monday night in June, State School Board Member and retired Cleveland teacher, Meryl Johnson, spoke before Cleveland City Council to argue that county officials were ignoring the grim circumstances youth at the juvenile detention center were enduring. Johnson claimed

conversations with workers and formerly incarcerated young people described "brutal beatings, insufficient access to bathrooms, and missed schooling" (19 News Investigative Team, 2022). In August, Meryl Johnson was one of two guest authors who published an opinion piece in The Plain Dealer, the dominant print news source for the region. The authors claimed that members of an advocacy group called Justice for Our Youth "found that our detained children are denied education, regular access to bathrooms and outdoor recreation, adequate nutrition, and meaningful mental healthcare" (Švigelj & Johnson, 2022, n.p.).

ADVOCACY AND ACTIVISM

The chronicling of events in Cuyahoga County on the previous pages neglects to comprehensively illuminate the many advocates, activists, organizations, grassroots efforts, individual defiances, and social movements that are also an integral part of Cuyahoga County history. These omissions are not meant to diminish the labor or efforts of those striving for justice and equity in the county. Instead, the chronology of events included intends to bolster the need to examine the county's practices and understand why patterns of inflicting pain, prejudice, harm, and discrimination against its children persist.

***In Northeast Ohio, nothing is given*, Lebron James (2016)**

Social and political movements and reforms have propelled Cleveland into the national forefront at different points in its colonial history since the completion of the Ohio-Erie Canal between Lake Erie and the Ohio River in 1825. Business needs and its New England heritage were prominent during Cleveland's establishment and

expansion, and the prioritizing and power of the business community have influenced every reform initiative since (Van Tassel, 1986). Although hundreds of philanthropic foundations are currently in Cleveland, the Cleveland and Gund Foundations are the two major. They trace their origins to the founders of the Cleveland Trust, with the former being comparatively more conservative.

The Cleveland Foundation emerged in the Progressive Era (Grabowski, 1986), and its board of trustees has always represented moneyed and elite business members in the community (Cunningham, 2007). Since the 1970s and 1980s, the non-profits funded by foundations in Cuyahoga County “have become virtually equal to local government and corporations in their impact on the lives of Clevelanders” (Cunningham, 2007, p. 17). However, they do not necessarily reflect the interests or desires of residents (Cunningham, 2007).

Abolitionist Roots

In the 19th Century, Northern Ohio was internationally known for its many portals to freedom along the Underground Railroad and also for its famous abolitionist residents such as John Brown Sr. and family, Joshua Giddings, and Charles and John Mercer Langston along with other Oberlin-Wellington Rescuers (DeCaro, 2013;

Encyclopedia of Cleveland History, n.d.).[3],[4],[5] Langston Hughes, whose grandmother's first husband died fighting alongside John Brown Sr. at Harper's Ferry, graduated from Cleveland's Central High School, where he was elected as the class poet and eventually wrote two poems in honor of John Brown Sr. (Lubet & Maines, 2016).[6] However, over the centuries, "Rough, radical edges have been removed" (Van Tassel & Grabowski, 1986, p. vii) during reform movements in the Cleveland area in favor of a firmly entrenched "conservative middle ground of reform" (Van Tassel & Grabowski, 1986, p. vii). The chamber of commerce and business elites have continued dominating relief and charity infrastructures for over a century.

---

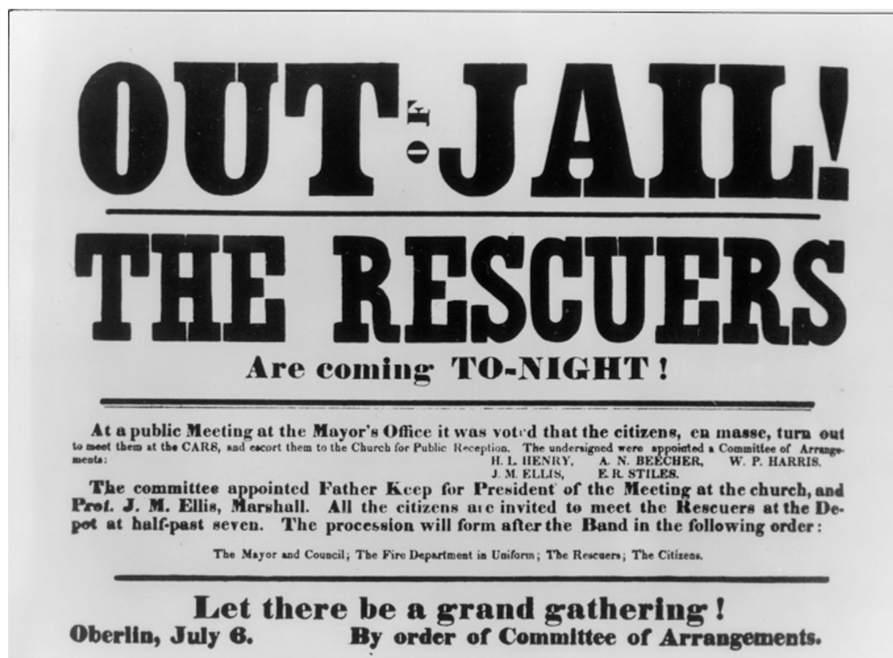
[3] Joshua Giddings represented Northeast Ohio in the U.S. House for approximately twenty years and was one of the most renowned antislavery leaders in the U.S. Congress. He was censured in 1842 by the House of Representatives for offering a series of resolutions in support of the enslaved mutineers on a coastwise vessel, the *Creole*, which was transporting enslaved people (Stewart, 1970).

[4] In late August 1859, John Brown Jr. traveled from Ashtabula, Ohio to Oberlin, Ohio seeking recruits for the liberation army his father was assembling. He contacted Charles and John Mercer Langston, two highly accomplished African Americans who were leaders in Ohio's abolitionist movement. The Mercer Langston brothers declined the invitation to join the liberation army, but offered to introduce Brown's son to of the two bravest Black men they knew: Lewis Sheridan Leary and John Anthony Copeland. Lewis Sheridan Leary was Langston Hughes' grandmother's first husband. Leary died fighting alongside John Brown Sr. at Harpers Ferry. Charles Mercer Langston later married Leary's widow and is the grandfather of poet, Langston Hughes (Cheek & Cheek, 1996; DeCaro, 2013; Lubet & Maines, 2016).

[5] In 1858, approximately 600 residents from Oberlin quietly marched nine miles to a hotel in Wellington to re-free John Price, a person who had escaped enslavement and was kidnapped by men attempting to return him to enslavement. Thirty-seven Oberlin and Wellington residents were indicted for their part in Price's escape from the kidnappers (Encyclopedia of Cleveland History, n.d.).

[6] The poems Langston Hughes wrote in John Brown's honor are titled *October 16* and *Shame on You* ((DeCaro, 2013; Harper et al., 2001).

Visual 10. The Oberlin-Wellington Rescuers were released in July 1859 after three months in the Cuyahoga County Jail for violating the 1850 Fugitive Slave Act (Encyclopedia of Cleveland History, n.d.).



A broadside calling for public celebration of the return of the Oberlin-Wellington Rescuers, July, 1859. Oberlin College Archives.

Strikes and work stoppages in steel and railway industries by segregated and interracial coalitions as well as those organized by Black people and women, were common between 1917-1919 in Cleveland (Phillips, 1999; Kerr, 2011; Encyclopedia of Cleveland History, n.d.). Discontent with relief agencies operating under a scientific system of charity in Cuyahoga County also resulted in collective working-class radical rebellions against evictions in the late 1920s. In the early 1930s, during the Great Depression, the Communist Party in Cleveland committed to fighting racial discrimination and organizing Black workers who were disproportionately unemployed. They picketed Chapin's Restaurant on Public Square for discriminating against a Black worker in 1930. In October 1931, Cleveland City

Council members and the police reacted violently to an interracial and peaceful protest march of 2,000 people demanding racial equality and lower bus fares for children. City officials refused to investigate any complaints of violence from protesters (Kerr, 2011). The Future Outlook League (FOL) was active from 1935 until the late 1950s. Alabama migrant John O. Holly led the FOL and claimed 10,000 working-class members in 1938. The FOL staged aggressive boycotts against businesses that discriminated in service and employment (Phillips, 1999).

Discrimination post World War II "laid the foundations for civil rights activism" (Cunningham, 2007, p. 11), and by the 1960s, relations between people from diverse backgrounds deteriorated (Van Tassel & Grabowski, 1986). Major battles were fought over segregation in housing and schools for decades (Cunningham, 2007). The many social, economic, political, environmental, and racial issues that have plagued Cleveland and other urban centers have provided fertile ground for justice activists and advocates.

Contemporary Movements

In the 1960s, the United Freedom Movement in Cleveland was an umbrella group for over fifty social and civic-minded groups organized by Cleveland's NAACP. The Buckeye Woodland Community Congress (BWCC) held its first meeting in 1975. It was the first of its kind in the U.S. It was the idea of the Catholic Diocese of Cleveland to bring together ethnically-affiliated people (Italian, Hungarian) in the Buckeye-Woodland neighborhood with the increasing community of Black people moving into the area (Lewis, 2021). BWCC used community activist strategies and

tactics inspired by Saul Alinsky and the Industrial Areas Foundation "to generate social justice in a community ravished by a slew of issues, from panic peddling by realtors and redlining by banks and insurance companies and disinvestment on the part of the city and state" (Lewis, 2021, n.p.).

A descendant or relative of BWCC is Greater Cleveland Congregations (GCC), which was "founded in 2011 as a non-partisan collective of faith communities and partner organizations in Cuyahoga County working together to build power for social justice" (Greater Cleveland Congregations, n.d., n.p.). In December 2022, a headline on the GCC website stated, "GCC Calls Out Cuyahoga County on Abuse of Discretionary Youth Bindover" (Greater Cleveland Congregations, 2022). GCC is organizing to change the racially and geographically discriminatory implications of Cuyahoga County's discretionary bindover practices.

One of the presenters at GCC's public hearing at Olivet Institutional Baptist Church who presented information about Cuyahoga County's overuse of discretionary juvenile bindover practices was Leah Winsberg, staff attorney with the Children's Law Center. Winsberg is also a member of a grassroots group that gathered for its first meeting in November 2021 to discuss the violence and trauma perpetuated against youth at the Cuyahoga County Juvenile Detention Center. Comprised of an interracial group of attorneys, community activists, educators, detention officers, retired journalists, and others, the group became known as "Justice for Our Youth." It continues to advocate for solutions to immediately eliminate suffering for youth and their families in the juvenile court system while also seeking long-term solutions that

would end youth incarceration, provide equitable opportunities for thriving and healing, and keep everyone safe from harm (personal notes, 2021-2023).

Visual 11. Below are some Justice for Our Youth members with Ohio Supreme Court Justice Jennifer Brunner (in the center of the photo) at Cleveland's City Club in August 2022.
Left to right: Meryl Johnson, Melissa Švigelj, Y-von Cawthon, Justice Jennifer Brunner, Nicolette Jordan, Sharron Grant-Burton, Leah Winsberg

In response to Cuyahoga County officials' plans to build a new jail, similarly-minded organizations formed the Cuyahoga County Jail Coalition (JC) in December 2018.[7] The vision of the JC includes "Cuyahoga County divesting from

[7] Member groups noted on the Jail Coalition website include "Black Lives Matter Cleveland, Black Spring Cleveland, Cleveland Democratic Socialists of America, Cleveland Lead Safe Network, Communist Party USA Cleveland, Cuyahoga County Progressive Caucus (CCPC), End Poverty Now, Inter-Religious Task Force on Central America, Northeast Ohio Black Health Coalition, Northeast Ohio Coalition for the Homeless (NEOCH), Ohio Organizing Collaborative, Ohio Student Association, Prison Abolition Prisoner Support (PAPS), Puncture the Silence-Stop Mass Incarceration, Showing Up for Racial Justice (SURJ) NEO, Survivors/Victims

incarceration and transferring resources towards community care and rehabilitation… democratizing justice and healing by antiquating the carceral system and its cultural attitudes… [and] address[ing] the root causes of harm with alternatives to incarceration" (Cuyahoga County Jail Coalition, n.d., n.p.). *Care not cages* is the campaign the Jail Coalition has organized around because they "believe in care, not cages" (Cuyahoga County Jail Coalition, n.d., n.p.). Additionally, JC believes the justice and carceral systems are "inherently corrupt, exploitative, and white supremacist… and thus, un-reformable" (Cuyahoga County Jail Coalition, n.d., n.p.). Rather than a new jail in the county, the JC wants county officials to invest in people through care-based alternatives to incarceration (Cuyahoga County Jail Coalition, n.d.). One of the many demands the JC has asserted includes investments in educational platforms rather than a new jail building.

At a public meeting on August 25th, 2022, at the Jerry Sue Thornton Center near downtown Cleveland, one of the JC community organizers spoke during the time for public comments. They illuminated that a new building did not resolve the issues that confronted the juvenile detention center before 2011 and that a new building would not solve the systemic and institutional issues plaguing the current jail (Durbin, 2022b; personal notes, 2022). Indeed, guest authors of an opinion editorial published on August 7th, 2022, in *The Plain Deale*r (Švigelj & Johnson, 2022) also noted that the new Cuyahoga County Juvenile Detention Center building alone did not prevent it from consistently inflicting trauma on anyone who has contact with it. The end of the

---

of Tragedy, Inc., Tamir E. Rice Foundation, Workers World Party" (Cuyahoga County Jail Coalition, n.d.).

opinion piece also argues that the young people in Cuyahoga County deserve much better than the current systems and structures. The people of Cuyahoga County must demand that they get it (Švigelj & Johnson, 2022).

Visual 12. Image of the print version of the opinion piece published August 7, 2022, in The Plain Dealer.

COMMENTARY FROM THE COMMUNITY

Juveniles in detention don't get the educational services they need

Melissa Marini Svigelj and Meryl Johnson

On May 28, 1930, Cuyahoga County Juvenile Court Judge Harry L. Eastman corresponded with a public-welfare superintendent who asked him to hypothesize about the future of juvenile courts.

Cleveland was viewed as a national leader in progressive juvenile-justice practices at the time. Eastman, who founded the National Council of Juvenile Court Judges, responded that the juvenile courts of tomorrow "will administer the law faithfully and conscientiously but at the same time its emphasis will be laid more and more on the exercise of social justice by which alone the children who come before it may be readjusted, safeguarded and developed into future assets for the State."

Tragically, the promised "tomorrow" never materialized.

Instead, children detained in Cuyahoga County's Juvenile Detention Center (CCJDC) are forced to endure an environment that fosters violence, harmful isolation and demeaning conditions.

Rather than the safeguards and developmental investments that Eastman envisioned, members of our group providing services at CCJDC, the Justice for Our Youth Task Force, found that detained children often are routinely denied education based on ill-defined perceived threats (this doesn't include youth held at the county's adult jail, who have no access to high school education).

We have also observed denial of regular access to bathrooms and outdoor recreation, adequate nutrition, and meaningful mental health care.

Citizens and policymakers generally agree that all young people should receive a high-quality public education. There is no subset of young people who need quality educational opportunities more than incarcerated youth.

Indeed, the Cleveland Metropolitan School District recognized the unique needs of students within the CCJDC and responded with transformations aligned with best practices set forth by the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention. The school inside the CCJDC is accredited, adheres to state and district curricular standards, records students' data and outcomes, and offers credit recovery so young people can catch up academically with peers. It also orchestrates high school graduation ceremonies.

However, the benefits of education are illusory if youth are prevented from attending school.

Some members of our task force taught and volunteered at the school inside the CCJDC and observed routine practices where any perceived threat to safety resulted in facility lockdowns that prevented young people from going to school. Frequently, the "perceived threats" resulted from inadequate staffing and/or facility mismanagement.

Even worse, youth held at the adult county jail have no access to high school education. These practices deny youth their federal rights.

Approximately 33% to 40% of incarcerated young people qualify for protections afforded through the Individuals with Disabilities Education Act. Restricting school attendance at the CCJDC and failing to provide any education in adult jails violates the civil rights of that group of detained young people.

Federal, state, and local officials and leaders are aware of this issue because we have been raising it for at least seven years. Yet the violations continue. Derailing education for detained youths means they are less likely to graduate and find employment.

Many dedicated and invested CCJDC employees continue to overextend themselves — attempting to offer support, guidance and education. However, individuals on the inside alone cannot deconstruct systemic and institutional deficiencies, nor can they eradicate the damage done by the community and its leaders by failing to invest in the safety and education of our most underserved children.

At a minimum, the county should enforce young people's rights to attend school.

The Juvenile Justice Center was built a decade ago alongside promises of expanded space to implement necessary programming. The space exists but many promises are unmet. Without stable access to education and developmental programming, these youth are further disadvantaged.

Modern buildings full of empty promises will not spur the systemic change needed to achieve the social justice Judge Eastman envisioned nearly a century ago. But we can. Our young people deserve much better, and we — the people of Cuyahoga County — must demand it.

Svigelj is a retired Cleveland schools educator and graduate fellow and doctoral candidate at the University of California, Santa Cruz.

Johnson is a member of the State Board of Education and taught language arts in Cleveland schools for 40 years. Both are members of the Justice for Our Youth Task Force.

A student at work in a classroom at the Cuyahoga County Juvenile Detention Center in 2013, when the facility was two years old. Though the needed space exists, promises to implement necessary expanded programming have been unmet. *The Plain Dealer*

CONCLUDING THOUGHTS

In Steven Johnson's 2021 book, *Extra Life: A short history of living longer*, the author attempts to understand how our species doubled its average life expectancy in just

one century. Repeatedly, whether it was vaccines to eradicate smallpox, safe milk to drink, or antibiotics, Johnson finds that

A mixture of

brilliance,
will power,
solid public systems of support,
cooperation among systems, institutions, individuals, communities, and countries, and
dedicated and diligent activists fighting for a better world

are required

for meaningful progress.

The next chapter investigates historical moments when some elements Johnson (2021) discusses coalesced.

Visual 13. Screenshot of 2021 poetry publication in *Iron City Magazine 6*, p. 10.

POETRY

Poetic Injustice in the Headlines

Melissa Marini Švigelj, California

The headline read
"Racial disparities in the juvenile [in]justice system"

And a County Juvenile Court Judge said
"it's a challenge he faces as a judge,
'how do we **change them**…?'"[1]

The headline read
"ACLU: More than 30 juveniles transferred to troubled Cuyahoga County **Jail**
is a 'grave
concern'"

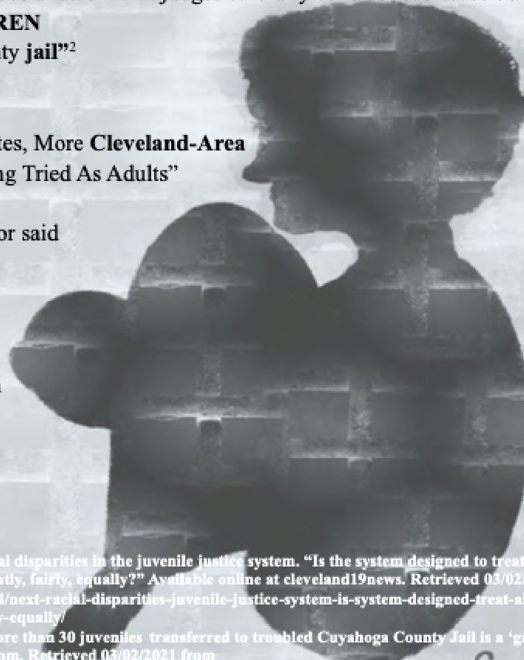
And the juvenile court's administrative judge said
"in an interview with cleveland.com that judges carefully consider each case before
sending **CHILDREN**
to the county **jail"**[2]

The headline read
"Despite Flat Crime Rates, More **Cleveland-Area**
Young People Are Being Tried As Adults"

And the prosecutor said

Nothing

O'Malley's office
declined to comment on
his office's use of
bindovers.[3]



[1] Forward, K. (2020, December 4). Racial disparities in the juvenile justice system. "Is the system designed to treat all who enter it throughout the process consistently, fairly, equally?" Available online at cleveland19news. Retrieved 03/02/2021 from https://www.cleveland19.com/2020/12/04/next-racial-disparities-juvenile-justice-system-is-system-designed-treat-all-who-enter-it-throughout-process-consistently-fairly-equally/

[2] Ferrise, A. (2019, August 6). ACLU: More than 30 juveniles transferred to troubled Cuyahoga County Jail is a 'grave concern.' Available online at cleveland.com. Retrieved 03/02/2021 from https://www.cleveland.com/metro/2019/08/aclu-more-than-30-juveniles-transferred-to-troubled-cuyahoga-county-jail-is-a-grave-concern.html

[3] Weill-Greenburg, E. (2019, October 22). DESPITE FLAT CRIME RATES, MORE CLEVELAND-AREA YOUNG PEOPLE ARE BEING TRIED AS ADULTS. *The Appeal,* Retrieved online 03/02/2021 from https://theappeal.org/despite-flat-crime-rates-more-cleveland-area-young-people-are-being-tried-as-adults/

CHAPTER THREE

The IDEA of Educational Access for Youth Incarcerated in Adult Jails: A Survey of Federal-Level Civil Complaints

INTRODUCTION

This chapter illuminates the systemic oppression of a class of young people, resistance to that oppression, embedded inequities and ineffectiveness in aspects of the IDEA when attempting to monitor and enforce its mandates, and startling responses from education professionals when incarcerated youth demand educational opportunities. I also consider resources and strategies to transform or overcome unjust provisions of the IDEA related to educational access for youth detained in adult jails.

Transfer Practices and Youth

During the last four years of my twenty-year career (1998-2018) as an educator in public high schools in a Midwestern city, I taught teenagers at a county juvenile detention center. About a week or two before winter break during my first school year at the detention center, a sixteen-year-old student in our class was yanked from the juvenile detention facility and placed in the county's adult jail.

Legal processes, commonly referred to as *transfer laws*, exist in all fifty states and allow prosecutors to charge thousands of young people each year as if they are adults for crimes allegedly committed while ages seventeen or younger, even though all available evidence indicates that these transfer practices do more harm than good (Juvenile Law Center, n.d.). In forty-four states in the U.S., the maximum age of juvenile court jurisdiction is age 17; in the remaining states, the maximum age ranges

from 16 to 18 (Teigen, 2020). Reviews of the effects of mandatory and discretionary bindover practices indicate that the binding over of youth from the juvenile legal system to adult criminal courts increases rather than reduces recidivism. Scholars repeatedly conclude that transfer practices do not deter youth from committing offenses, nor do transfer practices provoke more consistent institutional responses to youth (Lindell & Goodjoint, 2020; Redding, 2003, 2008). For example, youth of color, youth eligible for disability services, and youth of lower socioeconomic status continue to be disproportionately affected by transfer policies (Children's Law Center., et al., 2016; Campaign for Youth Justice, 2007; Fagan, Kupchik & Liberman, 2007; Miner-Romanoff, 2012; Redding, 2003, 2008; Washington Inst. for Pub. Policy, 2013).

Young People in an Adult System

According to records from several federal civil complaints, the protections afforded through the Individuals with Disabilities Education Act (IDEA, 20 U.S.C. §§ 1400–1482), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794, 34 CFR part 104), and Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §§12131-12134, 28 CFR part 35) are constantly and callously disregarded throughout the United States (U.S.) when young people with disabilities ages twenty-one and under are prosecuted in the adult system and incarcerated in locally operated adult jails (*A.T. aka Tillman v. Harder*, 298 F. Supp. 3d 391, N.D.N.Y., 2018; *H.C. v. Bradshaw*, 426 F. Supp. 3d 1266 S.D. Fla., 2019; *Charles H. & Israel F. v. The District of Columbia,* Case 1:21-cv-00997-CJN, 2021). Even though higher levels of

educational attainment repeatedly show correlations with reducing recidivism among those who experience incarceration (Stipeck, 2014; U.S. Department of Education, 2015), local officials often intensify the punitive, ensnarling operations of the carceral system by depriving young people of educational access. Denying this educational access violates the civil rights of young people eligible for services under the IDEA.

After an analysis of survey results from juvenile justice agencies in all fifty U.S. states, a Council of State Governments (CSG) Justice Center brief asserted, "There is perhaps no subset of young people whose need for a quality education is more acute—and whose situation makes them especially challenging to serve—than incarcerated youth" (2015, p. 1). The CSG (2015) also found that most young people confined in detention centers are academically behind their peers, at least one-third have a disability, and most have been suspended multiple times and/or expelled from their local schools.

Broader social, economic, and political contexts disproportionately propel youth of color, youth eligible for disability services, and those of lower socioeconomic status into adult jails (Harris et al., 2017). Individuals can be detained in local jails even if they are not convicted of any crimes. Then, this class of young people is overwhelmingly denied the free appropriate public education to which they are entitled under the IDEA and are thus prevented from accessing what is meant to facilitate their successful reentry into schools, communities, and homes. A lack of educational access further obstructs their ability to lead successful adult lives and exacerbates risks linked to re-incarceration (Children's Law Center., et al., 2016;

Campaign for Youth Justice, 2007; Fagan, Kupchik & Liberman, 2007; Miner-Romanoff, 2012; UCLA School of Law, 2021; Washington Inst. for Pub. Policy, 2013). A succession of documentation from federal case summaries, court records, civil complaints, and government documents also elucidates how these illogical practices and civil rights violations are resisted and challenged.

Significance of this Investigation

Limited research focuses on educational access for incarcerated young people under age twenty-two in locally operated adult jails. However, there has been significant research, advocacy, and scholarship centered on youth education in juvenile detention facilities, as well as attention to prison education programs for adults (Annamma, 2018; Leone & Weinberg, 2010; Tannis, 2014; Vaught, 2017). Recently available research about education in jails is overwhelmingly from legal scholars and legal journals (Edelson, 2017; Ely, 2008; Lewry, 2018). Thus, this analysis is grounded in the field of education and situates educational scholars and practitioners in conversation with their legal counterparts. Integrating the legal and educational domains unveils how and why services specific to regulations within the IDEA are repeatedly denied to a particular class and why relying on the enforcement of the IDEA's protections solely through federal funding schemes is massively ineffective except in one locality's jail and school district.

Outline of the Chapter

In this chapter, I describe the scope of transfer practices and youth incarceration in adult jails found in federal-level civil complaints, consider how many incarcerated

young people may be eligible for civil rights protections under the IDEA, and investigate the educational consequences incarcerated youth confront. Next, I offer a condensed explanation regarding the significance and salience of using federal-level litigation as a data source for this investigation. I also reveal this chapter's principal methodology, theoretical frameworks, and processes for data collection.

Then, I present a section that explores information gleaned from federal case summaries and records alongside considerations of potential reasons for the broad contradictions between the IDEA's intentions and its interpretations and enactments at state and local levels. I trace and explore nuances within the cases of similarly situated plaintiffs denied educational access while detained in locally operated adult jails to assess factors that could be obstructive or salient for finding relief. I also consider strategies for enabling more effective IDEA enforcement through modifying current legislation and local practices. Finally, I suggest that the burden of enforcement should be prioritized and taken primarily by educators at the local and state levels. Increased awareness and a shift in the attitudes of educators and education professionals could eradicate the need for resorting to lengthy and costly litigation initiated by youth whose rights are violated.

THE SCOPE OF THE ISSUE

Some Data

Over ten million people are admitted to locally operated jails each year. About one in fourteen youths held for a criminal or delinquent offense is locked in an adult jail or prison (Sawyer & Wagner, 2022). Between 1993-2018, the proportion of those

younger than 18 and held as adults in jails ranged between 70% and 91% (Office of Juvenile Justice and Delinquency Prevention, 2020). The Bureau of Justice Statistics (December 2021) reported 2,300 youths under eighteen and 98,800 young people aged 18-24 were incarcerated in local jails in 2020. Their average detainment was 27.8 days, and 69.3% of all individuals detained were *un*convicted. The U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) reported 696,620 arrests in 2019 of children ages 0-17 and 807,210 arrests of young people ages 18-20. Individuals detained in jails in 2018 spent an average of 25.2 days there. In 2017, 3,539 youths ages seventeen and under were captive for more than 31 days in an adult jail (Sickmund et al., 2019).

Utilizing data from the United States Bureau of Justice Statistics, The Campaign for Youth Justice (CFYJ) reported in a fact sheet that "Every year, at least 76,000 youths are prosecuted in the adult criminal justice system" (2018, p. 1). The U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) concluded that "On a typical day in 2018, about 3,400 persons under age 18 were inmates in jails in the U.S" (n.p.). The National Juvenile Justice Network (NJJN) claims that, on average, 10,000 youths are detained or incarcerated in adult jails and prisons. An estimated 200,000 youths are tried, sentenced, or incarcerated as adults each year across the United States (Youth Transition Funders Group, n.d.). A consistent national pattern of disproportionality associated with race, gender, ability, and ethnicity concerning which youth are selected by judges and prosecutors for transfers from juvenile court jurisdictions to adult court systems remains persistent

(UCLA School of Law, 2021; Youth Transition Funders Group, n.d.; Ziedenberg, 2011).

The student mentioned at the beginning of this chapter, taken from a class at the juvenile detention facility that December and placed in an adult jail, was fifteen years old at the time of his alleged illegal behavior. Although he enthusiastically earned high school credits while in class at the juvenile detention center, he did not have access to any educational services or opportunities for an entire year while he was captive in the adult jail and waiting to resolve his case. Furthermore, this student, a significant amount of students at the juvenile detention facility, and thousands of incarcerated young people across the United States have Individual Education Programs (IEPs) in accordance with federal civil rights protections under the Individuals with Disabilities Education Act (IDEA). The IDEA attempts to ensure everyone receives access to free and appropriate public education (FAPE) through the age of twenty-one. However, a 2007 survey of educational offerings for juveniles in adult jails from a national sample found that 40 percent of facilities provided no educational access, while just 11 percent made provisions for special education (Campaign for Youth Justice, 2007, p. 4).

Incarceration and Young People with Disabilities

An estimated thirty to eighty-five percent of incarcerated youth have disabilities (National Council on Disability, 2015). However, only eleven percent of adult jails provide special education services (Edelson, 2017). According to McCauley (2017), “People in prison are three times more likely than the general population to report

having a disability, and people in jails are more than four times as likely" (p. 1977). In 2016, Vallas found that people incarcerated in jails are more than six times as likely to report a cognitive disability than the general population. A U.S. Department of Justice special report in 2015 revealed that during 2011–12, about four in ten people in local jails reported having at least one disability. Some scholars illuminate incarceration's disabling and debilitating effects. They persuasively argue that incarceration and interactions with police are also incapacitating and cause disabilities (Ben-Moshe, 2020; Puar, 2017).

Longitudinal studies have shown that children who experience incarceration exemplify more extensive sociodemographic disparities than adults who endure imprisonment. Experiencing incarceration during childhood is associated with even worse adult physical and mental health and life outcomes (Barnert et al., 2019; McCord, Widom, & Crowell, 2001). Qualitative interviews of Black youth targeted by police affirm that racial profiling and police abuse consistently result in traumatic reactions from young people, which trigger physiological and psychological symptoms that hinder their capacity to function (Aymer, 2016). Youth who spend time in detention are more likely to have mental health problems than comparable youth never detained. Harsh conditions and ceaseless surveillance inside facilities can also intensify symptoms for youth with severe mental health problems or a history of trauma or abuse (Mendel, 2011). Undoubtedly, all systems that operate under the carceral logics of punishment and incessant surveillance inflict disparately dispensed material, psychological, and social harms (Rodriguez et al., 2020).

A Prison Policy Initiative report (December 19, 2019) explained that "Adult prisons and jails are unquestionably the worst places for youth. They are not designed to provide age-appropriate services for children and teens…" (para 17), such as access to therapeutic, psychological or educational services. Previous studies have shown the adverse psychological and educational effects on stressed and anxious students and students uncertain about their futures (Picou & Marshall, 2007). Long breaks from school for children with special educational needs increase negative academic consequences and compound precariousness (Cooper et al., 1996). Citing Katsiyannis (1991), Cooper et al. note, "Many states mandate extended-year programs for students with physical or learning disabilities because they recognize these children's need for continuous instruction" (1996, p. 229). Results of studies examining the effects of educational interruptions suggest that negative long and short-term consequences for academic achievement are likely to occur for all students unless, prior to the halt of their schooling, they are already performing among the top third of their peers on academic assessments (Kuhfeld et al., 2020).

Unfortunately, students identified as having emotional disabilities are three times more likely to be arrested before graduating from high school than the general population, which places these students at higher risk for experiencing educational interruptions (Mader & Butrymowicz, 2014). An article in October 2014 in *The Hechinger Report* explains.

> Federal law requires schools to provide an education for kids with disabilities in an environment as close to a regular classroom as possible. But often, special needs students receive an inferior education, fall behind, and end up with few options for college or a

> career. For youth with disabilities who end up in jail, education can be minimal and, at times, non-existent, even though federal law requires that they receive an education [through] age 21 (Mader & Butrymowicz, 2014, para 23).

Thus, students identified as having disabilities confront a myriad of institutional impediments, and entanglement with policing and the legal system exacerbates existing obstacles to free and appropriate public education. Furthermore, youth with disabilities in adult jails urgently need educational access because many are nearing the age of twenty-two when eligibility for special education and related services protected by the IDEA expires.

METHODOLOGY AND THEORETICAL INFLUENCES

Critical Policy Analysis

This chapter relies on Critical Policy Analysis (CPA). Influenced by paradigmatic and theoretical frameworks, design decisions connect the study's focal issue of educational access for incarcerated youth in adult jails to developing research questions, data collection methods, and analytic procedures (Young & Reynolds, 2017). CPA "allows for a nuanced, holistic understanding of the complexities associated with education policy, from problem finding and framing to policy development, implementation, and evaluation" (Young & Diem, 2018, pp. 79-80).

DisCrit, Critical Education Policy Studies, Critical Carceral Studies, and Complaint

Multiple cross-disciplinary critical theories inform this analysis and accompany its overarching aims to explore, document, and thematically analyze the systemic oppression of a class of young people, resistance to that oppression, and potential

inequities and shortcomings in components of the IDEA's regulations since its original version passed into law in 1975. Theoretical frameworks prominent in this chapter include DisCrit, Critical Education Policy Studies (CEPS), Critical Carceral Studies (CCS), and Sara Ahmed's phenomenology of complaint. After discussing an application of Ahmed's (2021) conceptions of complaint to legal complaints in this chapter, I present processes for data collection.

Complaint!

The data collection, thematic analysis, and critical frameworks I employed in this chapter expand upon the fecundity and utility of conceptualizations in Sara Ahmed's (2021) book, *Complaint!* Ahmed describes using complaints as a queer feminist method (2021). I use Ahmed's (2021) interrogation of the complex phenomenology of institutional complaint policies and complainants' experiences during complaint processes at higher education institutions as cartography for examining the journeys of legal complaints and the young people who initiate their filings. Operationalizing complaints as both a research tool and analytic optic coupled with Critical Policy Analysis, I explore what legal complaints in eleven collated federal civil court cases and their related documents reveal about how power works institutionally and the potentialities and limitations of protections in the IDEA.

Ahmed focuses on complainants' experiences and complaint procedures in universities. When incarcerated young people initiate legal complaints from jails, they also provide a means to probe how power contours what happens in carceral spaces. Legal complaints disclose how mechanisms for protection are wielded by those with

privileges and power to maintain allowances for and authorizations of abuse, deprivation, oppression, and violence. The legal complaints in this chapter also illuminate how "complaint activism can be a way of thinking about what it takes, the different actions that have to happen, for that stuff to get out" (Ahmed, 2021, p. 294).

Legal complaints in this analysis provide perspectives from affected youth and strategies enacted by allies seeking justice for those "living in shadows and at the borders" (Ahmed, 2021, p. 304). In this way, "Complaint [also] offers a way of attending to inequalities and power relationships from the point of view of those who try to challenge them" (Ahmed, 2021, p. 24). Thus, complaints viewed through intersectional lenses in this analysis create reader-witnesses to the experiences of courageous incarcerated young people who seek to remedy a lack of educational access by filing legal complaints. The testimonies from these legal complaints made across the nation between 1975-2021 dually attend to how power operates in institutions, systems, and policies and how coalitions of attorneys, courageous young people, and their families demand educational access.

Data Collection

The data collected for this chapter includes summaries and records from eleven cases that arrived in several of the 94 federal district courts organized into twelve regional circuits. *Westlaw Next* and *Casetext* are legal research platforms for finding case law, statutes, and regulations and researching law-related issues. I searched these legal research platforms with keywords such as "jail(s), IDEA, education, students with disabilities, juveniles, adolescents, and civil rights" to discover federal-level

complaints filed on behalf of youth or their families since the passage of the Education for All Handicapped Children Act in 1975. I then followed case citations in relevant court records to uncover additional similar cases. Through government site searches, further data collected includes the language of the IDEA as written and passed by Congress throughout the decades, publicly provided interpretations by government officials and attorneys, and publicly available communications between state and federal officials regarding the responsibilities and duties of states to provide incarcerated youth with educational opportunities under the IDEA.

Investigating and critically analyzing this landscape provides insights into institutional workings and operationalized power. It exposes the disconnects that occur between policy intentions and policy outcomes, the unjust consequences of these policy fractures experienced by the young people affected, and "seek[s] to make these ways of the world more visible to others" (Denzin, 1999, p. 512). A spotlight on policy fractures irradiates the cleavages between language and the lived experiences of those implementing and affected by policy enactments. Although inadequate to achieve abolitionary aims, this critical investigative and analytical approach exposes possible alternative practices and policies that could transform access to educational opportunities for youth incarcerated in adult jails.

Federal Courts

Since its original version was signed into law as the Education for All Handicapped Children Act in 1975, the IDEA has outlined federal-level civil rights protections. Thus, filings against local municipalities, local school boards, and state-level

education department officials are likely to begin or end up in courts at the federal level. At least one federal district court exists within twelve regional circuits in all fifty states. Each circuit has its own court of appeals, or circuit court, which hears challenges to district court decisions from district courts located within its circuit. This chapter uses only federal complaints and materials as data sources for several reasons.

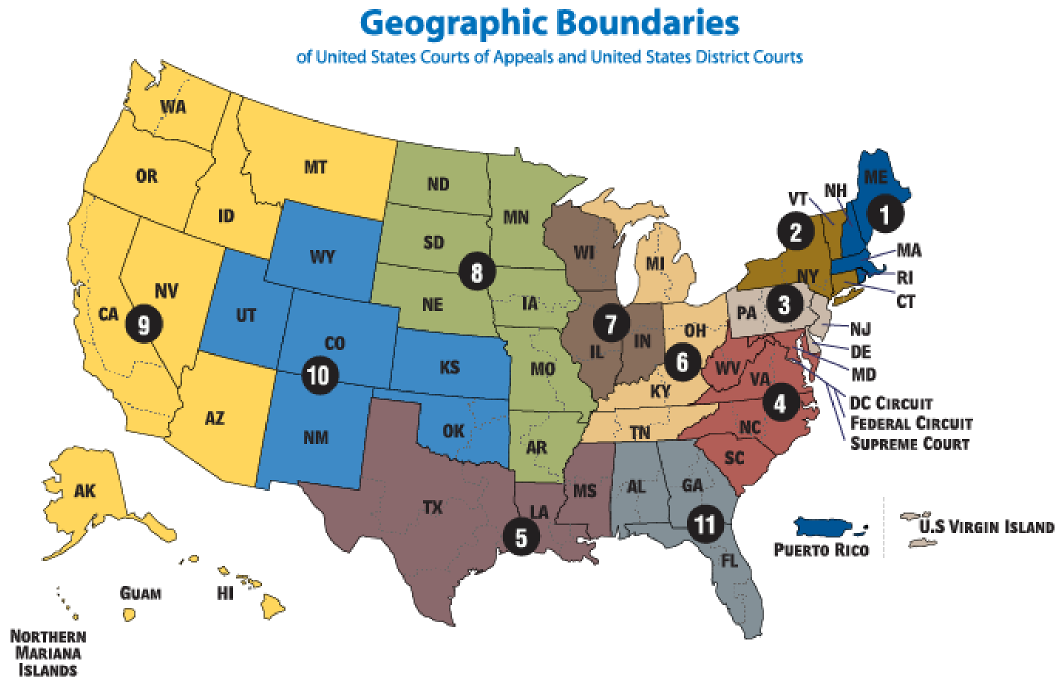
Dual Sovereignty, Persuasive Precedent

The United States operates on a dual-serve system, meaning the fifty states and the federal government retain sovereignty. Education is controlled and supervised by individual states. However, the principle of preemption applies to protections afforded through the IDEA because "legitimate federal action supersedes a state law in certain cases… Federal law preempts state law when the two laws conflict, when Congress expressly or implicitly says so, or when federal laws are so pervasive that they occupy the entire field of law" (Painter, Mayer & Matthews, 2017, p. 2). Relatedly, *stare decisis* is the common law principle that requires courts to follow precedents set by other courts. Some courts are obliged to follow some precedents but not others. Instead of a binding precedent, courts may observe a *persuasive precedent*. A court's persuasive authority or precedent refers to cases, statutes, or regulations the court might follow but is not mandated to follow (Painter, Mayer & Mathews, 2017; Walker, 2016). Federal laws can preempt state laws, and all federal courts have persuasive authority within state court systems, even if they do not have binding authority.

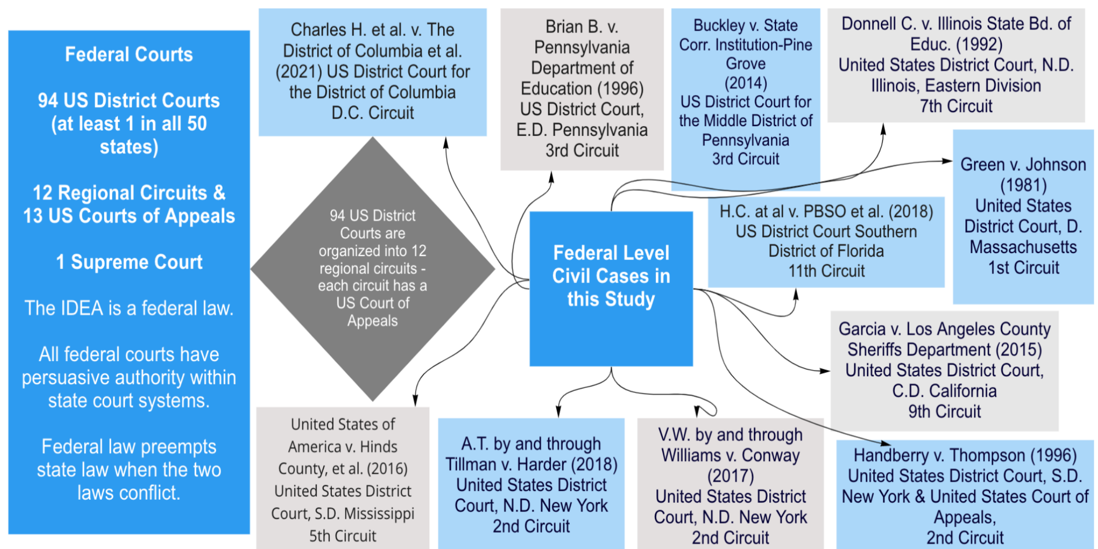
Eleven Federal Civil Cases

Thus, searching actions at the federal level allows for a glimpse of the national landscape between 1975-2021 regarding the locally controlled issue of access to education for youth in adult jails. The search for cases relevant to this research inquiry revealed eleven actions in seven states plus the District of Columbia, including eight of the twelve federal circuits and ten of the 94 available district courts (see Visuals 14 and 15). According to a fact sheet from the Center for American Progress, the majority of civil and criminal cases are heard in state courts—over 90% (Singh & Corriher, 2016). Therefore, finding eleven federal civil complaints that contain arguments on behalf of educational access for youth incarcerated in local adult jails, along with actions associated with the cases during every decade since the first version of the IDEA passed in 1975, suggests the purview of the issue and its significance.

Visual 14: Federal Level Courts Map, Retrieved 04 April 2022 from https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links



Visual 15: Summary of federal courts and main complaints represented in this analysis (created by M.M. Svigelj, April 17, 2022)



THE COMPLAINTS: TRAILS AND TALES

This section presents the essential details and discoveries from the eleven federal civil actions in the above graphic. The complaints of youth incarcerated in adult jails challenged the lack of educational access, especially for those eligible for services under the IDEA. In addition to what this data collation reveals, I discuss its significance and potential utility.

The eleven federal court complaints used for this analysis were filed because institutions do not abide by the rules established by their existing system. The subject of the law in American jurisprudence is only legible as a rights-bearing individual. Incarcerated youth who want educational access do not necessarily gain recognition through legal and rights claims supporting dignity or structural transformations (Brown & Schept, 2017). However, examining federal complaints and processes in the current system provides glimpses into the lives of young people affected by injustices typically concealed or kept in the shadows (Ahmed, 2021). Complaints create trails and uncover tales that expose institutional workings and inflicted suffering that may otherwise remain hidden from public awareness or scrutiny (Ahmed, 2021).

PART I: SAYING NO TO THE STATUS QUO

Imprisoned intellectual Mumia Abu-Jamal (2009) writes about the contributions of incarcerated advocates and activists during the 1970s. They created awareness about their conditions of captivity and sought immediate relief in legal arenas. These efforts prompted some relief as well as new forms of repression to curtail additional actions,

such as the Prison Litigation Reform Act's (PLRA) passage in 1996, which unnecessarily restricts access to litigation by those imprisoned. Those who challenge the injustices and violence of the status quo often experience additional injustices and violence because power maintains itself by making it difficult and costly to challenge power (Ahmed, 2021).

It is impossible to overstate the obstacles and risks confronted by those who must exist and survive within a site of violence that is also essentially the site for protesting that violence. In the following paragraphs, I incorporate testimony from court complaints and reports to summarily chronicle the experiences and conditions that prompted plaintiffs to seek relief. The plaintiffs and their allies initiated actions in legal arenas to challenge and end the violations of rights that usually happen. They say no to the status quo (Ahmed, 2021).

Green v. Johnson

Plaintiff John Green filed a complaint in 1979 when he was twenty-one years old and serving a sentence at the Franklin County House of Correction in Massachusetts. He brought suit seeking declaratory and injunctive relief on behalf of himself and "present and future inmates of the Franklin, Hampshire, Hampden, and Berkshire Counties Houses of Correction who are under the age of twenty-two, have not received a high school diploma, and are eligible for a free and appropriate special education" (p. 1). Although evidence during the proceedings portrayed the overwhelming need for special education services at the Houses of Correction named in the complaint, those charged with delivering educational services offered only

General High School Equivalency Test preparation (*Green v. Johnson*, 513 F.Supp. 965, 1981).

Donnell C. v. Illinois State Board of Education

The complaint filed in *Donnell C. v. Illinois State Board of Education* alleged that as of October 1991, some 1,470 school-age pretrial youth detained in the Cook County Jail were not receiving any purposeful educational services. The only instructional services that were available there were limited to the subjects of reading and math, and the learners did not have textbooks, workbooks, or other instructional materials. They were also not given learning disability assessments or modified instructions to accommodate their unique learning needs (*Donnell C. v. Illinois State Bd. of Educ.*, 829 F.Supp. 1016, 1993).

Handberry v. Thompson

The complaint in *Handberry v. Thompson* was filed in August 1996 by plaintiffs under 21 years old who had not received a high school diploma. The plaintiffs were in the New York City Department of Correction's (DOC) custody and were not receiving the educational services guaranteed by law. The complaint alleges that the defendants provided less than half of school-eligible persons incarcerated with mandated educational services. Those who received some educational opportunities were denied special education services, even though the DOC estimates that at least 40 percent of their population qualified for protections afforded through the IDEA (*Handberry v. Thompson*, 92 F.Supp.2d 244, 2000).

Brian B. v. Pennsylvania Department of Education

In December of 1996, Brian B. and five other youth detained in local jails in Pennsylvania filed a complaint because school-aged individuals in county correctional facilities, either awaiting trial or convicted, were being denied educational services either in part or absolutely, even though the state prison system and juvenile detention centers in Pennsylvania did provide educational access and claimed to comply with the IDEA. Approximately 80% of those in local jails are awaiting trials and should be assumed innocent until proven guilty (Cleveland Foundation, 2022). Nevertheless, young people were punished for their pretrial status in Pennsylvania jails. At the same time, school-aged persons convicted of a crime and incarcerated in state-operated correctional institutions in Pennsylvania were provided full-time schooling, which consisted of five and a half hours of daily instruction year-round (*Brian B. v. Pennsylvania Department of Education* 230 F.3d 582, 3d Cir. 2000).

Garcia v. Los Angeles County Sheriff's Department

Michael Garcia became eligible for special education services in the second grade after being identified as having learning disabilities and speech and language impediments. Sometime after his sixteenth birthday, Garcia was arrested and detained in a juvenile detention facility where he received special education services through the Los Angeles County Office of Education. Garcia was transferred to the Los Angeles County Jail (LACJ) in June 2008 to await trial after turning eighteen. No special education services were offered at the jail even though Garcia was still

eligible for the IDEA's protections. Thus, in December 2009, Michael Garcia filed a complaint on his own behalf and on behalf of other similarly situated individuals (*Garcia v. Los Angeles County Sheriff's Department*, Not Reported in Fed. Supp., 2015).

United States v. Hinds County

The June 2016 complaint filed in Mississippi that becomes *The United States of America v. Hinds County* lists thirteen factual allegations against Hinds County officials responsible for operations at the county's adult jails. Among the extensive list of "deficiencies" is "Youth and female prisoners are not adequately separated by sight or sound from [the] adult, male prisoners" (p. 5). Although the IDEA is not explicitly invoked, one of the substantive provisions included on page fourteen of a second settlement agreement states that Hinds County is charged with "Providing education, including special education, for youth, as well as all programs, supports, and services required for youth by federal law" (*United States v. Hinds Cnty.*, CAUSE NO. 3:16-CV-489-CWR-JCG S.D. Miss. Apr. 16, 2020).

PART II: SAYING NO TO THE STATUS QUO

Three more recent federal complaints alleged some form of the extra-punitive and devastatingly harmful practice of solitary confinement experienced by youth ages 16-21 while in adult jails in Broome and Onondaga Counties in New York and in Palm Beach County, Florida. A fourth complaint related to solitary confinement concerns a 21-year-old detained at SCI-Pine Grove in Pennsylvania (*Buckley v. State Corr. Institution-Pine Grove*, 98 F. Supp. 3d 7, p. 3). In each complaint, routine and

often arbitrary impositions of isolation referred to as *solitary confinement* or *restricted units* (RUs) were accompanied by denials of minimum educational instruction guaranteed by state laws. Those with disabilities were systematically deprived of special education and related services guaranteed to them by the IDEA.

A.T. v. Harder

The Broome County Jail in Dickinson, New York, primarily holds an adult population. However, the facility also contains youth under eighteen described in the complaint as suffering from mental health issues or intellectual disabilities. The average length of time a young person spends at the Broome County Jail is 37 days. The vast majority are detained pre-trial. The plaintiffs in the case claim that solitary confinement is routinely imposed by Broome County Jail staff regardless of young people's mental health history. It is even imposed for minor behaviors, such as horseplay, a water fight, tossing paper into a waste basket, or failing to clean cells to a guard's satisfaction. Once placed in solitary confinement, the youth had no access to education, special education instruction, or related support services in violation of state and federal law (*A.T. v. Harder*, 298 F. Supp. 3d 391).

V.W. by and through Williams v. Conway

In *V.W. by and through Williams v. Conway* (236 F.Supp.3d 554), 16 and 17-year-old youth incarcerated at the Onandaga County Jail in Syracuse, New York, alleged that the routine imposition of solitary confinement on them resulted in students with disabilities being systematically deprived of procedural protections and special education services guaranteed by the Individuals with Disabilities in Education Act.

Testimony offered by investigators during case proceedings described the solitary units where the youth spent 23 hours of isolation daily as dark, filthy, and covered in graffiti. Young people might be sent to these solitary units even for minor infractions like cursing. Investigators also testified that the local school district provided inadequate special education instruction or assistance for incarcerated youth with disabilities who qualify for services under the IDEA. A review of the "cell packets" provided to V.W. and another plaintiff in the case revealed that the packets were not tailored to the young people's IEPs; "in fact, the cell packets were not even tailored to their grade levels" (*V.W. by and through Williams v. Conway*, 236 F.Supp.3d 554, p. 7).

H.C. v. Bradshaw & Buckley v. State Corr. Institution-Pine Grove

In *H.C. v. Ric Bradshaw*, two minors charged with adult crimes were confined to Palm Beach County Jail's solitary confinement unit in Florida. The 2014 complaint alleges violations of the youth's fundamental rights and dignity. Young people in solitary housing spent 23-24 hours per day in single cells for days, weeks, or months. Youth were restricted from accessing education, programs, and services related to their disabilities and mental health needs while in solitary confinement. They also had no meaningful exercise or social interaction (*H.C. v. Bradshaw*, 426 F. Supp. 3d 1266 S.D. Fla. 2019). Those youth incarcerated in SCI–Pine Grove's restricted unit in Pennsylvania also spent 23 hours per day in cells approximately 8' by 10', with solid metal doors and a small window. They were escorted from their cells periodically

only for showers and five hours of exercise per week (*Buckley v. State Corr. Institution-Pine Grove*, 98 F. Supp. 3d 7, p. 4).

Charles H. and Israel F. v. The District Of Columbia

The last action collected and reviewed, *Charles H. and Israel F. v. The District Of Columbia*, was filed in April 2021. According to the complaint, the case was about the District of Columbia's (D.C.) "unconscionable failure to provide special education to students with disabilities who are incarcerated during the COVID-19 pandemic" (pp. 1-2). Beginning in March 2020, in lieu of classes, students received packets and were essentially left to teach themselves all subjects. At the time, approximately 40 students were at the D.C. Jail complex and enrolled in the District of Columbia Public Schools (DCPS). All had been identified as having disabilities and special educational needs. The accepted facts of the case describe how DCPS eliminated classes at the D.C. Jail over a year before the April 2021 filing and "effectively abandoned efforts to teach them" (p. 2).

Trails and Tales of Refusals

Ahmed (2021) describes how complaints created within higher education institutions can leave trails and tales of refusals and offer a sort of inheritance for those who arrive after prior actions may have receded from institutional memory. Despite the deficit-based narratives that typically surround incarcerated young people, this trail of complaints in federal courts provides tales of resistance even under the harshest and most constricted conditions. Those typically forced into shadows sought to establish precedents on behalf of themselves and those similarly situated. Alongside allies, the

complainants battle to bring into light what institutions have meant to obscure: tales of unreasonable cruelty against young members of our society denied all conditions and opportunities to develop into healthy adults. The young people who initiated these federal complaints created a trail of refusals beyond the shadows of carceral institutions. They refused to submit passively to centuries of brutal deprivations and dispossession.

Visual 16: Summary details from eleven complaints in this analysis (created by M.M. Svigelj, October 2022)

Civil Complaints: Saying no to the status quo

*Locations of violations

Green v. Johnson
1979-1981
Franklin County Jail in Greenfield, MA
District Judge found "Incarceration in a county jail for an extended period of time can cause harm or loss of opportunity to children when educational programs appropriate to their special needs are denied them or are simply not available." *Green v. Johnson*, 513 F. Supp. at 971 (D. Mass. 1981)

Donnell C. v. Illinois State Board of Education
1992-1995
Cook County Jail & Chicago Public Schools, IL
Defendants (the Illinois State Board of Education, City of Chicago Board of Education, Cook County Board and its president, and the Sheriff and Director of the Department of Corrections of Cook County) challenge plaintiffs' assertion of cognizable constitutional right to educational services, and the right of plaintiffs in need of special educational services to sue under IDEA and the Rehabilitation Act. *Donnell C. v. Illinois St. Bd. of Educ.*, 829 F. Supp. 1016, 1018 (N.D. Ill. 1993)

Handberry v. Thompson
1996-2016
New York City Jails & New York City Public Schools, NY
In 2000, District Judge found that the plaintiffs had presented "uncontradicted evidence that many class members received no educational services for significant lengths of time. As particularly egregious examples, plaintiffs have put forward unrefuted evidence that hundreds of adolescent inmates held in special housing areas ... received absolutely no schooling during many semesters." *Handberry I*, 92 F.Supp.2d at 248.

Brian B. v. Pennsylvania Department of Education
1996-2000
Delaware County Prison, Philadelphia House of Corrections, York County Prison & Rose Tree Media School District, School District of the City of York, The School District of Philadelphia, PA
School-aged individuals in county correctional facilities, either awaiting trial or convicted, were denied educational services either in part or absolutely, even though the state prison system and juvenile detention centers in Pennsylvania did provide educational access and claimed to comply with the IDEA.

Garcia v. Los Angeles County Sheriff's Department
2008-2015
Los Angeles County Jail & Los Angeles Unified School District, CA
"Mr. Garcia is 19... he has been detained at Men's Central Jail for over seventeen months. Mr. Garcia has received no schooling since his incarceration at Men's Central Jail. He has not graduated from high school with his diploma." *Garcia, et al, v. Los Angeles County Sheriff's Dep't, et al*, Case No. 2:09-cv-01513-VBF-CT (C.D. Cal., June 30, 2009).

The United States of America v. Hinds County
2014-2021
Hinds County Adult Detention Center ("HCDC") and Work Center ("Farm") in Raymond, MS, Jackson Detention Center ("JDC") in Jackson, MS collectively referred to as the "Jail"
In 2016, Hinds County agrees to provide education, including special education, for youth, as well as all programs, supports, and services required for youth by federal law.

Buckley v. State Corr. Institution-Pine Grove
2014-2015
Lackawanna County Jail in Scranton and SCI-Pine in Indiana, PA
Youth incarcerated in SCI-Pine Grove's restricted unit in Pennsylvania spend 23 hours per day in cells approximately 8' by 10', with solid metal doors and a small window. They are escorted from their cells periodically only for showers and five hours of exercise per week.
raises issues of solitary confinement

A.T. v. Harder
2018
Broome County Jail in Dickinson, NY & Chenango Valley Central School District
Solitary confinement is routinely imposed on incarcerated young people regardless of mental health history and even for minor behaviors like tossing paper into a waste basket or failing to clean their cells to a guard's satisfaction. In solitary confinement, they have no access to education or special education instruction and related support services.
raises issues of solitary confinement

V.W. by and through Williams v. Conway
2016-2019
Onondaga County Jail & Syracuse City School District, NY
The routine imposition of confinement on youth to 23 hours per day in dark and filthy solitary units results in students with disabilities being systematically deprived of procedural protections and special education services guaranteed by the Individuals with Disabilities in Education Act (IDEA). Youth were sent to solitary units for minor infractions such as cursing .
raises issues of solitary confinement

H.C. v. Ric Bradshaw
2014-2019
Palm Beach County Jail & Palm Beach County School Board, FL
The school board and sheriff's office routinely denied incarcerated children educational services, including services needed to address their disabilities.
raises issues of solitary confinement

Charles H. & Israel F. v. The District Of Columbia
2020-2021
D.C. Jail complex & District of Columbia Public Schools (DCPS)
This case is about the District of Columbia's (D.C) "unconscionable failure to provide special education to students with disabilities who are incarcerated during the COVID-19 pandemic." *Charles H. & Israel F. v. The District of Columbia*, Case 1:21-cv-00997-CJN (2021)
raises issues from pandemic

PART III: TALES FROM THE TRAILS

Maintaining the Status Quo--Time, Responsibility, & Accountability

Across the complaints, the lengthiness of legal proceedings for young people whose time of eligibility for services under the IDEA vanishes with each passing day, confusion regarding which entities are responsible for educating young people detained in local jails, and an inability to monitor and enforce compliance with the IDEA's mandates in adult jails are concerns repeatedly presented as obstacles to relief. These obstructions to relief continue even when prior similar cases become available and could be referenced for guidance. A trail of legal complaints can serve as inherited precedents to inform and connect struggles and strategies.

Carceral Time

Nearly all plaintiffs in the eleven cases sought and were granted certification as a class for "all school-aged detainees, either awaiting trial or convicted, who were, or will be in the future, entitled to basic and special education services under state and federal law, but were being denied such education either in part or absolutely" (*Brian B. v. Pennsylvania Department of Education*, 230 F.3d 582 3d Cir. 2000, p. 2). Almost all of the plaintiffs in the eleven complaints were no longer in adult jails, and their eligibility for services under the IDEA had expired when their cases were resolved. The original plaintiffs named in *Handberry v. Thompson* were under eighteen in the 1990s. However, those plaintiffs would have been in their mid-late thirties and no longer at Rikers when a Special Master was appointed in 2014 to investigate the alleged ongoing lack of access to educational services in the New York

City jail. Later, however, similarly situated individuals might inherit benefits from these original plaintiffs' courageous acts. Some youth currently incarcerated might have educational access because of one of these eleven complaints. Nevertheless, they may not have even been born when the complaint originated.

Responsibility

The common issues and themes woven through the complaints are instructive for identifying weaknesses in current oppressive structures and for designing ways to continue "to fight against something to make room for something else, for someone else" (Ahmed, 2021, p. 310). They also reveal the disregard experienced by incarcerated youth and the violence of the status quo, evident in the recorded actions and testimonies of officials supervising educational services for young people in the states and localities named in the complaints. Generally, the defendants in all the cases are officials charged with operations at local jail facilities, such as sheriffs, along with officials in the various states and localities involved in the "planning, funding, and delivery of educational services" (*Green v Johnson*, 1981, p. 4). Including both groups of officials throughout the complaints unfurled several investigations into state laws regarding which officials are responsible for delivering and funding educational services when young people are in local jails. The court and government documents reveal much foisting of blame between defendants.

Repeatedly since 1981, the courts have concluded that questions of responsibility do not "preclude [a] federal court from considering merits of inmates' claims to entitlement to special education services under federal and state law"

(*Green v Johnson*, 1981, p. 4). Eventually, officials at the U.S. Department of Education (USDOE) make clear that state and local education agencies are responsible under the IDEA for ensuring that FAPE is made available to all eligible district residents with disabilities and that all programs administered by education agencies meet state educational standards (20 U.S.C. § 1412a11). Additionally, a *Dear Colleague* letter in 2014 from the USDOE clarifies that "Absent a specific exception, all IDEA protections apply to students with disabilities in correctional facilities and their parents…. [and] can result in cost savings to the public and enable troubled youth to obtain an education and enhance their future employment options and life choices" (p. 1).

Even with these questions of law seemingly resolved, educators and legislators assumed irrational positions during their efforts to deny youth incarcerated in local jails educational services. Expert testimony from both sides of the complaints consistently confirmed that "the predictable social costs of not educating young persons in custody would appear to be very large" (*Brian B. v. Pennsylvania Department of Education*, 2000, p. 26). Arguments and actions asserted by defendants during legal proceedings explicitly contradicted the available research, laws, missions, and commitments attached to supervisors of education and their affiliated departments. An evident lack of adherence to the stipulations and practices created by the systems they serve within and violations of their professional commitments to provide educational opportunities for all children are instructive

about the politics of who and what is valued, as well as the contradictions and complexities of power (Ahmed, 2021).

Prior to the initial complaint filed in *Garcia v. Los Angeles County Sheriff's Department*, one of the named defendants in the case, California Department of Education Superintendent of Public Instruction Jack O'Connell, declared in a March 2004 news release that the "most critical challenge facing us in California public education today is the urgent need to improve high school student achievement" (California Department of Education News Release, 2004, para. 2). Plaintiff Michael Garcia encountered a critical challenge to obtaining an education while jailed in Los Angeles County and perhaps acutely felt the urgent need referenced in 2004 by California's Superintendent of Public Instruction. In April 2010, about five months after the filing of Garcia's complaint, settlement negotiations began between the plaintiffs and defendants in the case.

Meanwhile, in May 2010, the district court held that under CA §56041, the Los Angeles Unified School District (LAUSD) was responsible for providing special education services to Garcia and others eligible and detained in the Los Angeles County Jail (LACJ). The Los Angeles Unified School District (LAUSD), the entity charged with supervising and delivering educational services within its L.A. boundaries, refused to accept its responsibility and appealed the district court's decision to the Ninth Circuit, which issued a stay. The defendants asked the California Supreme Court to respond to the question of whether CA § 56041 applies

“to children who are incarcerated in county jails” (*LAUSD v. Garcia*, 669 F.3d 956 9 Cir. 2012).

Nearly eight years after Garcia initiated the action and long after Garcia was released from the LACJ and was well-beyond eligibility for services under the IDEA, a motion for preliminary approval of a class action settlement agreement was submitted to the district court. LAUSD is conspicuously absent from the settlement as the agreement indicates that the LA Sheriff’s Department agrees to “designate an employee or employees who will facilitate the provision of special education services” (2017, p. 16) and act as a liaison between the jail and the charter school network that will provide educational services rather than LAUSD.

Accountability

Injunctions, amended injunctions, monitors, and Special Masters all surface in several actions resulting from complaints. Neither the plaintiffs nor the courts express significant faith in the defendants to equitably or consistently provide the educational services that incarcerated youth demand and deserve. A Hearing Officer in *Charles H. v. The District of Columbia* found that the defendants “offered no evidence that it performed even the minimal monitoring and supervising functions that it concedes are its responsibility” (2021, p. 15). During testimony, the principal at SCI–Pine Grove's school explained that “there are approximately 15 to 18 special education students housed in the [Restricted Housing Unit] RHU, which amounts to about 25% of the prison's special education population” (*Buckley v. State Corr. Institution-Pine Grove*, 2014, p. 6). Nevertheless, the Hearing Officer and school personnel admitted

that IEPs for students in RHU did not comply with IDEA standards and that plaintiffs "received absolutely no special education, specially designed instruction, or related services" (*Buckley v. State Corr. Institution-Pine Grove*, 98 F. Supp. 3d 7, p. 7). Similar to other cases, in *Donnell C. v. Illinois State Board of Education* and *Garcia v. The Los Angeles County Sheriff's Department*, experts are appointed by the court to "monitor compliance with the settlement agreement" (*Donnell C v Illinois State Bd of Educ,* 1995, p. 5) or the "settlement agreement establishes a mechanism for monitoring compliance with its terms (*Garcia v Los Angeles County Sheriffs Department,* 2015, p. 4).

The logic that informs and designs processes within educational and carceral systems does not innately breed institutional efficiencies or triggers that might remedy wrongs once they are identified and acknowledged in a complaint. Instead, often well-meaning courts operating in the same system that extols violence and deprivations order monitoring and follow-ups to assess actions or inactions of compliance or non-compliance. In *A.T. v. Harder*, an interim settlement includes the stipulation that "In the event that the Sheriff's Office 'locks down' the Jail, or otherwise fails to make juveniles available for instruction or programming, such events will be noted on the attendance records" (2018, p. 4). The notes, documents, records, and gathering of evidence to prove something in the future about what has already happened, is happening, and continues to happen to stop it from continuing to happen can be a reminder that remedies and relief are a "slow inheritance" (Ahmed, 2021, p. 310).

Implicit hope among defendants that young people in transient jail populations will disappear and forget their complaints might also hinder motivations to halt civil rights violations expeditiously. Ahmed (2021) describes a gap between what is supposed to happen and what actually happens under policies. A settlement agreement or judgment in favor of those complaining does not mean that the work is finished, just as laws or won court cases do not eradicate struggles for justice. Instead, those seeking a semblance of justice “have to keep pushing because, at each step of the way, you encounter a wall, made up, it seems, of a curious combination of indifference and resistance” (Ahmed, 2021, p. 35). Whatever the source of disregard for incarcerated young people’s right to access educational services, expressed in words and actions across multiple cases, the necessity for accountability mechanisms is evident. Ultimately, it becomes the unfair responsibility of those making the complaints, not the violators, to monitor and ensure any relief.

PART IV: INVESTED IN MAINTAINING THE STATUS QUO

Those charged with educating children or enforcing the law confront those making complaints to secure access to free and appropriate public education with fierce resistance and refusals. Exploring how the system justifies its violations of the IDEA and claims exemptions or dismisses compliance with its own laws reveals the force and creativity performed to reproduce and maintain current power structures. What is revealed is that “only those in subordinate positions are bound or should be bound by policies” (Ahmed, 2021, p. 47). Furthermore, even policies with longstanding official and popular agreements “can be disregarded if they get in the way of what people are

invested in doing" (Ahmed, 2021, p. 49). The power or lack of power within the IDEA as a policy becomes evident when those who challenge a lack of adherence to its provisions are easily dismissed or when what the policy is supposed to enact or perform is denied to those in subordinate positions. Exemptions in education laws have been excluding children who do not meet society's narrow standards for normativity from educational access for at least a century. Complaints filed in an attempt to make what is supposed to happen actually happen leave a trail of tales.

Codified Deprivation in *Brian B. v. Pennsylvania Department of Education*

After Brian B. and five other young men brought an action in 1996 against the Pennsylvania Department of Education and local school districts that were failing to provide any educational services to youth in local jails (*Brian B. v. Pennsylvania Department of Education*, 2000), the Pennsylvania legislature codified the discrimination in 1997. Pennsylvania statute, 24 P.S.A. § 13-1306.2(a), authorizes Pennsylvania school districts to withhold education from persons of school age incarcerated in county correctional institutions following a conviction as adults. However, a convicted person sent to state prison must be provided the same education guaranteed to all other school-aged Pennsylvania residents.

The statute states that "[a] person under twenty-one (21) years of age who is confined to an adult local correctional institution following a conviction for a criminal offense who is otherwise eligible for educational services as provided under this act shall be eligible to receive educational services from the board of school directors in the same manner and to the same extent as a student who has been expelled." (24

P.S.A. § 13-1306.2a). Expelled students in Pennsylvania are not entitled to any meaningful educational access. Thus, even if the young people were never expelled from school and their incarceration had nothing to do with school, this Pennsylvania statute authorized withholding all or virtually all formal education from persons of school age who are convicted and incarcerated in county correctional institutions.

The deprivation of education for certain groups in our country emanates from discrimination attached to multiple identity markers, including race, class, ability, gender constructs, language, and more (Annamma, 2018; Artiles, 2011; Bowles & Gintis, 2002; Connor et al., 2016; Erevelles, 2014; Fenton, 2016; Rickford et al., 2016; Shange, 2019; Sojoyner, 2015). However, the plaintiffs could not litigiously overcome the arbitrary discrimination in the then-newly codified Pennsylvania statute. Although the district court states that 24 P.S.A. § 13-1306.2(a) is "freighted with gravely detrimental social consequences" (p. 2), it is "not persuaded that there is a reasonable probability that…
this-barely-arguably-penny-wise-but-almost-indisputably-pound-foolish statute is [found] unconstitutional (p. 2). The Third Circuit Court of Appeals agreed, although a rather convincing dissent was also published. Legislators instrumentalized the precarious positions of those incarcerated and ensnared in court processes by exploiting political unaccountability and rendering retaliation. Those "who make complaints often experience direct forms of retaliation" (Ahmed, 2021, p. 226), although perhaps not always directly from a state's legislature. In this case, the deference given to the Pennsylvania legislators' actions by the judicial bodies also

illuminates how and by whom power and systemic discrimination can be maintained even when challenged.

Many states that may traditionally embrace public education as fundamental to society simultaneously continue to deny educational access to young people incarcerated in adult jails. Under the IDEA, the obligation to provide free appropriate public education to eligible students does not apply to youth ages eighteen through twenty-two if it "would be inconsistent with State law or practice" (20 U.S.C. § 1412a1Bi, 2004). Usually, this means that individual states could limit the guarantee of special education to incarcerated young people ages 18-22 if they limit the provision of special education to all students ages eighteen to twenty-two throughout the state, not just those incarcerated. This provision of the IDEA allows states to exclude classes of young people in defiance of federal protections.

Excluded from Protections

For example, incarcerated young people in Washington brought a class action suit in 1999 against the state and school districts for failing to provide educational services in Department of Corrections (DOC) facilities. The Washington Supreme Court held that incarcerated individuals aged eighteen and over in the state's DOC facilities "do not have a statutory or constitutional right to public education. Furthermore, the state's Supreme Court stated, "we hold that the State is not required under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400-1436, or § 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a), to provide special education services to DOC inmates between 18 and 22 years of age" (*Tunstall v. Bergeson*, 141 Wn. 2d

201, Wash. 2000, p. 1). Essentially, the court reasoned that incarcerated youth are outside "the common school system." Thus, youth in Washington's DOC facilities are not included in the state's basic and special education statutes, which would make mandating access to special education for this group of incarcerated youth through the IDEA inconsistent with the state's law or practice. Based on the Court's interpretations and logic, young people ages eighteen through twenty-two inside the carceral system are outside any educational protections afforded in the IDEA.

The Preservation of Power

The efforts enacted in current systems to preserve power and prevent educational access for certain classes, even when logic, research, and the law consider these denials to be in opposition to society's overall benefit, are instinctively baffling. The harms perpetrated against young people also illustrate how boldly and irrationally people with privilege and power can behave when invested in maintaining the status quo. In 1977 the Court noted in *Jones v. Wittenberg,* a case involving civil rights violations at Toledo, Ohio's county jail, that "The inferior status and dehumanizing effect of jail on inmates has the potential for bringing out the worst in guards" (p. 60). Indeed, court documents in *V.W v. Conway* reveal "Unchallenged allegations that county justice center staff consistently refused to provide grievance forms, ignored grievances, and in some cases threw grievances in the trash" (2017, p. 10) when young people asked for access to educational opportunities.

In *H.C. v. Ric Bradshaw*, "neither the Sheriff nor the School Board contends that children with disabilities in solitary confinement have the access required by the

IDEA to special education and related services" (2018, p. 5). The Court in *Buckley v. State Correctional Institution* states, "Plaintiff's IEP contained no meaningful academic or functional goals, and the record is clear that the cell study program, as implemented, offered no more than a de minimis educational benefit. Tellingly, Defendants do not argue against this conclusion" (2015, p. 23). In the complaint filed in *Charles H. v. The District of Columbia*, the judge recalls that the school district, "DCPS, by its own admission, has failed to implement its own educational policies and standards at the DC Jail complex" (2021, p. 27). Of course, even with the patterns evident in these eleven cases of cross-institutional systemic neglect and failures to educate children, not all guards nor all educators allow or contribute to educational civil rights violations. Additionally, well-intentioned courts can award restitutionary measures and order coercive remedies but cannot guarantee the implementation and enforcement that may be necessary for relief.

The cases in this chapter illustrate that court actions initiated by complaints are what some people have to engage in because they are repeatedly denied what they need, deserve, and are entitled to receive. The law outlines resources and protections that should be provided. Instead, too many adults prevent, do not provide, or do not do what should be done. Accountability for those who should ensure educational access for incarcerated youth is statutorily limited, mainly to withholding federal funds from schools. Thus, education professionals who do not implement the IDEA's protections or monitor enforcement confront zero to minimal rarely enforced

consequences. The system is also not contoured to reward exceptional efforts to provide equitable educational opportunities to every child.

PART V: BACKGROUND OF THE IDEA'S FEDERAL ENFORCEMENT AND FUNDING

When the first version of the IDEA passed in the 1970s, Congress committed to funding 40% of the additional costs needed to educate students with disabilities compared to costs associated with educating students without disabilities (National Center for Learning Disabilities, 2022). The federal government's ability to enforce the IDEA is statutorily limited to referring situations to the Department of Justice or withholding federal funds from states that do not provide special education and related services to all students in schools and other state-operated facilities (20 U.S.C. § 1412a). Thus, not adequately funding the mandate Congress legislates for students with disabilities reduces the extent to which effective enforcement of their created policies can be realized.

The federal contribution in 2020 to the IDEA state grant program was just 13.2 percent, the lowest percentage the Federal government has contributed since 2000 (Council for Exceptional Children, 2021). For 2022, federal policymakers appropriated $15.5 billion to pay a portion of the costs of educating nearly seven million children with disabilities nationwide (U.S. Department of Education, 2021). Public schools in the United States contend with a scarcity of resources and have to decide which programs to fund. This means they may provide protections for some students and not others, and students with disabilities in local jails are not prioritized.

Additionally, neglecting to appropriately fund the policy meant to protect and benefit students with disabilities diminishes the power Congress has given the federal government to enforce the law Congress created. This decreases protections and benefits for students with disabilities.

Illuminating insufficient federal funding is not meant to argue that the money states receive through the IDEA is unimportant. Congress recognizes the significance of federal funding for the nation's schools. Even with the federal government's partial and inadequate allocation of funds, the funding formula for granting states money through the IDEA was substantially revised in 1997 because Congress was concerned about how federal funds might be incentivizing schools districts and states to designate additional students as qualifying for the IDEA's services, even if the students were not actually eligible so that school districts could receive additional money (U.S. Congress House of Representatives Committee on Education and the Workforce, 1997; U.S. Congress Senate Committee on Labor and Human Resources, 1997).

Currently, funding is determined using a population and poverty calculation among states. This funding formula systematically privileges and disadvantages certain states. In 2014, McCann found that more populated states receive about 12% less funding per student than less populated states. Researchers at the Annenberg Institute at Brown University found that "on average, states with proportionally larger populations of children and children living in poverty, children identified for special

education, and non-White and Black children receive fewer federal dollars, both per pupil and per student receiving special education" (Kolbe et al., 2022, p. 22).

PART VI: FUNDING AND UNIQUE ACCOUNTABILITY IN THE DISTRICT OF COLUMBIA

Although the withholding of partial and inequitable federal funding is the insufficient mechanism available to the U.S. Department of Education to ensure that states comply with the IDEA's regulations, there is one area of the United States where the threat of withholding federal funds appears to have an impact on educational access for youth at the local jail—the District of Columbia (D.C.). In exchange for federal funding, states agree to implement the IDEA's detailed procedural requirements associated with IEPs to ensure that each child is treated equitably (Dragoo, 2019). States must oversee educational policy and practice by local educators and disperse most of the federal IDEA Part B funding to Local Education Agencies (LEAs) like school districts or charter school networks.

When the U.S. Department of Education was established in 1980, the Office of Special Education and Rehabilitative Services (OSERS) was created. The Monitoring and State Improvement Planning (MSIP) division of OSERS, Office of Special Education Programs (OSEP), is "responsible for State Plan review and approval, and for monitoring OSEP's formula grant programs to ensure consistency with federal requirements and to ensure that states and other public agencies continue to implement programs designed to improve results for infants, toddlers, children, and youth with disabilities" (United States Department of Education, 2022, n.p.). D.C. is

considered a “state” within the meaning of the IDEA. Its small yet complex school governance structure creates a more straightforward route for enforcing the IDEA’s protections in D.C.’s local jail.

D.C. Background

In 2019, D.C. had the highest per-capita incarceration rate of any state or territory in the United States, with 10,424 people taken into its jail that year. It also remains embroiled in an “ongoing struggle with the federal government over home rule” (Howard & Miller, para 8). Its city’s public schools have been under mayoral control for over a decade. The mayor designates a Deputy Mayor for Education who is “…responsible for the planning, coordination, and supervision of all public education [and charter schools] and education-related activities under its jurisdiction, including development and support of programs to improve the delivery of educational services” (District of Columbia §38–191). Under the Deputy Mayor for Education are the State Board of Education, Office of the State Superintendent of Education (OSSE), Local Education Agencies, and schools.

Education in D.C.

D.C’s State Board of Education is responsible for advising the State Superintendent of Education on educational matters, including state standards; state policies, including those governing special, academic, vocational, charter, and other schools; state objectives; and state regulations proposed by the Mayor or the State Superintendent of Education. The OSSE is the state education agency for the District of Columbia. The OSSE sets statewide policies, provides resources and support, and

exercises accountability for all public education in D.C. (Government of the District of Columbia, 2022). Thus, the complaint filed in *Charles H. v. The District of Columbia* in 2021 listed the District of Columbia Public Schools (DCPS) and OSSE as defendants because DCPS is required to make FAPE available for all students with disabilities residing in the school district ages three through the semester in which they turn age 22 (5-E D.C.M.R. § 3002.1a).

The IDEA in D.C.

D.C.'s designated agency, OSSE, is supposed to supervise and monitor DCPS to ensure it meets its obligations under the IDEA. DCPS and OSSE receive federal funds through the IDEA and, therefore, must comply with the IDEA's requirements and Section 504 of the Rehabilitation Act (20 U.S.C. § 1412a; 34 C.F.R. § 300.2). According to the complaint filed against DCPS and OSSE in April of 2021, the young plaintiffs and others "did not, do not, or will not, receive direct instruction and/or direct related services in conformity with the specialized instruction and/or related services mandated by their IEPs while in the DC Jail complex" (*Charles H. v. The District of Columbia,* 2021, p. 8).

Fifteen percent of DCPS's 49,035 students enrolled during the 2020-2021 school year were eligible for services through the IDEA (District of Columbia Public Schools, 2022). Since DCPS is the only large public school district within the District of Columbia that the OSSE supervises and monitors, the link between the OSSE and DCPS is direct and narrow. Failing to meet the needs of all students with disabilities residing in the school district, including those at the D.C. jail, produces a more

significant financial impact on DCPS. The threat of federally withholding state grant money distributed via the IDEA to the District of Columbia is more proportionally significant. Referring violations to the Department of Justice may also be more likely since DCPS's size and proximity to the USDOE may make it easier for MSIP to monitor. Whereas, the threat of a DOJ referral or withholding the IDEA's Part B funding are less likely to be significant threats or have substantial impacts in a more geographically distant state where a department of education supervises and monitors, for example, 611 independent school districts, such as the department of education in the state of Ohio.

D.C.'s Funding Allocation Versus A Larger State

Even though 108 jails across Ohio's 88 counties held 20,670 people in 2019 (National Institute of Corrections, n.d.), the vast majority of the 15.7 percent of the 1.6 million public school students who were identified as having disabilities in Ohio in 2021 were served by their local school districts (Ohio Department of Education, 2021). When IDEA violations occur in adult jails, the federal government may only withhold funding from the agency responsible for providing special education proportionate to the number of eligible students in the facilities for which the agency is responsible (20 U.S.C. § 1416h). Thus, the federal government withholding a portion of the IDEA's state grant money based on the number of IDEA-eligible students in local jails in Ohio who are not receiving FAPE would be comparatively insignificant next to the over 250,000 public school students in its 611 school districts who qualify for and are served by grant money under the IDEA's funding formula (Ohio Department

of Education, 2021). Plus, the IDEA exempts jails from identifying IDEA-eligible students, so eligible youth in jails and their families bear responsibility for ensuring and monitoring enforcement when educators are absent or negligent.

Exceptions to Protections and Funding

The IDEA provides exceptions to protections and services for youth ages 18 through 21 incarcerated in adult correctional facilities if the youth were not previously identified as having a disability and did not have an IEP prior to their placement in the adult facility (unless state laws require those special education services) (34 C.F.R. § 300.102a2ii). The monetary withholding power of the USDOE is the primary enforcement mechanism to ensure IDEA compliance. Perhaps jail officials and their local school districts do not comply with the IDEA for young people in adult jails because the potential forfeiture of funding is minimal. Non-compliance might also occur because education in jails is more monetarily costly for institutions than the funding the IDEA allocates. Thus, the law does not incentivize school districts, sheriffs, and states to seek out the youth in adult jails who may qualify for protections and services afforded through the IDEA. The system's design and operations repeatedly enable the exclusion of a class of students with disabilities and reproduce ableist (among other "isms") disparities for those entangled in it.

CONCLUDING THOUGHTS

Unresolved Tensions of Institutional Reforms

There is a pervasive tension infiltrating attempts to alleviate injustices that demand urgent attention because of the potential for perpetuating freedom with violence

(Reddy, 2011), carceral humanism (Kilgore, 2014), or reformist reforms (Gorz, 1968). Efforts toward justice require both/and approaches (Meiners, 2007). Attempts to reduce immediate suffering through administrative and legal reforms within the confines of the carceral state need to be inextricably and consciously connected to broader liberatory movements and historical struggles for freedom (Meiners, 2007).

Freedom with Violence

Seeking a new paradigm for understanding race, sexuality, and national citizenship, Chandan Reddy (2011) argues that contemporary neoliberal societies link conceptions of freedom and liberty to state and institutionalized violence and that liberal modernity is structured for authorizations of state violence. Relying on litigation and rights discourse without broader radical social movements will not garner equity or justice from a system established on inequities and injustices nor one that continues reproducing them. Freedom with violence "will never enable us to bring about genuine change" (Lorde, 1985/2007, p. 111).

Carceral Humanism & Non-reformist Reforms

Activist and educator James Kilgore was a fugitive in South Africa from 1991-2002 and served six and a half years in federal and state prisons in California for political actions he engaged in during the 1970s. Kilgore (2014) describes carceral humanism as motivated by desires for public support and funding. Strategies to evade mainstream critiques of unjust mass incarceration practices, such as portraying jails and detention centers as social service providers that offer access to mental health resources or educational opportunities, are illustrative of carceral humanism. In the

1960s, existentialist, intellectual, and capitalist critic André Gorz proposed that non-reformist reforms, rather than mere reforms that reify current institutions and systems, could make immediate gains and build strength for broader revolutionary struggles and transformative movements—a both/and approach.

Institutional Reform Litigation: *Halderman v Pennhurst State School and Hospital*

Institutional reform litigation, which refers to legal actions such as lawsuits that seek to reform or improve conditions in public facilities, primarily based on identity categories, was a pervasive tool of decarceration and deinstitutionalization in the mid-1960s and 1970s (Ben-Moshe, 2020). Informed by Reddy, Kilgore, and Gorz, Ben-Moshe asserts that cases such as *Halderman v Pennhurst State School and Hospital* (1974) can be models for placing institutional/carceral logics on trial through a non-reformist reform approach to litigation. A product of a supposedly progressive era, Pennhurst State School and Hospital was initially known as the Eastern Pennsylvania Institution for the Feeble-Minded and Epileptic. It was once considered a model institution (Downey & Conroy, 2020).

The 1974 *Halderman v Pennhurst State School and Hospital* case was filed on behalf of all those with developmental disabilities residing at Pennhurst after a high-level administrator urged the mother of a resident to file a class-action lawsuit. In this case, activist attorneys aimed to prove that the institution was unlawful and harmful, inherently unnecessary because other types of community facilities existed to care for those confined in Pennhurst; and that Pennhurst was not operating in

alignment with best practices outlined by professionals in the field (Ben-Moshe, 2020). One of the plaintiffs' main arguments was that the “school” was making those in custody more disabled. The ultimate aim of closing the institution was realized in 1987 (Ben-Moshe, 2020). However, while the case was active, none of the factors that aided the case were identified as non-reformist reforms nor suggested as having abolitionist aims (Ben-Moshe, 2020).

Some of the eleven cases in this analysis have features resembling aspects of *Halderman v Pennhurst State School and Hospital.* Legal professionals and advocacy groups have launched campaigns to end transfer practices, stop putting young people in jails, and divert resources from incarceration to existing research-based social and community services (Children's Law Center, 2016; Cleveland Foundation, 2022; Cuyahoga County Jail Coalition, n.d.; Greater Cleveland Congregations, 2022; Justice Policy Institute, 2017; Juvenile Law Center, n.d.). Scholars and advocates have widely shared evidence that jailing young people causes more harm than benefits. Some emphasize the disabling features of incarceration (Ben-Moshe, 2020; Puar, 2017). Sometimes, employees of institutions, similar to the high-level administrator at Pennhurst, have aided affected families in seeking educational access for young people in jails. The historical inherited precedent of *Halderman v Pennhurst State School and Hospital* might offer lessons to those campaigning to abolish transfer practices or raise juvenile court jurisdiction's age to the early twenties instead of eighteen. The effects and consequences of utilizing disability materially

and legally as a tactic for education and decarceration might be particularly instructive.

Is this the Best?

As part of the Children's Law Center's bindover storytelling project, *In Their Own Words*, interviews with youth bound over from the juvenile system to the adult court system along with affected family members were compiled and made available online at ohiobindover.wordpress.com/. The following quote is from J.A. (2016).

> As I look at these young men—they are children, and as dysfunctional as they may be, they are still children. Yes, there must be penalties and perhaps punishment for crimes. But I think we focus too much [on] what happened and apply so little interest toward why it happened. Spending every awakened hour looking over your shoulder, looking through a window that offers limited scenery, and then being forced to sit in a cell, six feet by nine feet for 20-23 hours a day, seven days a week. This is not corrections. This is corrosion. So ask yourself, is this the best lawmakers and judicial representatives can come up with?

The complaints referenced in this chapter span the 1970s to 2021. Plaintiffs and their legal allies keep filing complaints and taking legal action against sheriffs, school districts, and states' departments of education because the defendants keep violating the rights of incarcerated youth eligible for services under the IDEA. The simplest solutions for stopping these violations and their subsequent litigation would be for personnel in local school districts and local jails to consistently provide access to FAPE for incarcerated youth within their jurisdictions; for legislators to abolish jail incarceration for scores of young people through actions like ending cash bail and eliminating transfer policies; or for legislators to raise the age of juvenile court jurisdiction to through twenty-two (when eligibility for the IDEA expires).

Further Suggestions

Since one of this chapter's aims is to place education scholars in conversation with legal scholars, it is impossible to over-emphasize the pervasive educational neglect and indifference exhibited by professionals in education towards incarcerated young people that is present throughout litigation in the eleven cases discussed. To accentuate J.A.'s question in the quote, I ask those in education, is this the best you can come up with or the best you can do? It is truly shameful that some of those charged with educating young people in our country defend, purposively uphold, and contribute to maintaining and allowing educational civil rights violations without intervention or recourse. Every school district in this country with a local jail within its district's boundaries should actively and intentionally secure access to educational services for detained young people. Those at state levels of government responsible for supervising and monitoring school districts' conformity with the specialized instruction and/or related services mandated by IEPs should ensure each district's and jail's compliance.

Federal-level monitoring should also include people designated to conduct ongoing inquiries about the educational services offered by school districts to people incarcerated in local jails within their boundaries. When compliance is lacking, MSIP should consistently enforce the law. Who and how educational institutions and organizations are willing to support and educate reflects and reveals the beliefs and ideals of individuals in those institutions and society, as well as the mechanisms that maintain power structures and oppression.

Although the lengthy time it takes to navigate court processes will not be easily altered, better legislation and additional actions to hold accountable the entities responsible for educating young people with disabilities are possible. The U.S. Department of Education could influence states and school districts to enforce educational access for youth incarcerated in adult jails. It should position itself on behalf of incarcerated youth needing educational access. Unfortunately, when questions concerning protections afforded in the IDEA for incarcerated youth are raised, the responses and outcomes are not typically favorable for young people.

In 2006, the final version of the IDEA's Part B regulations published by the federal government noted that "one [public] commenter recommended requiring that children with disabilities incarcerated in local jails continue with their established school schedules and IEP services, which States may provide directly or through an LEA." Another public commenter "stated that SEAs and LEAs should not be allowed to restrict the types of services provided to children with disabilities simply because they are incarcerated" (p. 46686). In response, OSERS at the USDOE replied that they "disagree" with the public comments because "The Act allows services to be restricted for a child with a disability who is convicted as an adult under State law…" (p. 46687). What the law allows does not equate with justice nor what is ethical or best for the common good. Legislation is limiting and has its limits.

The failure to implement IEPs in adult jails can cause "irreparable educational, psychosocial, emotional, and personal harm (*Charles H. v The District of Columbia*, 2021, p. 37), and "the denial of appropriate education undoubtedly serves

to perpetuate a vicious circle of incarceration" (*Buckley v. State Corr. Inst.-Pine Grove*, 2015, p. 24). Sometimes unjust policies produce unjust acts, but when policies are written but not effectively enforced or appropriately implemented, the potential to reduce inequities and limit harm is lost. Not only does better enforcement of the IDEA's provisions need to occur for incarcerated youth, but perhaps the tools available to the USDOE for enforcement should be expanded so that districts beyond DCPS are held accountable.

Other elements of the IDEA concerning education for incarcerated students with disabilities also need to be modified— like allowing states to exclude students because including them conflicts with state laws. The "child find" exception that exempts adult jails and prisons from identifying youth eligible for services under the IDEA means the burden is on incarcerated individuals and their families to prove their eligibility and attain educational access. The well-documented incapacitating and debilitating effects of incarceration (Ben-Moshe, 2020; Puar, 2017) also mean that many individuals are denied educational access and services only because institutions do not officially identify them after contributing to their debilitation. The "child find" exemption in the policy related to adult jails and prisons must also be eliminated.

Those in educational institutions should actively and forcefully demand justice and decipher how to strategically use educational access for incarcerated youth to abolish youth transfer practices and support decarceration. Minimally, youth currently incarcerated should have complete educational access. The implementation

of the IDEA's provisions should be monitored and enforced by education professionals at every level of government who hold each other accountable. Excluding incarcerated young people from educational opportunities and protections through exceptions in the IDEA because they can, does not mean that school districts should.

Conclusion

The succession of documentation from these eleven federal case summaries, court records, civil complaints, and public government documents elucidate how civil rights violations afforded through the IDEA occur and are resisted and challenged by incarcerated young people and their allies. In this chapter, legal complaints are a mechanism for revealing the system's violence, but the violence was and is already allowed to exist in the system (Ahmed, 2021). The system is meant to solve its own shortcomings, which translates to ongoing allowances for deprivation, exclusion, and more violence.

The legal complaints in this chapter and their affiliated court and government records represent the lived experiences of those affected by the deprivation and violence of carceral logics and their institutional enactments. The student mentioned at the beginning of this chapter, who was yanked from our classroom at the juvenile detention center and placed in the adult county jail for a year without any access to education, managed to graduate from high school in May 2021.[8] However, it took coalitional efforts and his relentless persistence for *seven* years.

---

[8] JPay personal communication and image, May 2021

It does not have to be like this. It should not be like this. Those affected can lead us to something better. Educators do not have to participate in or enable perpetuations of injustice. We do not have to ignore or acquiesce to things that we can labor in solidarity to transform for freedom and justice.

Visual 17. A reminder that policies happen to people, and behind data, there are people (created in 2021 by Melissa S.)

An interval - Embodied graphic organizing

"Graphic organizers are visual representations of information from a text that depict the relationships between concepts, the text structure, and/or key concepts of the text… The research on graphic organizers is often based on the assumption that all texts have organizational patterns and there are a small number of patterns that are frequently found…" (Wells Miranda, 2011, 101).[18]

The policies	The data	**The body**
"President George W. Bush signed the No Child Left Behind Act at Hamilton High School in Hamilton, Ohio, on Jan. 8, 2002. States were required to bring all students to the 'proficient level' on state tests by the 2013-14 school year, although each state got to decide, individually, just what 'proficiency' should look like, and which tests to use."[19]	"In early 2015, the deadline had passed, but no states had gotten all 100 percent of its students over the proficiency bar."[20]	As someone who was from South Los Angeles, "Rigoberto Ruelas always reached out to the toughest kids. He would tutor them on weekends and after school, visit their homes, encourage them to aim high and go to college. The fifth-grade teacher at Miramonte Elementary School was so passionate about his mission that, school authorities say, he had near perfect attendance in 14 years on the job. Mr. Ruelas was depressed about his score on a teacher-rating database posted by The LA Times on its website. The newspaper analyzed seven years of student test scores in English and math to determine how much students' performance improved under about 6,000 third- through fifth-grade teachers. Based on The Times' findings, Ruelas was rated 'average' in his ability to raise students' English scores and 'less effective' in his ability to raise math scores. Overall, he was rated slightly 'less effective' than his peers." Humiliated, Mr. Ruelas completed suicide by jumping off of a bridge.[21]

[18] Wells Miranda, J.L. (2011). EFFECT OF GRAPHIC ORGANIZERS ON THE READING COMPREHENSION OF AN ENGLISH LANGUAGE LEARNER WITH A LEARNING DISABILITY, *Second Language Studies*, 30(1), Fall 2011, pp. 95-183.
[19] Klein, A. (2015) No Child Left Behind: An overview. Education Week, Retrieved from https://www.edweek.org/policy-politics/no-child-left-behind-an-overview/2015/04
[20] Klein, A. (2015) No Child Left Behind: An overview. Education Week, Retrieved from https://www.edweek.org/policy-politics/no-child-left-behind-an-overview/2015/04
[21] Barboza, T. (2010). Teacher's Suicide Shocks School. Los Angeles Times, September 28, 2010. Retrieved from https://www.latimes.com/archives/la-xpm-2010-sep-28-la-me-south-gate-teacher-20100928-story.html

CHAPTER FOUR

We had no enthusiasm for punishing individuals: The co-constitutive emergence and development of juvenile courts, schools, and social agencies during the Progressive Era in Cuyahoga County

INTRODUCTION

Currently

A 2018 quality review of the Cuyahoga County Jail (CCJ) in Cleveland, Ohio, reported numerous disturbing discoveries after several deaths prompted a federal investigation (Department of Justice United States Marshalls, 2018). Those incarcerated at CCJ are subject to tremendously harmful cruelties, which can be particularly devastating for detained young people. The review indicated "The co-locating of juvenile detainees with adult offenders in the [Restricted Housing Unit] RHU; detainees are not sight and sound separated [from adults], are not receiving the enhanced developmental, nutritional intake requirements, and are not provided educational or brain development programming" (Department of Justice United States Marshalls, 2018, p. 4). The report also noted that the "juveniles are subjected to the same harsh 'Red Zone' RHU conditions as the adult offenders in every fashion from hygiene to recreations and out of cell time" (Department of Justice United States Marshalls, 2018, p. 4). These harsh conditions include being locked down for twenty-seven or more hours in cells without toothbrushes, toothpaste, toilet paper, or barbering tools, and a lack of privacy curtains during showering, which means that those incarcerated are in full view of jail staff and others nearby while they shower.

Previously

Over one hundred years earlier, Cleveland's City Solicitor Newton D. Baker read a paper to a Council of Sociology gathered at the Goodrich Social Settlement (Goodrich House) in Cuyahoga County titled "Conditions of Children in Cleveland Jails" (MS. 3978, Sol Kahn Papers, 1907-1985).[9] Between 1891 and 1901 in Cleveland, children taken into custody were held with adults on the third floor of the Cuyahoga County Jail. At that time, the American Prison Association described CCJ as "the worst pest house in America" (Bing, 1938, p. 110).

After hearing the revelations Solicitor Baker read, the audience at Goodrich House in 1901 was shocked into action (Bing, 1938; Gallitto, n.d.; Khan, 1952). One of the attendees, General Secretary of the Y.M.C.A Glen K. Shurtleff asked Baker to reread the paper before the Y.M.C.A.'s Social Service Club. This second reading sparked a movement to establish a juvenile court and a committee to stop the imprisonment of children in Cleveland's jail (Bing, 1938; Gallitto, n.d.; Khan, 1952).[10]

Newton D. Baker later recalled in remarks shared at a memorial service in 1909 for Glen K. Shurtleff that Shurtleff called about half a dozen members of the Council of Sociology together and said, "Let us have a juvenile court" to stop the jailing of Cleveland's children. According to Baker, Shurtleff led and guided Cleveland's movement to establish a juvenile court (MS. 3301, Harry L. Eastman,

---

[9] Sol Kahn, The Cleveland Attendance Department, page 13, Folder 2

[10] Harry Eastman Container 6 Folder 2, Golden Jubilee Booklet, Cuyahoga County Court, May 22, 1952

1917-1967).[11] The actions spawned from a meeting at the Goodrich House resulted in the second juvenile court legislated in the United States in Cleveland, Ohio (Cuyahoga County) in 1902 (MS. 3301, Harry L. Eastman, 1917-1967).[12]

Repetitions of the Previous and Current

In 1967, former Cuyahoga County Juvenile Court Judge Walter Whitlach wrote in Case Western Reserve University's *Law Review* that "the purpose of the juvenile court was to free the child from antiquated procedures in the hostile, punitive atmosphere of the [adult] criminal court" (1967, p. 1240). Fifty years later, during testimony before the Senate Judiciary Committee of Ohio's legislature, Gabriella Celeste, the Director of Policy with the Schubert Center for Child Studies at Case Western Reserve University, emphatically argued against the commonality of prosecutors binding over children to the adult court system when youths are under age seventeen. Celeste explains that "Holding youth accountable for their actions requires age-appropriate interventions to be effective, but these do not exist in a system designed for adults" (2018, p. 2), especially when youths are in deplorable conditions like those documented at the CCJ in Cleveland in 1901 and 2018.

Why are arguments from 1901 regarding the cruelty of holding anyone, but particularly children, in deplorable conditions in adult jails still echoing in the ears of legislators and citizens in the same city and state and from the same university, more than a century after the first calls for the establishment of a juvenile court by Council of Sociology members in 1901? What institutional, systemic, social, cultural, and

[11] Harry Eastman Container 1 Folder 2, Letter on YMCA stationary, January 4, 1934
[12] Harry Eastman Container 1 Folder 2, Letter to Mrs. Bing May 28, 1930

political factors and tensions and frictions might be exposed in this repetition of arguments in Cuyahoga County regarding whether to treat or not treat young people differently than adults in the legal system? Why are children sent to adult jails when over a century of evidence reveals that it harms children and the larger society (Healy, 1915; Juvenile Law Center, n.d.; Redding, 2003)? I am interested in exploring the centripetal forces that influence shifts in attitudes and actions related to children entangled in juridical systems.

My Journey to Explore the Previous and Current

My experiences witnessing the effects on youth transferred from juvenile to adult court systems for four years and the consistent public reports regarding detention facilities in Cuyahoga County motivate these questions. My curiosities prompted me to search online historical resources, leading me to the Western Reserve Historical Society to explore archives of Cuyahoga County's longest-serving juvenile court judge. This judge was also co-founder and first president of the National Association of Juvenile Court Judges: The Honorable Harry L. Eastman.

This analysis brings substance to the idea of an integrated network of juvenile courts, schools, and social agencies in Cuyahoga County as co-constitutive and substantive during their development and evolution in the Progressive Era. Carcerality's expansiveness weaves together this network, particularly practices of *carceral care*. Characteristics of carceral care include hierarchical labeling and categorizing to efficiently maintain existing social orders like the classifications conjured by the *child savers* (Platt, 1977) during the Progressive Era, synonymous

constructions of delinquency with disability, and social forces such as racism, misogyny, classism, ableism, and xenophobia influencing coercive, disciplinary and punitive practices. These factors of carceral care swirl together in service to the development and sustenance of juvenile courts, social agencies, and schools as they emerge in the twentieth century.

WHAT FOLLOWS

After discussing the significance of this analysis, I present the principal methodologies and theoretical influences for this chapter. Next, I offer backgrounds on the historical conditions and contexts of child savers during the Progressive Era nationally and in Cleveland and Cuyahoga County. I also summarize the history of establishing the second juvenile court in the United States. Then, I mostly chronologically present findings from archives in tandem with discussions of themes that emerged during six phases of critical analyses. I consider how conditions spurring and limiting reform during the Progressive Era contributed to assembling a juvenile-court-schools-social-agencies network and how institutions and labels swirl around each other until they are often unrecognizable as distinct.

Significance

Platt maintains that even well-documented and substantiated criticism “is an insufficient basis for action unless grounded in an overall conceptual framework and thorough understanding of history” (1977, p. xiii). Cuyahoga County Juvenile Court was once considered a model juvenile court in the U.S. and received significant national and international attention (Case Western Reserve University's Department

of History, 1987/1996). Understanding the development and evolution of the second juvenile court established in the United States reveals the intimate and intertwined histories of the juvenile court, schools, and social agencies. Thus, this engagement with historical archives is salient to movements everywhere that seek to address harm in communities caused by a juvenile-court-schools-social-agencies network and desires to reconstruct schooling or confront policy choices in related institutions. Exposing the specificities of why and how a network of juvenile courts, schools, and social agencies developed in one locale illuminates broader entrenchments of macro-level systemic power structures and legal and social constructions of deviance and disability at intersections of multiple identity markers. It also clarifies why even progressive reforms within established systems are inadequate to meet liberatory aims.

METHODOLOGIES & THEORETICAL FRAMEWORKS

Although I remain infinitely influenced by and indebted to the expansive field of feminist women of color thought (Cruz, 2019), to meet the aims of this particular analysis, the thinking and practices I engaged with include Critical Archival Studies for historical archiving, DisCrit, and Critical Carceral Studies.

Critical Archival Studies

Critical Archival Studies identify and interrogate injustices and oppression and challenge existing inequitable power relations, including practices that exclude and/or privilege. I adopt practices from Critical Archival Studies to examine historical

contexts and ideologies concerning treating and caring for children beginning in the late nineteenth century in Cuyahoga County, Ohio.

The presence of an intersectional lens in critical archival approaches is imperative. Critical Archival Studies are situated to discover insights into social struggles related to gender, class, race, ability, and additional axes of injustice. Critical Archival Studies also intend to reveal and inspire radical actions toward justice (Schwartz & Cook, 2002). Consequently, an intersectional scope remained dominant throughout my engagements with the two primary archival collections utilized for this analysis and during investigations of other relevant historical artifacts.

Theoretical Influences: DisCrit and Carceral Care

Coupled with practices in Critical Archival Studies and thematic analysis, two theoretical frameworks predominantly informed my research and reporting for this chapter: DisCrit, and Critical Carceral Studies. DisCrit interrogates the constructions of race, gender, class, disability, and other identity markers in U.S. society, particularly in educational settings (Annamma, 2018; Connor et al., 2016). Critical Carceral Studies involve "critically examining reification and even reliance on law [and the state] in pursuits of social justice" (Brown & Schept, 2017, p. 446).

Data Collection

Data collection began with a search of online databases identifying assembled archives relevant to the research inquiries. These databases included The Cleveland Memory Project, Cleveland Public Library Archives, Special Collections at the Michael Schwartz Library at Cleveland State University, The Ohio History Journal

archives, The Encyclopedia of Cleveland History project at Case Western Reserve University, and the Western Reserve Historical Society (WRHS). I accumulated forty-five pages of finding aids for collections at WRHS that I ascertained could potentially meet my research aims. These pages also include some communications with reference supervisors at the historical society. After reading the descriptions in finding aids attached to various collections, I winnowed my archival encounters down to two collections: the Harry Lloyd Eastman Papers and Sol Kahn Papers. The abstract for the Harry L. Eastman Papers (MS. 3301, Harry L. Eastman, 1917-1967) in the library collection's search results states

> Harry Lloyd Eastman (1882-1963) was a Progressive Cuyahoga County, Ohio, Juvenile Court Judge (1926-1960). He worked with various charitable organizations and service clubs concerned with child welfare and juvenile delinquency. The collection consists of correspondence, speeches, articles, reports, statistics, lists, legal briefs, newsletters, minutes, constitutions, programs, invitations, newspaper clippings, scrapbooks of newspaper clippings, and histories of Hudson Boys School and the Blossom Hill School for Girls.
> Retrieved from WRHS
> http://catalog.wrhs.org/collections/search?keyword=harry+eastman&title=&creator=&identifier=&subject=&year=&year-max=&smode=advanced

Visual 18. Image of the Honorable Harry J. Eastman in *Juvenile Court Judges Journal*. (2009). The Builders.

HON. HARRY L. EASTMAN

THIRD ANNUAL MEETING
Grand Rapids, Michigan
May 22-23, 1940

PRESIDENT
Hon. Harry L. Eastman
Cleveland, Ohio

The abstract for the Sol Kahn Papers (MS. 3978, Sol Kahn Papers, 1907-1985) in the library collection's search results states

> Sol Kahn (born 1911) was an immigrant from France who worked for the Cuyahoga County Relief Administration and later the Cleveland Board of Education's Bureau of Attendance. He was the Board's representative to Juvenile Court and was assigned to the Collinwood district, handling attendance and security problems during the 1960s riots. The collection consists of histories of the Cleveland Public Schools and Bureau of Attendance, writings and memorabilia of Kahn, records and clippings relating to the Schools and the Bureau, documents from Juvenile Court and the Cleveland Boys School, reports and clippings on juvenile delinquency, and a Collinwood High scrapbook (1960s-1970s) with flyers from Black Unity House and the National Association for the Advancement of White People, and a Ku Klux Klan pamphlet.
> Retrieved from WRHS
> http://catalog.wrhs.org/collections/search?keyword=Sol+Kahn&title=&creator=&identifier=&subject=&year=&year-max=&smode=advanced

The Honorable Harry L. Eastman served on the juvenile court bench in Cuyahoga County from 1926-1960 and was integral in founding the National Council of Juvenile Court Judges. He also became the council's first president (MS. 3301, Harry L. Eastman, 1917-1967).[13] Since Eastman's archive includes eleven containers plus an oversized stack of photo albums, I relied upon the WRHS's online finding aid to sift through the materials and determine which of the containers' items most aligned with my inquiries and intentions. This filtering resulted in examinations of all photo albums plus artifacts in boxes one, two, three, four, six, and seven.

I also discovered one container with eight file folders of archival materials at WRHS that Mr. Sol Kahn thoughtfully assembled. Khan worked for the Cuyahoga

---

[13]Harry Eastman Container 6 Folder 2, Golden Jubilee Booklet, Cuyahoga County Court, May 22, 1952, p. 4

County Relief Administration for decades in the Cleveland Municipal School District's (CMSD) Bureau of Attendance. Mr. Khan also briefly worked with his brother when he represented the school district as a juvenile court representative. His brother worked for decades as a probation officer for the juvenile court while Judge Eastman presided (MS. 3978, Sol Kahn Papers, 1907-1985). Fortunately, Kahn's container included a newspaper clipping of a brief story about the brothers while they were both working at the juvenile court, or I may not have known that the last name "Kahn" was not solely attached to Sol in the archives. The similar temporal, occupational, and geographic circumstances of Eastman and Kahn contributed to an ability to cross-check information and provide two experiences and perspectives concerning institutional histories and attitudes toward children under their supervision.

Pandemic-related closures thwarted my attempts to access the archives at the WRHS in November 2020. After many more months of communications, I could confirm appointments during limited re-opening hours in October and early November 2021. Per suggested guidelines (Hardesty, 2016), I used my research log to record the locations of documents and artifacts and their descriptions, which intentionally coincided with the names of the documents and image files that I created with my iPad Pro after scanning items in the archival containers. I then uploaded and organized the files according to containers and folders in Google Drive and imported those files to MAXQDA for iterative, emergent coding and thematic analysis.

Absences in the archives and subjugated knowledge are challenges commonly confronted by researchers using archives as data sources. These voids represent ongoing historical violence with intimate connections to contemporary conditions. Since selection for inclusion in an archive is related to who has the power within a social and historical context, maintaining radical openness and an understanding of archives as sources of evidence rather than cemented facts or absolute truths is an essential aspect of critical archival practices (Green, 2018; Lindsey, 2018).

Particularly in disciplinary and punitive institutions, there are repeated patterns of rhetoric related to rehabilitation, corrections, schooling, and training as the preferential forms of control and cultural erasure in the United States (Ben-Moshe, 2020). Thus, I was also attentive to "those existences relegated to the nonhistorical or deemed waste… to describe obliquely the forms of violence licensed in the present, that is, the forms of death unleashed in the name of freedom, security, civilization, and God/the good" (Hartman, 2008, p. 13). An uninterrupted awareness of what and who are not admitted, considered, or detailed in archives is also instructive about power in the present.

HISTORICAL CONTEXTUALIZATIONS AND PEOPLE OF THE PROGRESSIVE ERA & CUYAHOGA COUNTY AND CLEVELAND

The Progressive Era

Although *progressive* is used in this section's title to describe economic, social, and political alterations throughout the United States between 1890-1920, the term *progressive* is generally understood within the liberal tradition in American politics in

which benevolence and the common good motivate reforms (Eisenach, 1994; Lee, 2008; Levine & Levine, 1970; Stewart, 2003; Platt, 1967/1977). However, many Progressives during the supposedly Progressive Era were also motivated and influenced by racism (Sicius, 2015), classism (Platt, 1977), ableism (Bing, 1938), and xenophobia (MS. 3978, Sol Kahn Papers, 1907-1985).[14] Furthermore, women contributed significantly to the Progressive Era, but not all supported women's suffrage (Sicius, 2015). According to Platt, "the more moderate and conservative sectors of the feminist movement were especially active in anti-delinquency reforms" (1977, p. xxiv). Thus, the Progressive Era was multilayered and not inherently forward-thinking or altruistic.

Generally, beliefs that the "government, honestly administered and guided by experts of the new social sciences, could bring order and security to [people's] personal and public lives" (Sicius, 2015, xv) characterized the Progressive Era. Flanagan (2016) organizes the Progressivism of the era into five categories based on reformers' interests, beliefs, and goals. These categories include social justice, politics, economics, international relations, and race. Many Progressive Era reformers were honorable and genuinely cared about alleviating suffering and improving the lives of impoverished people, particularly children (Platt, 1977). However, criticisms are also justified.

Some of this criticism concerns their elitist belief that they possessed the best future visions. Additionally, promoting racial equality was not widely embraced by

[14] Sol Kahn, Image of May 19th, 1907 Cleveland *Plain Dealer* Article: Modern Truant is a Patron of the Drama , Folder 8

white Progressives, nor new internationalism that might cultivate global peace rather than war (Flanagan, 2016). The great majority of Progressives also never intended to undermine capitalism (Flanagan, 2016; Sicius, 2015), and some scholars contend that the Progressive Era emerged to quell labor movements and thwart class warfare instigated by corporate exploitations of labor and vast inequalities (Kolko, 1963; Weinstein, 1972).

Efforts to address various social problems have been recorded across the globe for centuries before the Progressive Era. For example, Ohio was the second state to establish a state Board of Charities "to aid the poor, sick, and disabled" in 1866 (Darbee, 2001, para 8). Nevertheless, Platt (1977) attributes coherent constructions of systems between 1890-1920 as unique to the Progressive Era because its reformers "were innovative in creating new institutions and methods of social control" (p. xix). Despite various motivations among Progressives, plus elusive absolute definitions of *progressive* when attached to the era, a widespread embrace of pragmatism and behaviorism compelled Progressive reforms (Sicius, 2015). They invested in a belief that government "empowered by scientific expertise and the political will could attack and solve any social, economic, or political challenge the country might face… Progressives at every level of government championed laws that regulated every aspect of American life" (Sicius, 2015, p. 2).

Reformers during the Progressive Era interested in pursuing socialism or liberating people from multiple forms of oppression were "either co-opted by their allies, betrayed by their own class interests or became prisoners of social and

economic forces beyond their control" (Platt, 1977, p. xxvi). Sicius notes that during the Progressive Era, "allies on one issue could be opponents on another" (2015, p. 4). Overall, the government's insertion into people's daily lives and relations with every level of government in the United States were concretely altered between 1890-1920 by the multidimensional Progressive impulse that dominated those decades (Lee, 2008; Platt, 1977; Sicius, 2015).

Progressives mainly considered themselves righteous and moral in their missions to rescue anyone less fortunate, and good intentions were abundant. Still, their efforts went beyond charitable giving and benevolence to nationally implemented institutional reforms and creations. Progressives called for actions that would establish minimum housing standards, universal access to clean water, new sewage and waste control, mass inoculations, public education, ending child labor, pasteurized (safe) milk for children, and mother's pensions, among other causes (Flanagan, 2016; Lee, 2008; Sicius, 2015). Progressives also conjured new terms for labeling and government divisions to contend with youthful misbehavior, such as *truant, delinquent,* and *juvenile court.* Institutionalized charity in the form of publicly and privately operated *welfare agencies* was also created to intervene in the lives of families experiencing the harshness of deprivation during industrialization and urbanization (Lee, 2008; Platt, 1977).

A presupposition that there are children who can be categorized as delinquents and compelled to appear in a juvenile court reflects traditions of individualism in the United States. While directly blaming individuals was less rampant, Progressives

often focused on “rescuing” individual children from their environments rather than on the economic and social conditions that create poverty and deprivation. Platt (1977) uses the term *child savers* for Progressives of the era to characterize

> Reformers who regarded their cause as a matter of conscience and morality, serving no particular class or political interests. The child savers viewed themselves as altruists and humanitarians dedicated to rescuing those who were less fortunately placed in the social order. Their concern for ‘purity,’ ‘salvation,’ ‘innocence,’ ‘corruption,’ and ‘protection’ reflected a resolute belief in the righteousness of their mission (p. 3).

Child-saving reformers’ motivations and government interventions exemplify characteristics of carceral care in which “the attendant logics of care mimic a curative model of carcerality by requiring individuated pathologies as central to administrative measures of correction” (Hwang, 2019, p. 561).

The legal category of *delinquent* was simultaneously created by child savers during the Progressive Era, along with institutions to administer corrections upon those categorized as delinquents and their families. A focus on individual culpability and moral responsibilities persistently deflected attention away from “the state’s role in creating and perpetuating conditions that give rise to ‘criminal’ [or delinquent] acts” (Khan, 2022, p. 54). In the context of their time, amid communist conspiracy accusations from industry leaders, through their visions of democracy and what is in the interest of the common good, and within a society that continues to operationalize discipline and punishment as solutions to social ills, significant and enduring changes in American government and society were implemented (Flanagan, 2016).

Cuyahoga County & Cleveland

At the turn of the 20th century, Cleveland continued to experience rapid urbanization and industrialization and was considered one of the nation's largest and most important cities (Darbee, 2001). Like similarly situated U.S. cities, this also created disease and poverty on a level Clevelanders had not previously encountered. Thus, the Progressive Movement emerged in Cleveland, like in other large cities, to address the many challenges those without affluence were confronting.

Two scholars at Case Western Reserve University began compiling the *Encyclopedia of Cleveland History* in 1981. These scholars described Cleveland's philanthropy and reform efforts as historically consistent and of primary importance (Van Tassel & Grabowski, 1986). Van Tassel and Grabowski also note how "rough, radical edges have been removed" (1986, p. vii) from reform efforts in Cleveland to maintain a conservative middle ground. Other persistent characteristics of reform and philanthropy in Cleveland and throughout Cuyahoga County include dominant benevolent organizations with business leaders at the helm. This began with prestigious Protestant citizens inspired by the social gospel movement in the 1850s.

The seamless alliance between private philanthropic organizations, initially predominantly Protestant churches, and local government is another characteristic of charities and reform in Cleveland (McTighe, 1986). Of course, not all Protestant leaders accepted the teachings of the social gospel movement. One Cleveland church official, referring to primarily Irish people living in a quarter near Whiskey Island, declared that "God never intended to save such people" (Grabowski, 1986, p. 35).

Thus, mutual benefit associations connected to non-Protestant churches, fraternal orders, and racial and ethnic groups also offered mutual aid to members in need.

Segregation and Racism in Cleveland at the Turn of the 19th Century

One historian who studied the expansion of racism after the Civil War referred to the period between 1865 and 1915 throughout the United States as "the Betrayal of the Negro" (Logan, 1972, n.p.). In *Plessy v. Ferguson* and *Williams v. Mississippi,* rendered in 1896 and 1898, the US Supreme Court rejected constitutional challenges to racial segregation and the disfranchisement of Black men (Klarman, 1998). *Plessy v. Ferguson* cemented a "separate but equal" doctrine in public facilities and legitimized Jim Crow practices during the first decade of the Progressive Era.

A graduate of Oberlin College in Northwest Ohio, Kenneth Kusmer's series *Black Communities and Urban Development in America, 1720-1990*, "remains a vital resource for any student of African-American urban history (Greason, 2021, n.p.) Kusmer's first book, *A Ghetto Takes Shape: Black Cleveland, 1870-1930*, continues to be an authority for scholars interested in urban development and transitions in twentieth-century Cleveland. Kusmer asserts that although the proliferation of segregation and racism was quite evident in Cleveland between 1890-1920, their effects were more muted than in cities with raging white hostilities like New York, Chicago, and Indianapolis (Kusmer, 1978).

In Cleveland at the turn of the century, the political, social, and economic dominance of Cleveland's well-established white Protestants and their integrationist heritage assisted with slowing some discrimination (Kusmer, 1978). The small size of

the city's Black residents at the beginning of the 1900s and the two white newspapers' avoidance of printing about local race issues drew limited attention to Cleveland's race relations (Kusmer, 1978). Although discrimination and racial exclusion patterns became more prominent in the early twentieth century, Black people with lighter complexions and those with at least middle incomes remained welcome at prestigious gathering places in Cleveland at the turn of the 19th century (Kusmer, 1978). An influx of migrants from the southern U.S. during the Great Migration contributed to increases in noticeable racism, discrimination, and segregation in Cleveland. This racism solidified in 1915 and increased in intensity in Cuyahoga County during and beyond the rest of the Progressive Era.

Even with increasing discrimination and segregation in Cleveland, Black residents held positions in city government and public service, owned successful businesses, and established religious, social, and mutual aid institutions for residents. There was an ongoing debate among Cleveland's Black leaders regarding separate institutions for Black residents. The editor of Cleveland's *Gazette,* a newspaper representing Black residents' interests and issues, remained dogmatically opposed to separatism and equated it with endorsing white supremacy. Others accepted separate institutions pragmatically but not necessarily philosophically (Kusmer, 1978; Morton, 2010).

Organizations and Settlements in Cleveland and Cuyahoga County

Improving people's environments inspired the creation of organizations like the Young Men's and Young Women's Christian Associations and the Salvation Army,

which began operating in Cleveland in 1854, 1869, and 1889, respectively (Grabowski, 1986). The settlement movement began in England. By 1900, there were one-hundred settlement houses in the United States. Five of those were in Cleveland.

Social settlement houses were a primary means of advocacy for reforms during the Progressive Era, such as the Goodrich House, where Solicitor Newton D. Baker read a report on the conditions of children in Cleveland's adult jail in 1901. Settlements were also a principal venue for "[the] most important and effective manifestation of the social gospel movement in the United States and in Cleveland" (Grabowski, 1986, p. 32). However, non-Protestant groups also established settlement houses like Cleveland's Jewish Council Educational Alliance in 1897 (Darbee, 2001). Goodrich House evolved from Cleveland's First Presbyterian Church in the mid-1890s and was one of Cuyahoga County's more liberal settlements (Grabowski, 1986).

Settlement workers would immerse themselves in impoverished areas of the city to discover the causes and cures for problems there. It was affluent "members of the business community that funded and guided the work of social settlements such as Hiram House (1896), Goodrich House (1897), and Alta House (1900)" (Grabowski in Hauser, 2013, p. 12). In an era of monopolies, the Cleveland Chamber of Commerce dominated public and private philanthropy through its Committee on Benevolent Associations (CBA), established in 1900. The CBA evolved by 1913 into the Federation for Charity and Philanthropy and eventually became the United Way and Cleveland Foundation (Grabowski in Hauser, 2013).

The wealthy Clevelander, Flora Stone Mather, daughter of a railroad builder and industrialist and wife of Samuel Mather, prioritized the Goodrich House as her primary charitable interest (Grabowski, 1986). Goodrich House was known for its discussions of inequities and injustices. It catapulted the establishment of a juvenile court in Cuyahoga County along with the creation of the Consumers' League of Ohio, Legal Aid Society, and the Boys City Farm (originally called Cooley Farm), where youth who appeared before the juvenile court could be sent (Grabowski, 1986).

Cleveland's development reflected its New England heritage with its "Protestant evangelical impulse to perfect man and his society" (Van Tassel, 1986, p. 5). The first New Englanders in Ohio embraced education as necessary to achieve this perfection of morality and governance. Indeed, the man who drafted the juvenile court legislation introduced in Ohio in 1902, Frederick C. Howe, noted in his autobiography, *The Confessions of a Reformer,* that even though he consciously rejected and resented religion, his generation could not escape social gospel or Protestant evangelical influences. Howe surmised that the clutches of Protestant evangelism explained "the nature of our reforms, the regulatory legislation in morals and economics" (Howe, 1925, p. 17). Common schools, juvenile courts, and social agencies were "chief instruments for educating and disciplining the citizens of modern America" (Miggins, 1986, p. 140).

Humiliation, or at a minimum insensitivity, was an early tool in the carceral care kit, as evidenced by the name of the only free school in Cleveland in the 1830s, called the "Ragged School" (Miggins, 1986, p. 138). The Ragged School became the

Industrial School when Cleveland's city council took public control. Still, it remained privately operated, and voluntary societies affiliated with Protestant churches continued to raise funds for the local Industrial School (McTighe, 1986). McTighe notes how the same Protestant individuals in Cleveland in the 1800s simultaneously held prestigious private and public positions and had the "experience of evoking public power, and often the influence and leverage to pass legislation to meet what they perceived to be the city's benevolent needs" (1986, p. 28).

Tom Johnson, Cleveland's Progressive Mayor

Visual 19. A campaign poster for Tom Johnson, Cleveland's Progressive Era Mayor. The image is from the auction website: https://www.cowanauctions.com/lot/group-of-tom-l-johnson-political-items-165261. It sold in 2015 for $540.

Tom Johnson, the businessman and reform-minded mayor of Cleveland in the middle of the Progressive Era (1901-1909), described his tenure as mayor as a series of battles with Privilege (Morton, 2021). Johnson's accomplishments throughout his

four, two-year mayoral terms achieved heroic status among some Progressives and many Clevelanders. Mayor Johnson created a record of his life with his indispensable editor, Elizabeth Hauser, titled *My Story* shortly before he died in April 1911 (Morton, 2021). In his introduction to his autobiography, Johnson explains that he was "beaten by Privilege" when he ran for a fifth term as Cleveland's mayor. According to Johnson, this Privilege included "Big Business, corrupt bosses, subservient courts, pliant legislatures, and an Interest-controlled press" (p. vi). In *My Story*, Johnson emphasizes his administration's confrontations with Privilege repeatedly. He describes Cleveland's government as belonging "to the business interests generally …. businessmen who believed in a 'businessman's government,' and who couldn't or wouldn't see that there was anything radically wrong with it" (Hauser, 2013, p. 114).

In her introduction to Johnson's autobiography, Hauser quotes Lincoln Steffen, referring to Tom Johnson as "'the best mayor'" of their time and Cleveland as "'the best-governed city in the United States'" (2013, p. xxxvi). Steffen wrote newspaper and magazine exposés for *McClure's Magazine* about corrupt city governments during the beginning of the 20th century. He published a collection of his reporting in 1904 in *The Shame of the Cities.*

Meanwhile, another investigative journalist, Ida Tarbell, was writing exposés for *McClure's* about the rise of a company incorporated in Cleveland, Ohio, in 1870: Standard Oil. Tarbell's articles became a best-selling book in 1904, and her exposés of Standard Oil's monopolizing and unfair practices contributed to Standard Oil's

fragmenting in 1911. From 1906-1915, Tarbell and Steffen partially owned, coedited, and wrote for *American Magazine* (Brittanica, 2022).

As most Progressives aimed to do, Johnson "made city government more efficient and professional… by surrounding himself with a cadre of assistants, appointees, and likeminded politicians, the most noted among them being Newton D. Baker, his city solicitor" (Grabowski, 2013, p.14). Baker became mayor of Cleveland in 1912 and attended to completing some of the tasks initiated during Johnson's terms before Baker left Ohio to become President Wilson's Secretary of War during World War I (Morton, 2021).

Johnson was a successful businessman but altered his views about wealth and power in society in the late 19th century after reading Henry George's book, *Social Problems.* According to Johnson, *Social Problems* converted him to fight Privilege with a single-payer land tax intended to correct abuses and economic inequality along with other reforms. Although in *My Story* Johnson mainly focuses on confrontations with Privilege and tasks he could not complete before leaving office as mayor, events, issues, and people are more nuanced and complex than a portrayal of one man versus Privilege. The most recent forward to *My Story* explains that "Many of Johnson's reform measures, including expanded parks, playgrounds, and health facilities, as well as his intense interest in educating the public about civic duties, were part of the agenda shared by many Progressive reformers, including those who were active in the Chamber of Commerce" (Grabowski, 2013, pp. 16-17).

In addition to Newton D. Baker, Johnson's mayoral administration included his close friend and Disciples of Christ minister, Harris Cooley. Cooley became the director of Charities and Correction when Johnson took office. In his book, *My Story*, Johnson describes Cooley and the philosophy and approach he and Cooley shared.

> His convictions as to the causes of poverty and crime coincided with my own. Believing as we did that society was responsible for poverty and that poverty was the cause of much of the crime in the world, we had no enthusiasm for punishing individuals. We were agreed that the root of the evil must be destroyed, and that in the meantime delinquent men, women and children were to be cared for by the society which had wronged them ~ not as objects of charity, but as fellow-beings who had been deprived of the opportunity to get on in the world (Johnson, 2013, pp. 173-174).

Interestingly, Johnson conveys the tension of alleviating immediate suffering within the current system while "in the meantime" wanting to destroy the parts of the system that maintain "the root of the evil."

Progressive Reform within an Oppressive System

The second decade of the Progressive Era (also the first decade of the twentieth century) brought many reforms, like the juvenile court, to Cleveland and Cuyahoga County. Certain benefits transcended into contemporary times, like cleaner water and parks. However, "As many have previously argued, the notion of a kinder, gentler, gender-responsive, and reformed prison, particularly as the end goal, simply reproduces, exacerbates, and diversifies the tactics and technologies of punitive control over bodies and practices deemed criminal" (Hwang, 2019, p. 562).

JUVENILE COURTS, DETENTION CENTERS, AND STATE CUSTODY

Before legislation established juvenile courts, *houses of refuge* were created in the United States to incarcerate children after they had been found guilty of a crime. The New York House of Refuge was the first in 1825, and other states followed New York's example. In 1847, Massachusetts opened the first state reform school for juveniles to contain children post-conviction (Tanenhaus, 2004). Internationally and in a portion of U.S. states, some procedural and administrative modifications in criminal court cases involving children occurred during the 19th century. For example, South Australia passed The State Children Act of 1895, which legalized separate hearings for those in court who were under the age of eighteen. This act was also used to violently remove aboriginal children from their families and confine them in boarding schools (South Australia, 1895).

Chicago provided for a commission to hear and determine petty cases of boys ages six to seventeen during the 1860s. New York City initiated a foster care movement through its Children's Aid Society in 1853 and created separate dockets and records for children. Separate trials were held for children under sixteen beginning in 1892 in New York City (Caldwell, 1961). Rhode Island separated incarcerated children ages sixteen and under from those older than sixteen and created a special docket for their cases in 1898 (Acts and Resolves of Rhode Island, 1898, chap. 581, secs. 2, 3, 5).

Julia Lathrop and Lucy Flower

The first official specialized juvenile court was established in 1899 in Chicago, Illinois. In 1907, a building for Cook County's juvenile court and detention center was built across the street from Jane Addam's settlement house: Hull House. The location was not coincidental, as many during the Progressive Era who were early advocates for treating children differently than adults in the legal system were connected to Hull House. In particular, a social worker affiliated with Hull House named Julia Lathrop toured every jail in Illinois in the early 1890s to document the jails' conditions. Lathrop also advocated for dispelling myths of mental illness as a sign of moral defect and organized the Juvenile Psychopathic Institute in Cook County before being appointed by President Taft in 1912 as chief of the federal Children's Bureau. As head of the Children's Bureau, Lathrop prioritized child labor and juvenile court issues (Social History Welfare Project, 2011).

Well-connected, wealthy philanthropist and 1890s Chicago School Board member Lucy Flower proposed language for the Illinois statute that eventually created the Juvenile Court of Cook County (Tanenhaus, 2004). As Flower intended, the Illinois law became a national model for other states' moves to establish *in loco parentis*. Illinois' 1899 juvenile court law stated, "This act shall be liberally construed… that the care, custody, and discipline of a child shall approximate as nearly as may be that which should be given by its parents" (Laws of Illinois, 1899, p. 131). A wealthy philanthropic school board member, a social worker, and many other child savers from this era advocated for a juvenile court to "save children" from adult

courts and jails, which may have provided forms of immediate relief but expanded legal and carceral systems and practices of carceral care.

In Loco Parentis and *Parens Patriae*

There is a common and lengthy tradition with roots in England that carries well into the twentieth-century United States, in which "courts permitted broad authority to schools and showed hostility to the claims of student plaintiffs" (West's Encyclopedia of American Law, edition 2, 2008, para 4). For example, to the dismay of Plaintiff Mr. Gott, the Kentucky Supreme Court found that a college's duties under *in loco parentis* (acting "in the role of the parent") gave it the power to forbid students to patronize restaurants (*Gott v. Berea College*, 156 Ky. 376, 161 S.W. 204 [1913]). For centuries, schools disparately dispensed punitive disciplinary measures as a basal component of their carceral care practices *in loco parentis*.

However, Loss (2014) also found that a more contextual and organizationally rooted understanding of *in loco parentis* during the Progressive Era reveals how it "compelled administrators and faculties to care for and nurture their students in order to help them steer clear of the innumerable academic and emotional challenges of going to school" (p. 12). For example, many college campuses expanded curricula and extra-curricular offerings, established orientations for new students, and even mental health services (Loss, 2014). Furthermore, universities such as The Ohio State University and Purdue University prioritized better classroom instruction and introduced teacher-training courses to better prepare future professors for facilitating classrooms (Loss, 2014; Palmer, 1930).

Thus, two perspectives on *in loco parentis* emerged during the Progressive Era. One application permitted punitive, humiliating, and harsh disciplinary measures in schools that could escalate to genocidal levels in the case of Indigenous boarding schools. The circumstances surrounding Indigenous Boarding Schools align more with *parens patriae*, which literally means "parent of the country." *Parens patriae* reflects the idea that the state acts as a guardian of children lacking proper supervision and guidance or provides protection for those unable to care for themselves (Steward-Lindsey, 2006). In another interpretation of *in loco parentis* that permeated Progressive beliefs, children require understanding, guidance, and protection, which they do not receive when forced into punitive, harsh adult legal processes (Tanenhaus, 2004). *In loco parentis* during the Progressive Era also anointed educators, court administrators, and social workers with subjective surveillance, labeling, and punishment powers. If through their professional duties, they judged that a state would provide better protection and care than children's parents, then Progressive Era reforms firmly institutionalized and legislated efficient processes and places for taking children from their families and into the carceral care of the state. An interdependent alliance of institutions, sometimes indistinguishable from each other, emerged to develop a juvenile-court-schools-social-agencies network.

No Refuge for Children in Cleveland & Cuyahoga County

In Ohio during the 1850s, Judge Harvey Rice passionately appealed to Cleveland City Council to urgently improve "the unfortunate condition of the neglected and vagrant children who never attend our common schools" (Bing, 1938, p. 110). Following

national patterns, Cleveland City Council members voted to appropriate funds for establishing the City Industrial School in 1857 "for the proper education of the neglected, destitute and homeless children of Cleveland and vicinity" (Bing, 1938, p. 110).

The City Industrial School was located in a building that was a former schoolhouse in downtown Cleveland where Terminal Tower is currently (2022) found. The city stopped funding the City Industrial School in 1867 because, in 1858, the Cleveland City Council also appropriated funds to extend the city's Workhouse. The expansion was a "House of Refuge" designed to hold children under sixteen. The House of Refuge for children was no longer operating in 1891, so from 1891 to 1901, children taken into custody were imprisoned on the third floor of Cuyahoga County's adult jail (Bing, 1938; MS. 3978, Sol Kahn Papers, 1907-1985).[15]

Juvenile Court and Detention in Cleveland

In 1901, Cleveland's City Solicitor Newton D. Baker startled an audience at the Goodrich Social Settlement into action after he described the conditions children experienced while incarcerated in the Cuyahoga County jail. A meeting in Cleveland with Police Court judges shortly after the settlement's gathering solidified a temporary plan to stop incarcerating children in the adult jail. Instead of jailing kids, children taken into custody were assigned to Young Men's Christian Association (Y.M.C.A) members, who agreed to act as volunteer probation officers.

[15]Sol Kahn, Golden Jubilee Booklet, Cuyahoga County Court, May 22, 1952

Meanwhile, a movement in 1901 quickly advanced to establish a juvenile court in Cuyahoga County. Years later, in 1908, under Cuyahoga County Juvenile Court Judge George S. Addams, money was raised from "friends of the court" to provide for juvenile detention facilities (MS. 3978, Sol Kahn Papers, 1907-1985).[16] Merging private resources and power with public services is a pattern repeated in the origin narratives of Cleveland's juvenile courts and social agencies (Tanenhaus, 2004).

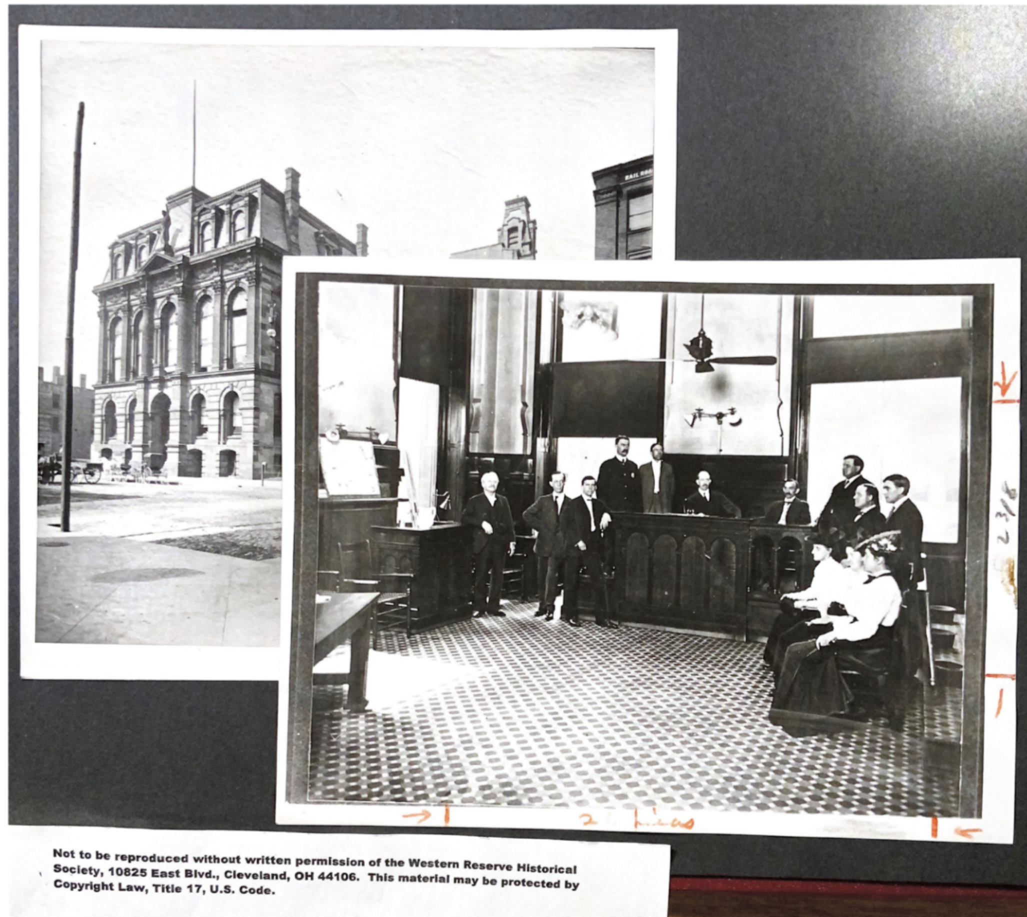
A committee member to establish a juvenile court in Cleveland, Thomas E. Callaghan, visited Cook County's juvenile court in Chicago in 1901. Callaghan's enthusiastic report when he returned from his visit prompted Clevelander and Progressive Reformer Frederick C. Howe to draft a bill modeled on Illinois law for introduction in the Ohio legislature. In the spring of 1902, Ohio legislators approved the establishment of a juvenile court in Cuyahoga County for children under age sixteen taken into state custody. Placing a child under fourteen in an adult jail in Ohio also became illegal. The Cuyahoga County Juvenile Court was the second official juvenile court in the United States in 1902 (Bing, 1938; MS. 3978, Sol Kahn Papers, 1907-1985).[17]

Initially, the juvenile court was not independent. Thomas E. Callaghan was elected judge of the Court of Insolvency, and juvenile court duties were considered part-time responsibilities. Callaghan is considered the first juvenile court judge in Cuyahoga County. His spouse, Antoinette Callaghan, served as the Assistant Chief

[16]Sol Kahn, The Cleveland Attendance Department, page 4, Folder 2
[17]Sol Kahn, The Cleveland Attendance Department, page 13, Folder 2

Probation Officer and head of the women's section of the Probation Department for over thirty years.

Visual 20. On the left is the building on Seneca Street used for the first juvenile court in Cuyahoga County. On the right is a photograph of Judge George S. Addams and Juvenile Court staff in 1906 or 1907 (MS. 3301, Harry L. Eastman, 1917-1967).



On June 4, 1902, "the first boy to appear before the court was charged with stealing a pair of shoes and placed under the supervision of Newton D. Baker" (Bing, 1938, p. 111). Baker was one among hundreds of Y.M.C.A. members who volunteered as juvenile court probation officers (Bing, 1938; MS. 3978, Sol Kahn

Papers, 1907-1985).[18] Although being under the care of Baker was likely better than being held in jail, juvenile courts are part of a regime of carceral care and an expanded carceral and legal system. They were never intended to alter or address what is beyond individual economic and social conditions—conditions that generate desperation and the taking of shoes by a boy who needs a pair.

SCHOOLS, JUVENILE COURTS, SOCIAL AGENCIES

Schools, Prisons, Charities: The illusion of differences

A Workhouse to imprison adults in the Cleveland area was erected in the years 1868, 1869, and 1870. A portion of the Workhouse was established as a House of Refuge to incarcerate boys under sixteen. Two opposing views of Cleveland's House of Refuge exist within historical records.

A book published in 1938 and sponsored by the Welfare Federation of Cleveland documents social services in Cleveland from the 1800s to the 1930s. The foreword to the book is written by the Supervisor of Social Studies on behalf of the Cleveland Public Schools and states, "Teachers have often requested material of this sort" (King, n.p. in Bing, 1938). The author of this book, Lucia Johnson Bing, claims that the House of Refuge was a dismal failure and had to be abolished in 1891 because "it only taught children more evil than they knew" (Bing, 1938, p. 110).

Sol Kahn, the author of a paper that provides a detailed history of the Cleveland schools' Attendance Bureau, claims the "Refuge Department was not a prison but a school known as the 'Refuge School.'" Furthermore, Khan states that

[18]Sol Kahn, The Cleveland Attendance Department, page 14, Folder 2

incarcerated children were not treated like criminals. Instead, the children were educated and trained by “three teachers giving a system of instruction and discipline” that included Sunday school and singing. In 1876, 285 boys and 38 girls were recorded as being incarcerated at the House of Refuge/Refuge School (MS. 3978, Sol Kahn Papers, 1907-1985).[19]

Alexander McBane was hired as a House of Refuge/Refuge School teacher in 1875. He eventually became the principal of it and then served as the Deputy Superintendent of the Refuge Department until it closed. McBane was also the third truant officer hired by Cleveland’s school board on June 6, 1892 (MS. 3978, Sol Kahn Papers, 1907-1985).[20]

In an annual report in 1899, Cleveland’s Director of Charities and Corrections, William J. Akers, pleaded with city leaders to establish a “school for incorrigible children” because “Children of tender years are brought before the Police Judge daily for the commission of some minor offense, only to be released by him, knowing, as he does, that to sentence them to imprisonment in any of the City’s correctional institutions means daily contact for the infants with hardened criminals and those steeped in vice” (MS. 3301, Harry L. Eastman, 1917-1967).[21] Rather than build another annex to the workhouse for the confinement of children, a City Farm School and schools for incorrigible children were proposed as institutions of carceral care for confinement and coercive socialization.

---

[19]Sol Kahn, The Cleveland Attendance Department, page 14, Folder 2

[20] Sol Kahn, The Cleveland Attendance Department, page 15, Folder 2

[21] Harry Eastman, Container 6, Folder 8, History of the Cleveland Boys’ Home by AG Lohmann, Head Master, January 1906

Unclassified Schools

According to one historical source, a school for incorrigible and truant boys existed in Cleveland when Director Akers asked for it in 1899. It was initially referred to as the "Special Unclassified School for Boys" when established in March of 1876. The name was changed in 1887 to the "Boys' School" with the intention that the new name would eradicate any stigmas attached to students there. Two hundred-and-eleven boys were on record as attending the Boys School in 1887. It expanded to two schools in Cleveland in 1889—one on the east and one on the city's west side. During the 1893-1894 school year, three Boys' Unclassified Schools in Cleveland had forty-nine students committed to them (MS. 3978, Sol Kahn Papers, 1907-1985).[22]

The board of education's policy for a boy to be excluded from a neighborhood school and assigned to an Unclassified School was that the boy's attendance had to be "prejudicial to the interests of a school and his association with other children was improper" (MS. 3978, Sol Kahn Papers, 1907-1985).[23] In 1896 and 1898, the head of the Truancy Department indicated in his annual report to the school board that he was against sending children to Ohio's reform school in Lancaster to correct their truancy but that the city was in great need of a "home training school for the reckless and wayward youth who could only be subdued through placing them under constraint in a correctional institution" (MS. 3978, Sol Kahn Papers, 1907-1985).[24]

---

[22] Sol Kahn, The Cleveland Attendance Department, page 4, Folder 2
[23] Sol Kahn, The Cleveland Attendance Department, page 21, Folder 2
[24] Sol Kahn, The Cleveland Attendance Department, pages 22-24, Folder 2

Initially, the juvenile court in Cuyahoga County used private homes to detain youth. Between 1904 and 1908, two judges working for the juvenile court collaborated with Cleveland's Board of Education members to establish and operate a detention dormitory for boys deemed truant in the Boys' School's building on the west side of the city (Bing, 1938; MS. 3978, Sol Kahn Papers, 1907-1985).[25] Thus, this school building was also a detention center.

There is an institutional conflation or fluidity between schools and jails when Progressive Era individuals advocate for establishing additional schools to train and contain "reckless and wayward" youth. Schools already existed for "incorrigible and truant" boys when their participation in neighborhood schools was "prejudicial to the interests of a school." Thus, those making calls for "schools" were making pleas for a version of a detention center or school that more forcefully utilized tactics of carceral care or carcerality. The process for being sent to an "unclassified" school follows the recipe for carceral care within a juvenile-court-schools-social-agencies network.

First, an educator or school official referred a student for non-attendance or designated a student's attendance as "prejudicial to the interests of the school." Then, the label of *incorrigible* or *truant* was applied to the student. Next, the student was assigned to an "Unclassified School" or "detention dormitory," where elevated disciplinary and punitive tactics of control and coercion were applied. The irony of the "unclassified" school title is that children forced to attend them were assigned *additional* classifications, including "incorrigible," "truant," and having "prejudicial"

[25] Sol Kahn, The Cleveland Attendance Department, page 13, Folder 2

and “improper” behavior. Excessive labels applied to certain children at specific institutions accumulated in a swirl that seemingly blended into something beyond the worthiness or imagination of Progressive Era categorization. Schools attended by those with extra designations were classified through an “unclassification.”

RACE, GENDER, AND PLACE

Black residents in Cleveland, as in other geographic areas, are not monolithic during any historical era. Historians have particularly focused on intraracial class dynamics in Black communities (Kusmer, 1978; Phillips, 1999). Just as W.E.B DuBois and Booker T. Washington arrived at different conclusions regarding which courses nationally would lead Black people to equality, Black Clevelanders held clashing perspectives concerning the best economic, political, religious, and social routes forward for the community. During the last couple of decades of the Progressive Era and beyond, a small northern-born elite group of Black middle-class Clevelanders determined the directions and actions of the Black community and often demanded silence from impoverished and working-class Black members (Phillips, 1999).

Remnants of Black people’s struggles and the class divisions among Black residents in Cleveland from the Progressive Era persist (Kusmer, 1978). Jane Edna Hunter arrived in Cleveland from South Carolina in 1905 and established the Phillis Wheatley Association (PWA) to provide self-employment, employment, and shelter for single Black women in 1911. She received harsh criticism from some fellow Black Clevelanders who charged that she was merely providing low-wage domestic labor for demanding northern white women (Phillips, 1999). Northern middle-class

white women had difficulties finding household labor because immigrant and migrant women "deplored the lack of respect, arbitrary hours, low wages and elastic job [duties]" (Phillips, 1999, p. 91). Hunter countered that she was concurrently addressing the needs employment agencies created by excluding and ignoring Black women as workers. Thus, Hunter claimed she was simultaneously attempting to meet the needs of white women who wanted low-wage household labor and Black women who wanted employment (Phillips, 1999). Currently, the Cuyahoga County Department of Children and Family Services Agency's principal building is the Jane Edna Hunter Services Center.

Cleveland Boys' Home

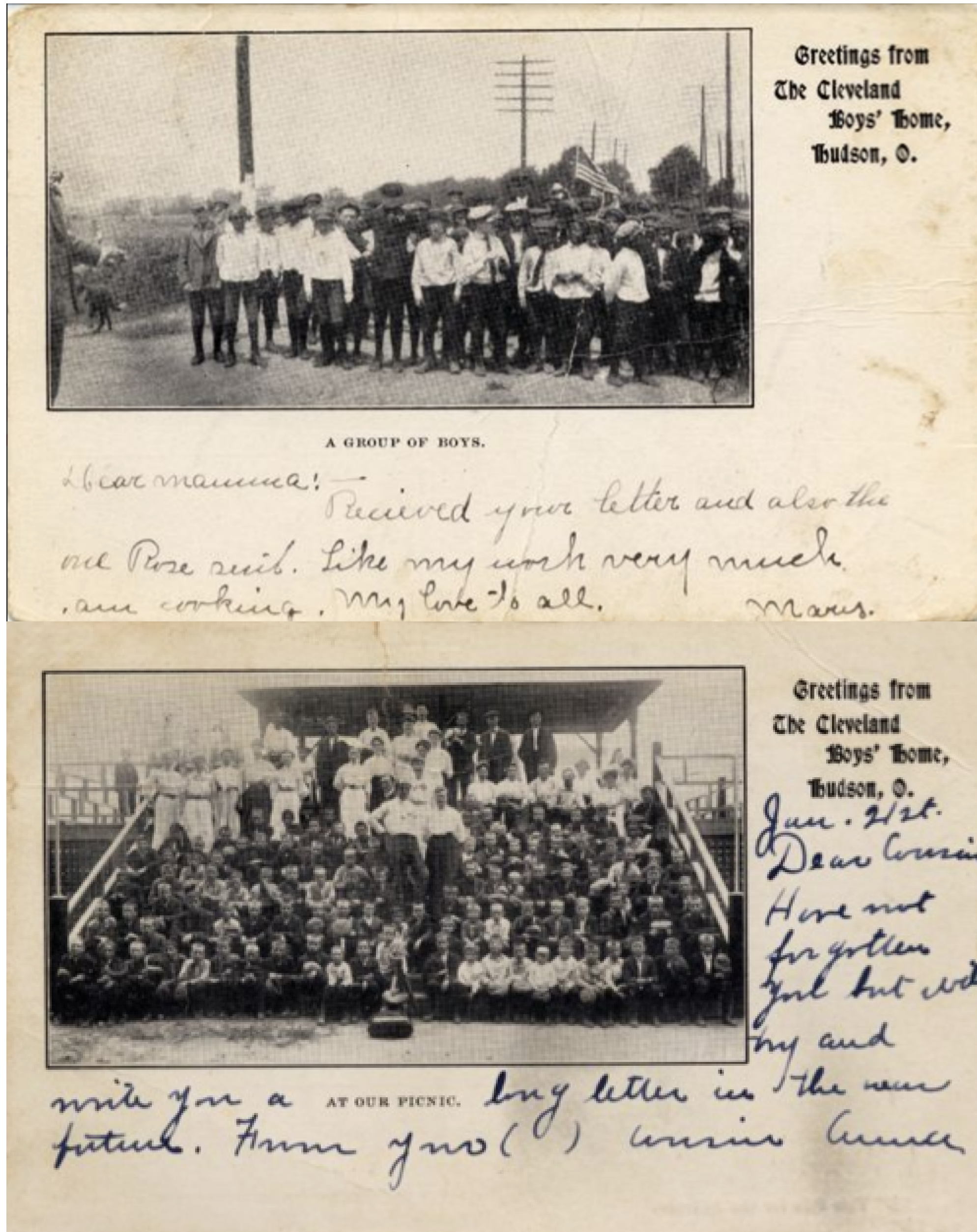
The City Farm School, initially envisioned in the 1890s, popularly known as the Cleveland Boys' Home in Hudson, opened in 1903 under the efforts and direction of Reverend Harris Reid Cooley, Director of Charities and Corrections in Cleveland under Mayor Tom Johnson. City Farm supporters believed its more nurturing atmosphere and cottages, barns, schoolhouse, and outdoor activities made it less punitive. It became a model facility nationally. Eight of the first twenty boys sent to the Boys' Home "escaped" (Morton, 1998). Hence, the Boys' School superintendent began personally choosing the boys admitted to the farm. In 1920, four of the 140 boys at the City Farm School were recorded as Black (Morton, 1998; MS. 3978, Sol Kahn Papers, 1907-1985).[26]

---

[26]Sol Kahn, The Cleveland Attendance Department, page 14, Folder 2

There is also an official record of Black people organizing on the city's east side to provide shelter on farmland for twenty-five children. For the children, placement at this shelter included attendance at the local common school, religious instruction, and agricultural training. However, the local white people on the east side did not want the Black children to attend their public schools and complained to county officials about the conditions at the shelter. The organizers on the east side farmland stopped offering services in 1903, the same year The City Farm School opened in Hudson, Ohio (Morton, 1998).

Visual 21. Postcards. 1906 “Greetings from the Cleveland Boys’ home, Hudson, O.: A GROUP OF BOYS.” *Dear mamma: Received your letter and also the nice Rose suit. Like my work very much, am working. My love to all. Mary* and 1907 “Greetings from the Cleveland Boys’ home, Hudson, O.: AT OUR PICNIC.” *Jun. 21st. Dear Cousin Have not forgotten you but will try and write you a long letter in the near future. From your (   ) cousin* (Cleveland State University. Michael Schwartz Library. Special Collections).



A 1906 postcard with “The Cleveland Boys’ Home” printed on it appears to portray children of color among those standing for a photo on a dirt road. It is difficult to determine if any children attending a picnic in 1907, an event noted on another postcard stamped with the “Cleveland Boys’ Home” title, were children of color (Cleveland State University, 1906-1907). Some places, like The Jones School and Home for Friendless Children, were blatant about their racist exclusion of Black children well into the second half of the twentieth century (Morton, 1998). Until 1920, Cuyahoga County organizations recorded religious affiliations but not usually racial categories of the children in their care.

Public and private institutions partnering with the social agencies that placed children in service to the newly established juvenile court became more flagrantly racist and segregationist as the first significant migration of Black people began to shift the demographics of the city from 1.5% of Cleveland’s population being Black in 1910 to 4.3% in 1920 and 8% in 1930 (Morton, 1998). Although only 8% of the population in 1930, eighteen percent of the children at the juvenile court’s detention facility in 1929 were Black (Morton, 2000). This racism remained uninterrupted by the Charities and Corrections Department and Federation for Charity and Philanthropy, which continued to be the primary or sole funder of the organizations responsible for placing children in foster homes and shelters. Cuyahoga County’s foster homes, farms, and shelters racist exclusions kept Black children in the most restrictive forms of state custody even if their only “offense” was akin to being orphaned and Black.

John Malvin

In his autobiography, John Malvin (1879) provides "an authentic account" of his "fifty years' struggle in the state of Ohio… forty-seven years of said time being expended in the city of Cleveland" (title page) as a Black man. Along with the affluent Black Clevelander, "John Brown the barber," Malvin participated in Underground Railroad activities, vigorously opposed the Ohio Black Codes passed to discourage Black migration when Ohio became a state, and organized committees to establish schools in Ohio for children of color excluded from white schools.

Although in the mid-1800s, the "Western Reserve of Ohio was known far and wide as an abolition center with more Underground Railroad stations than any comparably sized area in the country" (Land, 1948, p. 25), upon arriving in Ohio in 1827 from Virginia, Malvin writes that he "found every door closed against the colored man in a free State, excepting the jails and penitentiaries, the doors of which were thrown wide open to receive him" (1879, p. 12). Amidst many racist struggles in the 1830s, Malvin and others organized and paid for a school in Cleveland "to serve the education of the colored children" (Malvin, 1879, p. 27).

Girls

Until 1914, girls in Cuyahoga County were confined to places operated by private religious charities segregated between Jewish, Catholic, and Protestant children. When Cleveland opened a small shelter for dependent and delinquent girls in 1914, it did not accept children of color (Bing, 1938; Morton, 1998). However, in 1929 when the girls' shelter was moved to Brecksville and renamed "Blossom Hill," "it

maintained one segregated cottage with eight beds for Black girls" (Morton, 1998, p. 116). When this cottage was at capacity, Black girls were sent to the state prison for children, the "Girls' Industrial School," even if all they did to garner the attention and custody of the state was to run away from home or not attend school (Morton, 2000).

Synthesis

Historical records from the late nineteenth century in Cuyahoga County repeatedly demonstrate city elites, leaders, and officials conceptualizing schools, farms, detention places, and jails as synonymous with carceral institutions. Children of color were assigned and detained in these institutions' most restrictive and punitive forms. Reflections about schools and prisons are noticeably less abundant in the historical record when seeking perspectives of those ensnared in these punitive institutions.

Reformers demanded schools, home training, detention, and city farms as solutions to actions or identities constructed as non-normative because the curative and assimilative disciplinary powers of schools' operations reflect the logic imbued in carceral care. In Progressive reforms, subduing, assimilating, coercing, and constraining children qualifies as education, training, correction, and care. According to John Malvin, schools he and his allies sponsored in 1830 were "in service of the education" of children—perhaps the care without the carceral.

DELINQUENT, DISQUALIFIED, DISORDERLY, DEFECTIVE, DEFICIENT

Relentlessly repressive state institutions and systems foundationally incorporate and illuminate constructs of actual or perceived differences, including disability and mental illness, as justifications for surveilling, policing, and punishing those who

diverge from narrowly constructed social standards of normativity (Ritchie, 2017). By 1923 in the U.S., filing a petition in a juvenile court instigated a social investigation to ascertain whether or not the child's referral warranted an official or unofficial response from legal authorities. The National Probation Association General Secretary concluded, "Mental and physical defectiveness, next to defective environment and training, is probably the greatest cause of delinquency" (Chute, 1923, p. 225).

General Secretary Chute's characterizations align with eugenicist movements near the beginning of the 20th century that instigated calls to isolate people with disabilities by incarcerating them in institutions. Eugenicists also earnestly sought opportunities to validate criminal behavior as genetically generated. Stanford University's noted education professor, Lewis Terman, wrote, "Not all criminals are feebleminded, but all feebleminded persons are at least potential criminals. That every feebleminded woman is a potential prostitute would hardly be disputed by anyone. Moral judgment, like business judgment, social judgment, or any other kind of higher thought process, is a function of intelligence" (Terman, 1916, p. 11).

Constructing Compulsory Inclusion for Carceral Care

Students' attendance at school was made compulsory through U.S. state statutes beginning in the 1870s. The first attendance law that articulated the enforcement of school attendance through policing in Ohio became law on April 15th, 1889. This version of the law made school attendance mandatory for twenty weeks per year instead of twelve. Any child between seven and fourteen who was not in school when

they were supposed to be “were to be adjudged disorderly persons” (MS. 3978, Sol Kahn Papers, 1907-1985).[27]

Additionally, school attendance was required for children between fourteen and sixteen who could not read and write the English language. Thus, enforcing attendance at school was also part of policing people’s assimilation into U.S. society via the English language. Cities in Ohio with a population size relative to Cleveland’s in 1889 were to have their local boards of education hire truant officers “to bring criminal prosecution to enforce the law” (MS. 3978, Sol Kahn Papers, 1907-1985).[28] Although more recent discussions (Ayers et al., 2001; Erevelles, 2014; Sojoyner, 2013; Ward, 2012) include an urgency for schools to grapple “with the American school system’s persistent legacies of punishment and exclusion” (Anderson-Zavala et al., 2017, p. 152), it is also instructive to examine schooling’s legacy of exacting discipline and punishment through forced inclusion as a result of coercive compulsory attendance laws.

Some of Ohio’s early opponents to mandatory school attendance were members of Amish communities and farmers who thought that the schools would train their children to be “delinquent” (Venkateswaran, 1990). Historically, juvenile courts reinforced the disciplinary powers of schools when students were absent, demonstrating that institutionalized punitive practices could permeate the boundaries of buildings and beyond the institutions. As others have noted, compulsory attendance laws meant to end abusive child labor practices resulted in the

[27]Sol Kahn, The Cleveland Attendance Department, page 16, Folder 2
[28]Sol Kahn, The Cleveland Attendance Department, page 2, Folder 2

construction of a “delinquent” young person (Platt, 1977), among other classifications.

Visual 22. May 19, 1907 copy of Plain Dealer article about truancy (MS. 3978, Sol Kahn Papers, 1907-1985)

CLEVELAND PLAIN DEALER. May 19, 1907.

MODERN TRUANT is a PATRON of the DRAMA.

Melodrama and Burlesque Takes the Place of Old Swimming Hole and Fishpond.

TRUANT OFFICER ALEXANDER McBANE.

Cleveland's First Truancy Officer, Juvenile Court, City Farm School

Attempts to enforce school attendance before the existence of the juvenile court were described as being "a humiliating process to truant officers at times" (MS. 3978, Sol Kahn Papers, 1907-1985).[29] Cleveland's Board of Education hired the first truant officer in 1889 to enforce the new compulsory-attendance law requiring children of school age to attend twenty weeks a year. Truant officers were the first versions of school resource officers familiar in contemporary public schools. Still, it was the opening of the juvenile court in 1902 that tremendously benefited mandatory attendance initiatives.

Furthermore, the City Farm School that opened in 1903 in Hudson was welcomed by those charged with monitoring students' attendance as a valuable aid in enforcing compulsory school laws (MS. 3978, Sol Kahn Papers, 1907-1985).[30] On April 30th, 1889, the first truancy officer hired by Cleveland's Board of Education, George E. Goodrich, reported receiving 184 truancy filings. Eight of those 184 complaints led to prosecutions in police court, three youths were placed on probation, and four youths were incarcerated in the House of Refuge/Refuge School. The law had been in effect for about two weeks when Goodrich made his first and only report.

Ohio was one of only two states in 1935 that made school attendance compulsory at age six instead of seven (Deffenbaugh & Keesecker, 1935). Knowingly or not, those advocating for an end to child labor, mandatory school attendance, and universal health measures such as vaccinations increased the state's power to police

[29]Sol Kahn, The Cleveland Attendance Department, page 16, Folder 2
[30]Sol Kahn, The Cleveland Attendance Department, page 17, Folder 2

families' decisions and actions (Tanenhaus, 2004). Laws compelling school attendance have also been a component of qualification criteria imposed on underserved families when applying for material aid through private or state-operated welfare agencies (Vaught, 2017).

Cleveland's Second Truancy Officer

Charles M. Roof was hired as the second truancy officer for the Cleveland school district in September 1889 as a result of the passing of George E. Goodrich. He received the same salary as Goodrich, $1000 per year, and was required to maintain his own horse and buggy. In June of 1890, Roof reported that of the 552 complaints received, 74 were prosecuted. Twenty boys were sent to the House of Refuge/Refuge School, and thirteen to the "State School in Lancaster," which opened in 1858 (MS. 3978, Sol Kahn Papers, 1907-1985).[31]

Prior to the State School in Lancaster's 1858 opening, the State of Ohio imprisoned boys post-conviction in the Ohio Penitentiary with adults. When thirteen boys were sent to Lancaster during the 1889-1890 school year, the state school was referred to as the Boys' Industrial School (BIS). Comedian Bob Hope spent time at this Boys' Industrial School as a child and made significant donations later in his life (Ohio History Connection, 2013).

Children sent to the BIS were not given a set amount of time to serve by the courts. Instead, they could be released once "students lost demerits" (Ohio History Connection, 2013, para 3) through good behavior. Courts assigned demerits to

[31]Sol Kahn, The Cleveland Attendance Department, page 2, Folder 2

children based on the nature of their alleged misconduct. An Ohio History Central online database article describes the Boys' Industrial School as a campus without fences or walls "surrounding the inmates" (2013, para 2). This Ohio history article continues by noting that in 1901, "children received military training" (Ohio History Connection, 2013, para 4) as part of the programming at the BIS. Giving Ohio its due credit, the article also boasts that "Because of the Ohio Reform School's success, by 1901, twenty-eight states adopted the 'open system' for their juvenile prisons" (Ohio History Connection, 2013, para 2).

The quotes from the history article in the previous paragraph are from the same twenty-two-sentence article published online in 2013 by the Ohio History Connection online database—Ohio History Central. Within the twenty-two sentences that comprise the entire entry, the children sent to the state's Lancaster facility are referred to as "boys," "inmates," "students," "children," and "juvenile offenders." The article's author(s) steadily glides between the nouns that also serve as adjectives, referring to the detained boys in Lancaster as inmates, students, juveniles, and "children [who] received military training." It is a perplexing collection of word choices with the same carceral care logics applied to the institution's identification and simultaneous description.

In the article, the BIS is a school, a reformatory, and a juvenile prison, "and in 1980, the school became the Southeastern Correctional Facility for adult offenders" (para 5). There is no effort to distinguish between young people sent to Lancaster and the words chosen to categorize them as students, children, inmates, boys, and juvenile

offenders. The descriptive words swirl around each other in one pattern to refer to the same young people with multiple legally and socially constructed identity markers. Nor is there an effort to demarcate descriptive boundaries between school and prison in Lancaster because they are not distinct. They are the same.

Deserving or Disqualified?

Truancy Officer Roof's June 1890 report also noted that seventeen cases were referred for investigation to Bethel Associated Charities and seven to the Humane Society (MS. 3978, Sol Kahn Papers, 1907-1985).[32] The Cleveland Bethel Union was organized in 1869 to work among the families of sailors along the lakefront (Lake Erie). Associated Charities emerged in the late 1800s as a merger of the Bethel Union and the Charity Organization Society, "which was trying to stop begging and relieve 'all deserving cases'" (Bing, 1938, p. 33). The constitution of the Bethel Union in 1869 "stated that those who 'persisted in a criminal course of life, or in the use of intoxicating liquors, or the willfully idle shall not be considered as proper subjects for relief'" (Bing, 1938, p. 33).

Even before compulsory attendance laws and juvenile courts, social agencies in Cleveland used the logic of carceral care to police and judge which people were "proper subjects" and which families were "deserving cases" for assistance with life-sustaining provisions. Compulsory attendance laws that enabled and strengthened the legal authority of school districts to initiate criminal prosecutions merely expanded and advanced the material and social violence already practiced by social

[32]Sol Kahn, The Cleveland Attendance Department, page 2, Folder 2

agencies under the influence of a slightly diluted version of evangelical Puritanism. Social agencies, schools, and the judiciary were designed and implemented with integral “corrective” functions in the lengthy history of elite Clevelanders’ obsession with “social improvement, stability, and routine commerce” (Wyatt-Brown, 1986, p. 93). For certain groups in Cleveland, this produced socially and state-sanctioned violence.

Specific economic and social orders were supported and maintained through persistent efforts enacted in social agencies, schools, and the judiciary to adjust individuals to white, middle-class, Christian, English-speaking, able-bodied norms, rather than address broader injustices related to industrialization and oppression. Three of the residential placement facilities for children identified as having psychiatric, emotional, or behavior problems in Cuyahoga County that remain utilized by the contemporary (2023) juvenile court began as orphanages for impoverished children in the late nineteenth and early twentieth centuries. Beech Brook has Protestant origins, Parmadale has Catholic roots, and Bellefaire has a Jewish heritage (Morton, n.d.). These are also the institutions that left children with certain identity markers languishing in the detention home or allowed them be sent to the state’s youth prison because they refused to admit children of color during the first decades of the twentieth century. They opened their doors to more children only after federal laws threatened their ability to receive public funding (Morton, 1998).

Elites like Cleveland’s school superintendent in 1882, Burke A Hinsdale, desired to force moral conformity through “‘lessons in punctuality, regularity,

obedience, industry, cleanliness, and decency of appearances'" (Miggins, 1986, p. 143). Traditionally, these "lessons" targeted those with identity markers that forced them to live and resist at the margins of the dominant group. The establishment by social agencies of an ordered and discriminatory relief aid program also infiltrated schools and the juvenile court.

The existence of procedures to systematically assess and distinguish who the worthy recipients are of available social services, schooling, or mercy is another commonality in a juvenile-court-schools-social-agencies network. In Cuyahoga County, schools, the judicial system, and social agencies have not been different branches of the same tree but rather consolidate through carceral care into a formative trunk that continuously expands its girth to discipline, surveil, assimilate, and obtain acquiescence from all who enter The Forest City. (*The Forest City* was Cleveland's 1800s self-designated nickname drawn from Alexis de Tocqueville's description of a highly sophisticated society amid a heavily forested environment in his book, *Democracy in America*).

Compulsory and Elective Exclusions

Compulsory school attendance laws were introduced and passed throughout the U.S. during the Progressive Era and increased high school attendance by over 700% between 1890 and 1920 (Loss, 2014). The Ohio Legislature passed a modified compulsory school attendance law in 1921 that still required young people ages six through seventeen to attend school but also added five exemptions. This more flexible

law is often referred to as the "Bing Law," after the Ohio Representative who introduced it as a bill in January of 1921.

According to the class news section of the 1922 *Smith Alumnae Quarterly*, Lucia B. Johnson, from the class of 1906, was engaged to marry Simeon H. Bing, after whom the Bing law is named. This is the same Lucia Johnson Bing who wrote the 1938 history of Cleveland's social services agencies. Johnson-Bing was working for the Ohio Institute for Public Efficiency in Columbus, Ohio, when the Bing Law passed. She was offered space in the February 1922 volume of the journal *The Ohio Teacher* to outline and express her endorsement of the Bing Law. In the article, Johnson-Bing emphasizes how women in the state of Ohio "went on record for the protection of children" through child labor laws and demands for stricter enforcement of school attendance laws through full-time attendance officers with "high qualifications" (1922, p. 255).

Characteristics of carceral care supported by the law and its advocates are evident in Johnson-Bing's assertion that the law "means finding some other way of caring for the younger children in the family during the mother's illness than by taking the 14-year-old daughter out of school" (1922, p. 255). In this way, a family under the watch of social agencies, schools, and/or a juvenile court finds itself in an untriumphable situation. Failing to supervise or care for younger children while parents are indisposed could provoke social services to intervene with punitive consequences like entanglements with the juvenile court through a dependency disposition. The absence of a child (assumed to be the daughter in this situation) from

school could also activate attention from school officials and truancy officers, who might entangle the family in juvenile court and/or punitive social service interventions. In this way, a temporary or permanent disability in the family, whether the school-aged child or parent is impaired, is also an opening for intrusion by the state through a juvenile-court-schools-social-agencies network.

Attendance Exemptions

The Director of School Attendance in Cleveland in 1922, George Whitman, expressed his hope for additional student exclusions in *The Ohio Bulletin of Charities and Correction*. Notably, “charities” and “correction” are both included in the journal’s title, and the article was written by a school board employee. Whitman states that an additional clause in the Bing Law, which allows children with the mental capacity of a five-year-old to be exempt from school attendance, would be appreciated “for the purposes of relieving those communities which are unable to provide special schools for their instruction” (Whitman, 1922, p. 160). Rather than find ways to provide specialized instruction for all children, students are excluded through an exemption if they are identified as having mental abilities below narrow normative standards.

Under Ohio’s Bing Law, other certain exemptions from school attendance were permitted, including school districts' ability to issue a “non-standard work certificate.” Johnson-Bing notes that these certificates could be granted to a child who is sixteen and has passed seventh grade or “who by a mental test has proved to be incapable of passing the seventh grade [and] is eligible to full-time employment if physically fit” (Johnson-Bing, 1922, p. 255). Thus, qualification for a non-standard

work certificate is available when a young person “has been tested and found to be ‘incapable of profiting substantially by further instruction’” (Heck, 1931, p. 82).

However, the young person must meet physical fitness requirements for work. Presumably, the expectation was that the student withdrawing from school would engage in physical labor. Furthermore, a student issued a non-standard work certificate was not only exempt from mandatory school attendance laws in Ohio, they “may even be excluded from attendance” (Heck, 1931, p. 82) by someone at a school who did not want them there. Although Johnson-Bing (1938) celebrates how the Bing Law brought 17,000 children from rural districts into schools within just four months of the law taking effect in August of 1921, the paradox was that it gave local attendance officers working for school boards in cities the subjective authority to restrict an influx of students to admittedly already crowded and under-resourced urban schools.

Attendance bureaus attached to local school boards administered elaborate provisions for work permits that placed families with children under state supervision. The logic of carceral care in the Bing Law meant that the state surveilled families with children through schools, which were given the authority to allow, set conditions for, or reject youth employment and school attendance. Essentially, assessing children’s abilities to enter the labor market, attend schools, or both was the subjective responsibility of individuals working through attendance bureaus. This inherently biased authority resulted in the reproduction of established classist, racist, sexist, and ableist inequities as children who achieved primarily white middle-class

expectations for academic behavior were granted permits to work part-time and attend school. In contrast, others were assumed incapable of further benefit from instruction and were given full-time work permits that excluded them from school.

Schools reinforced the differences among segregated neighborhoods in cities by granting more exclusionary full-time work permits to youth in underserved and under-resourced neighborhoods and part-time work permits that allowed for a continuation of school attendance in more affluent areas (McClelland, 1930). During these early decades in Cleveland, trade schools and other schools were designed for students deemed inadequately equipped to be with their peers in traditional classrooms. Educators often established these alternative schools to meet various children's individual needs and interests. However, carceral care informs the categorizing, labeling, and ranking involved in dividing students, further entrenching racial, gender, class, and ability disparities. While more affluent white children who met narrow normativity standards worked part-time and completed high school, others were excluded from school or sent to schools focused on preparing workers for industries or the service sector.

A New Type of Pupil

A paper in Kahn's archives for an upper-level education course in 1951 blames compulsory education laws that require mass educational opportunities for allegedly low scholastic standards in high schools and creating "a pile-up of retarded pupils" destined for delinquency (MS. 3978, Sol Kahn Papers, 1907-1985).[33] Kahn also

[33]Sol Kahn, Truancy and Adolescents, May 1951, Education 409 G, page 2

claims, “These students who do not profit from education for various reasons are kept in school by legislation” (MS. 3978, Sol Kahn Papers, 1907-1985).[34] Kahn’s claims echo dominant narratives circulating decades earlier in the 1920s, perhaps not coincidentally after the first significant migration of Black people from southern states to northern cities and a high amount of immigration from southeastern Europe. Leaders in the 1920s made the exact claims Kahn shared in his 1952 paper. However, research from both decades disputes claims that schools created lower scholastic standards (Heck, 1931; Hyslop-Margison & Richardson, 2005).

A study of Ohio’s compulsory attendance laws in 1930 rebukes claims of diminished academic rigor in schools. The Ohio State University’s education professor, Arch O. Heck, reported in 1931 that high school students of 1930 had a greater mastery of physics, chemistry, mathematics, and English than students eight to ten years previously, right when the Bing Law was taking effect. A 1930 quantitative comparative analysis of school costs and attendance in Ohio also concluded “that the increased attendance due to the Bing Law has not been an important factor in increasing school cost” (McClelland, 1930, p. 359).

The researchers who assisted with Heck’s study at The Ohio State University found that of the 4,501 Ohio youths who left school before graduating from high school in the 1920s, the vast majority (84%) liked their teachers, and approximately sixty percent liked school. Seventy-five percent of 509 youths attending three continuation schools in Ohio answered in the affirmative when asked if they liked

[34]Sol Kahn, The Schools, the Children, the Dilemma, by Gertrude Samuels, New York Time Magazine, February 16, 1958

school. The idea that many children disliked school but were forced to attend by Ohio's compulsory attendance laws and, thus, made it worse for everyone else who wanted to be in school is not supported by the data reported in 1931 nor subsequent studies. Ninety-eight percent of the children in and out of school whom The Ohio State researchers interviewed indicated that they wanted to complete high school, and 84% overall liked school. If children were leaving school, individual students were not to blame but rather systemic inequities and economic and social forces.

These claims of the deleterious effects of compulsory education on high schools were not limited to Cleveland or Ohio. In 1957, three years after *Brown v. Bd of Education* was decided in 1954, a committee of the New York Teachers Guild asserted that they believed the number one cause of delinquency in high schools "is the mandatory admission of a new type of pupil--the uninterested, the unwilling, the low-IQ boys and girls who often feel they are 'captives' in school until they reach their 17th birthday" (MS. 3978, Sol Kahn Papers, 1907-1985).[35] Likely accompanied by various prejudices, the logics of carceral care inform these claims that children can be "delinquents" in schools and that public schooling beyond the elementary grades should not be accessible or inclusive of every child.

Ranking, sorting, excluding, punishing, and disciplining are the logics of carceral care that infiltrate and guide the operations of schools, juvenile courts, and social agencies. Since legislation in states (that became more comprehensive over time) made public schooling compulsory, critics of plans to educate the masses

---

[35]Sol Kahn, The Schools, the Children, the Dilemma, by Gertrude Samuels, New York Time Magazine, February 16, 1958

beyond the elementary grades argued that including students who had not traditionally been able or compelled to attend high school was ruining classroom atmospheres and curricular rigor. They also incorrectly claimed that compulsory attendance laws increased local education costs.

Truant and Defective

Of course, public imaginaries have lengthy histories of connecting bodies and ideas of normativity to behaviors. The servant in Shakespeare's *Tempest* and Quasimodo in Hugo's book about Notre Dame exemplify creative examples, including intersections of multiple identity markers linked to observed physical characteristics. Lombroso's early positivist studies, which he compiled into a book in 1876, argued that criminals represented a physical type outside of social constructs of normativity that were distinctively different from those of noncriminals. Ellis (1913) identified nearly two dozen European scholars before Lombroso's book was published who were also eager to establish a relationship between criminals' physical and mental characteristics and their behavior, including phrenology trends in the 18th and 19th centuries. The development of juvenile-court-schools-social-agencies networks extended the idea that disability and criminality are connected, but often with considerations of additional variables such as environmental factors characteristic of Progressive Era sensibilities. However, centuries of pseudo-science have enduring repercussions.

Although poverty has often been criminalized, and neither the judicial nor educational systems are designed to address economically underserved populations equitably, perceptions of gender, race, and ability within layers of other identity

markers have been even more closely associated with constructions of misbehavior and criminality. Artiles reminds us that the racialization of disabilities is integral “to justify inequities for disabled people as well as for racial minorities and women” (Artiles, 2013, p. 334). In Ohio, the socially constructed parameters of “normalcy” became solidified in the Bing Law, allowing local determinations regarding who is “fit” to continue in schools, in what form, and who is to be entirely excluded from schooling.

Through school attendance policies and reforms initiated in the Progressive Era, the power to determine children’s future directions reinforced existing race, class, gender, and ability-related inequities that also associate specific identity markers with criminality. As a school district attendance officer who appears to care deeply about all of Cleveland’s children, Sol Khan implies in his writings that truancy and other deviant or criminal actions correlate with cognitive, neurological, and related disabilities. He states, “social histories of schizophrenic patients in mental hospitals revealed excessive truancy during childhood… Army deserters were truants according to investigations into their backgrounds,” and 61-78% of people committed to a New York state prison “had truancy as the first entry in the crime ledger” (MS. 3978, Sol Kahn Papers, 1907-1985).[36] Khan also admits that even though a multiplicity of truant children have behavior disorders, “many are not and never become delinquents” (MS. 3978, Sol Kahn Papers, 1907-1985).[37]

[36]Sol Kahn, Truancy and Adolescents, May 1951, Education 409 G, page 3
[37]Sol Kahn, Truancy and Adolescents, May 1951, Education 409 G, page 4

Professional Proliferation

People intentionally and unintentionally proliferated ideas equating criminality with disability through their professional roles. The institutions and reforms established during the Progressive Era created new workforce positions, expanded employment in public schools, and generated a wealth of new subjects for people in academia to research. Healy's classic 1915 book *The Individual Delinquent* reports his five years of work with 1,000 young people who had more than one encounter with Chicago's juvenile court. Between 1909-1914, Healy was director of the Juvenile Psychopathic Institute that Julia Lathrop organized with private philanthropic funding. Healy notes that he and other researchers used public school practices to guide their baseline for normalcy. He states, "What is subnormal or feeble-minded in our group we generally find has been regarded so by the public school people" (1915, p. 106).

Healy's book inspired many similar projects. A study in Boston by the Gluecks at Harvard University followed 1,000 boys who appeared before the Boston Juvenile Court between 1917 and 1922. The Gluecks noted that many boys were referred to the juvenile court and its clinic for "physical or mental handicaps." The Gluecks' many other conclusions attracted much attention from advocates of juvenile courts. Judge Eastman invited them to Cleveland to visit the juvenile court he presided over. He said that Dr. Glueck indicated that he had learned more from Cleveland's court than he could offer in return (MS. 3301, Harry L. Eastman, 1917-1967).[38]

---

[38]Harry Eastman Container 1, folder 3, Letter from General Secretary of the National Probation Association to Judge Eastman, September 10, 1934

As the juvenile court matured and expanded throughout its first decades, Ohio passed a law in 1913 that required a state agency to approve licenses for institutions sheltering children taken into state custody. Critiquing shelters for children in the state of Ohio that existed prior to the 1913 law, a social worker lamented that although the children in custody were clothed and fed, "the feeble-minded, delinquent and physically defective were thrown into close association with children whose only misfortune was the loss of home and parents" (Bing, 1938, p. 54). In this social worker's lamenting, those with no other identified markers except cognitive or physical differences are equated with "delinquents" and positioned in opposition to children without parents or economic resources, even though the latter might be true for all of the children in "close association."

Of course, those working in juvenile-court-schools-social-agencies networks modified their views and word choices over time. In 1934, General Secretary Chute wrote to Judge Eastman to inform him that Dr. Glueck spoke highly of his visit to Cleveland's juvenile court and that Glueck's "attitude is much more constructive" about the utility of properly managed juvenile courts. Seeking feedback from Eastman, Chute also enclosed a copy of a letter addressed to Dr. Richard Cabot at Harvard University. Chute frustratingly writes in his letter to Cabot that children who never have contact with juvenile courts "are not distinctly different from boys who do

come" (MS. 3301, Harry L. Eastman, 1917-1967).[39] Chute is also surprised Cabot is still clinging to "this outworn theory" (MS. 3301, Harry L. Eastman, 1917-1967).[40]

Sandalphon School: Economics and Carceral Care

Some during the Progressive Era in Cleveland responded to the exclusion of students with disabilities from public schools by creating schools open to all students in the few families who could afford them. According to Dr. Bernard Cadwallader, the lead organizers of Sandalphon School's establishment in 1918 were Mr. and Mrs. Henry Turner Bailey. It began as "a school for the mentally retarded child" that modeled public school calendars (MS. 3301, Harry L. Eastman, 1917-1967).[41] Sandalphon was initially located in the basement of the Church of the Master on East 97th and Euclid. In the early 1920s, property purchased from Isaac Jennings with the help of Mrs. Dudley Blossom prompted a school relocation. The school moved again around 1926 when the operators of the school, the Cadwalladers, "felt a need for a place" for their family and purchased a property in the Mentor Headlands on the shores of Lake Erie (MS. 3301, Harry L. Eastman, 1917-1967).[42]

A letter addressed to the Cleveland Foundation in 1929 provides the history of Sandalphon School. Sandalphon School administrators sought funding to remodel a garage on their property. The garage had classrooms which the Cadwalladers wanted

---

[39]Harry Eastman Container 1, Folder 3, Letter from General Secretary of the National Probation Association to Judge Eastman, September 10, 1934

[40]Harry Eastman, Container 1, Folder 3, Letter from Charles Chute to Richard C. Cabot, August 31, 1934

[41]Harry Eastman, Container 1, folder 1, Letter to Cleveland Foundation (Mr. Carter) from Sandalphon School (Bernard Cadwallader), August 28, 1929

[42] Harry Eastman, Container 1, folder 1, Letter to Cleveland Foundation (Mr. Carter) from Sandalphon School (Bernard Cadwallader), August 28, 1929

to remodel into dormitories on the upper floors. According to Mr. Cadwallader, this remodeling is necessary because the children cannot receive the care they need in their homes.

Mr. Cadwallader appears to be responding to a prior communication from the Cleveland Foundation regarding Sandalphon School's initial request. He addresses a mention by the Cleveland Foundation of "calls for help from other schools in the same field of work" in his response to the Cleveland Foundation's correspondence. Cadwallader claims that he knows of "two schools who pretend to do the work" (MS. 3301, Harry L. Eastman, 1917-1967).[43] Cadwallader then describes a school called Fenfield as deserving of the community's condemnation and motivated by selfish interests. According to Cadwallader, the school charges $25 per week for no more than fifteen hours per week in school. Cadwallader alleges that Fenfield School personnel "persuade parents that this type can not stand a full days schooling," which allows them to offer three-hour morning and three-hour afternoon class sessions with different children in each session. Two daily sessions doubled the Fenfield School's income.

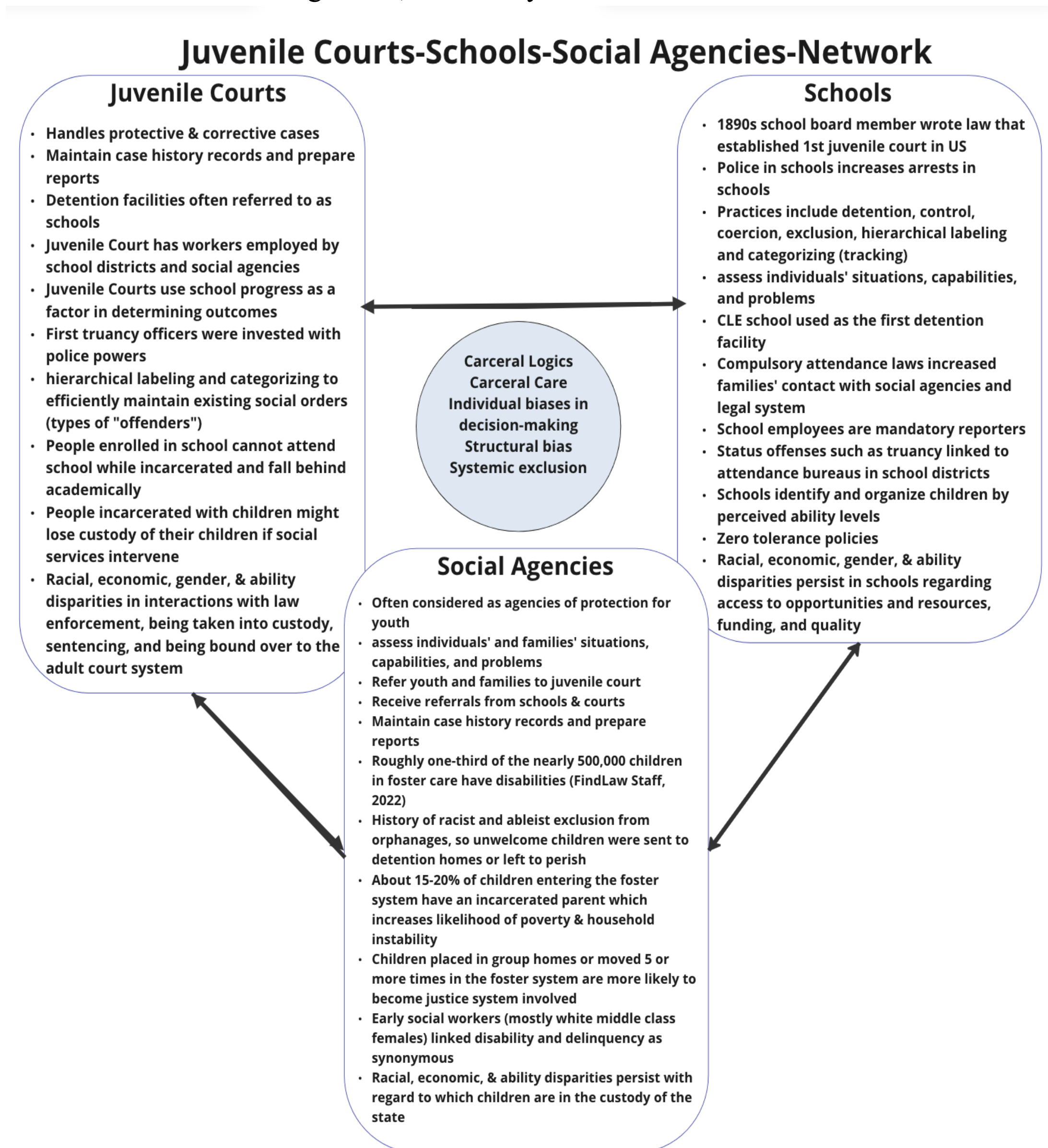
In the *Handbook of American Private Schools, Volume 10*, Cleveland's Sandalphon School is noted in the section titled "Schools for the Deficient." The handbook claims that in 1926, the average tuition at Sandalphone was $1200-1800 with a facility enrollment of five (Sargent, 1926, p. 412). Care informed by carceral logics offers robust opportunities for building capital and profits.

---

[43]Harry Eastman, Container 1, folder 1, Letter to Cleveland Foundation (Mr. Carter) from Sandalphon School (Bernard Cadwallader), August 28, 1929

The handbook describes Sandalphon as a place “for children delayed in development” (Sargent, 1926, p. 412). Thus, if a child designated as “delayed in development” belonged to a family who could afford private tuition, year-round residential schooling, or partial day schooling, this could reduce the chances of entanglement in a juvenile-court-public-schools-social-agencies network. Unfortunately, private school tuition was unaffordable for many earning the average 1926 wage of .57 cents an hour in manufacturing industries (Putney, 1938) or earning an income near the 1920 average annual U.S. salary across all sectors of $1407 per year (U.S. Diplomatic Mission to Germany, 1999).

Visual 23. Graphic of network connections between juvenile court, schools, social agencies, created by MMS 01/29/2023



CONCLUSION

de Finney et al. argue that “Under the settler state, government systems are never benign instruments of care. They uphold and implement official state policies, including cultural genocide, forced assimilation, state surveillance, and the

incarceration of marked, non-white bodies" (2018, p. 29). In this analysis, I aimed to understand better the multilayered context and factors related to the creation and operations of the second juvenile court in the U.S. in connection with the simultaneous emergence of mass schooling policies and the institutionalization of charity. Exploring the formation and subsequent actions of the institutions comprising juvenile-court-schools-social-agencies networks contributes to discerning the contemporary violence and cruelty accompanying incarcerating children and the state's surveilling and custody of children under the logics of carceral care.

The intentionality in juvenile-courts-schools-social-agencies networks is significant. This network's interdependent aim to "catch" those pushed to society's margins during industrialization and urbanization was integral to the network's origin, maturation, and co-constitutive and sustentative structure. Hierarchical labeling and categorizing prominent during Progressive Era reforms continue to be incorporated to maintain existing social orders efficiently. Progressive Era responses to observed poverty and suffering legitimized hierarchies and treated social dilemmas as issues that could be resolved within individuals. These practices of individualized carceral care and hierarchical labeling were legitimized and institutionalized. The consequences of this era can be observed in contemporary practices that continue to utilize reductionism and biodeterminism when categorizing and organizing individuals socially and in institutions (Gould, 1996). Critical analysis of archives and historical records provides insights into the conditions that prompted calls for a juvenile court and their subsequent development alongside the institutionalization of

charity through privately and publicly managed social agencies, increased policing powers, and demands upon public school personnel.

What emerged from this investigation was a co-constitutive juvenile-court-schools-social-agencies network that maintains itself partly through practices of carceral care. These practices include expansive hierarchical labeling, surveilling, disciplining, and punishing. The various institutions and people these institutions are supposed to serve in Cuyahoga County's juvenile-court-schools-social-agencies network are synonymous in many Progressive Era contexts. Discursive slippages in the historical record between jails and schools, and students, delinquents, juveniles, children, and boys or girls demonstrate how the network's terms were often interchangeable in Progressive Era conceptualizations. Individuals employed in these institutions and those studying them also reinforced constructions of delinquency as linked to disabilities and other characteristics outside of narrow normative imaginings.

There is a lengthy U.S. history of schools, social agencies, and juvenile courts intentionally or incidentally excluding, segregating, detaining, labeling, classifying, and accusing certain groups of children based on narrow social constructs of normativity. Behaviors, physical appearances, and other identity markers considered outside these narrow social constructs of normativity linked criminality and delinquency with disability. Those at the intersections of multiple identity markers remain especially targeted by these institutions and systems that maintain hegemonic values traditionally informed by white supremacy (Richie, 2012). While many child

savers during the Progressive Era initiated reforms to alleviate or eliminate observed suffering in their proximities, the institutions established and reforms enacted expanded modes for carceral care within remodeled punitive systems of social order and control.

Along with healthier outcomes of the Progressive Era, like cleaner water and more sanitary conditions in cities, other initiatives weaved together practices of carceral care that produced escalated surveillance and intervention into families' lives by the state as well as increased modes for operationalizing *parens patriae* and *in loco parentis*. Reforms during the Progressive Era modified suffering and harm but did not eliminate them and, at times, increased them. Reforms also did not create social investments that could spawn massive collective movements for healing, justice, and freedom.

Similarly, failed neoliberal dogmas in contemporary times driven by capitalist, technical, and market solutions to individualized problems divert attention away from how capitalism and market-based approaches contribute to creating the social dilemmas and vast inequities they purport to address. Just as child savers grappled with how to solve injustices and the inequality around them, current advocates and activists for justice contend with immediately alleviating observed suffering while striving toward designing non-reformist reforms, transformative justice, or abolition (Ben-Moshe, 2020; Gorz, 1967; Kaba, 2021).

Like historical counterparts in Northeast Ohio in the 1800s who were battling to abolish enslavement, residents in Northeast Ohio seeking to end the cruel and

deadly conditions within the Cuyahoga County Jail and harm occurring within the Juvenile Detention Center confront contemporary cleavages. Some citizens and public officials believe that building a new jail would eliminate the deadly consequences of being jailed in Cuyahoga County. Others want investments in the community, not incarceration (Cuyahoga County Jail Coalition, n.d.; Kaba, 2021).[44]

Engaging with historical records illuminates how carcerality's expansiveness, practices, and investments in it reproduce inequities and injustices and maintain the power of dominant groups, even when the dominant group is attempting to reduce suffering and harm. Nevertheless, resistance, agency, and survival are evident in historical records even when thriving is prevented or interrupted (Grabowski, 1986, p. 31). Institutions reformed or informed by and utilizing state-sanctioned carceral practices and threats of violence and suffering co-constitutively as sustenance for their authority and legitimacy have not, cannot, and will not bring about justice.

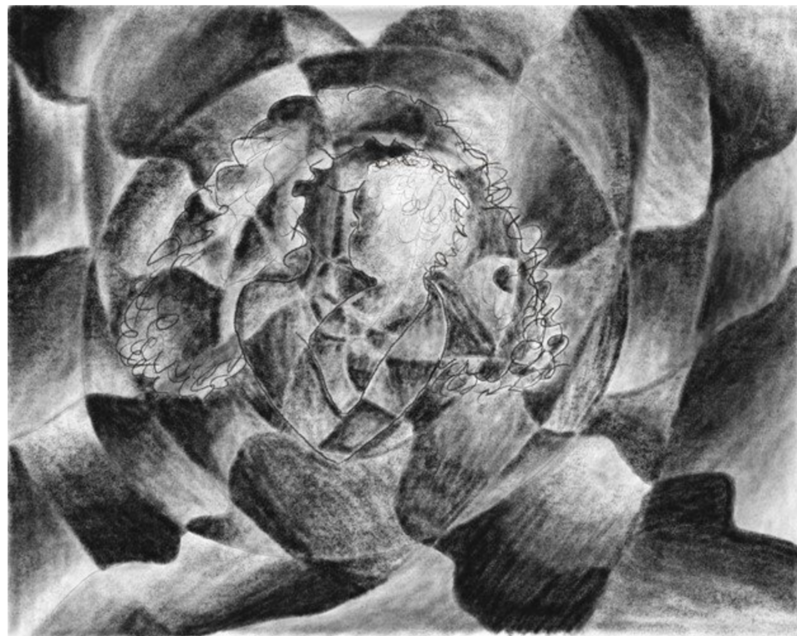
[44] Notes from attending open meeting hosted by Cuyahoga County officials to pitch the proposed new jail site to the public at Jerry Sue Thornton Center on 25th August, 2022, 18:00-20:00.

Visual 24. Screenshot of *Shattering*, published in the fall of 2021

ABOUT CURRENT SUBMISSIONS

MELISSA MARINI ŠVIGELJ

SHATTERING



Not This! Witness Marks from Incarcerated Youth Seeking Educational Access and Compliance with the Individuals with Disabilities Education Act

INTRODUCTION

This analysis borrows from diverse disciplines and uses artifacts collected between 2014-2022 in River County (pseudonym) in a Midwestern state at the school in the county's juvenile detention center. Specifically, I am examining witness marks created by incarcerated male youth ages 15-20 and their refusals to accept systemic blockages and violations of educational civil rights law as they experience bindovers to the adult criminal court system, jail, and prisons. I explore this through critical and activist archival processes, method-making, and narratives as witness marks to illuminate individual or small coalitions actively resisting statistics and portrayals of incarcerated youth as lacking and uninterested in formal education (Aizer & Doyle, 2015; Harper & Davis III, 2012)

Civil rights violations often occur when education is denied or restricted in carceral spaces because incarcerated young people are more likely to be eligible for services within provisions of the Individuals with Disabilities Education Act (IDEA) (National Council on Disability, 2015; McCauley, 2017; Vallas, 2016). The Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act, federal implementing regulations, and the Midwestern state's revised codes require that schools provide or otherwise allocate the provision of a "free appropriate public education" (FAPE) to all students within their school district boundaries regardless of ability.

The incarcerated students represented in the following witness marks did not passively submit to the temporal dictates of their situations. Flaherty (2003) asserts that "agency, like forms of life in a tropical rainforest, is abundant, diverse, and vigorous. What is more, while particular types of agency are large and exotic, most are small, quick, and easily overlooked-so much so, in fact, that most species of agency have not been observed, recorded, nor classified" (p. 30). Thus, borrowing from practices in horology and critical horology to document incarcerated young people's capacity for agentic acts, as well as being attentive to how time is weaponized in carceral spaces, nourishes critical insights into moments of resistance while simultaneously illuminating these acts as potential guideposts in a public sphere (Lilja & Vinthagen, 2018). Individual witness marks coalesce to reveal patterns of oppression and defiant exclamations of *Not this!* (Povinelli, 2011) that occur gradually, unspectacularly, and dispersed across time and space.

First, I offer the significance of this analysis, present multidisciplinary theoretical influences, methodologies, and data collection, broadly discuss bindovers, and contextualize youth transfer practices in River County. Then, I narrate documented practices related to schooling at the detention center in River County and critically analyze students' experiences represented in the data as witness marks. Ultimately, I synthesize what emerges from the data and suggest alternatives to unjust practices and policies.

Significance

A Council for State Government Justice Center (CSGJC) brief asserted, "There is perhaps no subset of young people whose need for a quality education is more acute—and whose situation makes them especially challenging to serve—than incarcerated youth" (2015, p. 1). Challenges referenced by the CSGJC and power sources that enable or reproduce obstacles to quality education for this class of young people are discussed in this analysis. This collection, organization, and thematic analysis of artifacts elucidates how incarcerated young people enact contextualized resistances and refusals against power mechanisms depriving them of their civil rights and educational access. Tracing the experiences of youth reflected in artifacts as they navigate the actuality of educational and carceral systems produces a contrast between what specific laws require and the representations of compliance disseminated by educational and juridical systems. The data demonstrates young people's agency, coalition-building, and the contexts and temporality of resistance and refusals in spaces that may otherwise remain unnoticed and undocumented.

METHODOLOGY AND THEORETICAL INFLUENCES

This chapter critically situates stories as witness marks left by those exercising contextualized resistance and traditionally excluded from dominant narratives and official archives. Along with method-making and Critical Carceral Studies, I borrow *witness marks* from horology with infusions of critical horology (Bastian, 2017) as a research and analytic tool. Through artifacts collected between 2014-2022 from a county detention center in a Midwestern state, I document and memorialize as

resources the persistent struggles of incarcerated young people seeking educational access and protections that should be afforded to them through the Individuals with Disabilities Education Act (IDEA). A methodological mixture of critical archival practices, archival activism, and activist archiving achieves these documentarian aims.

Thinking with Method Making

McKittrick refers to "stories as a way to hold on to the rebellious methodological work of sharing ideas in an unkind world… [sharing] signals collaboration and collaborative ways to enact and engender struggle" (2021, p. 7). I can elucidate and share witness marks perhaps otherwise unnoticed through stories I witnessed and sometimes was a part of in an unkind world of incarceration in a prison nation (Meiners, 2016). Still, the foci of these stories are the students and the often absurdly unjust systems they must navigate and choose to resist. Although I use pseudonyms to represent places and people in these narratives (e.g., *City*, *River County*, and *the Midwestern state*), the witness marks are genuine and belong to those most impacted.

Critical Horology

Time is a measurement and a power mechanism. This power is operationalized in a variety of ways. Ahmed (2021) notes how time is incorporated into institutional inefficiencies, which efficiently reproduces the power of those institutions. Critical horology examines how time is mechanized in service to dominant groups (Bastian, 2017).

Timekeeping and measuring time are integral components in schools and the carceral state. Meiners notes, "Our prison nation alters time, uses time against us" (2016, p. 191). Time infiltrates, commands, is struggled against and coopted to serve particular aims. Huebener (2015) argues on behalf of scholarship that examines temporal resistance in critical time studies. The young people included in this chapter are sentenced to time, entangled in time-consuming legal processes, given credit for time served, "do" time, may run out of time, receive compensatory learning time, experience time lags between what does not happen, and what should happen (Ahmed, 2021) and create personal modes for tracking time, passing time, and resisting temporal dictates (Flaherty, 2003).

Witness Marks

Critical horology in this context invites writings as witness marks to explore the often-silenced or ignored smaller-scale protests within carceral spaces. Witness marks are examples of *not this*. Povinelli (2011) describes *not this* as interruptions and imaginative possibilities that persist in defying what usually proceeds without question or disruption. Those who challenge what usually happens are exclaiming *Not this!* Narratives in this analysis act as guideposts into the thinking and actions of people resisting, refusing, and acting through lenses of *not this* and illuminate institutional resistances when power is challenged from below.

Critical Archival Studies, Archival Activism, and Activist Archiving

Critical archival studies identify and interrogate injustices and oppression and challenge existing inequitable power relations, including practices that exclude and/or

privilege. Flinn and Alexander explain, "Archival activism describes activities in which archivists, frequently professionally trained and employed but not exclusively so, seek to campaign on issues… [and] act to deploy their archival collections to support activist groups and social justice aims" (2015, p. 331). Archival activism and activist archiving are critical approaches that acknowledge a lack of neutrality and tend to combine activism and archiving and an archivist as an activist. My intention is to leave witness marks as memory-making documentation to ensure the violence and deprivation, as well as incarcerated young people's resistant acts of survival and agency, are recognized and acknowledged in a public arena.

DATA COLLECTION

I did not know during early data collection that I would eventually enroll in graduate school. Hence, the initial data collection was part of activist archiving processes that are now associated with archiving that activism. For this analysis, the data was systematically organized as a resource for witness-mark representations. The data includes artifacts accumulated between 2014-2022 from actions related to Black male students in the River County Juvenile Detention Center school. Although I collected data for this chapter between 2014 and 2022, the precariousness surrounding incarcerated youth continues, especially in River County.

Some documents and images used to construct these narratives of agentic acts and collaborations, and observations are in digital formats, including photos, emails, JPay communications, teaching evaluations, scanned documents, meeting notes, notices, and my journaling. There are also hard copies of students' artwork and

correspondence between students, their loved ones, and school personnel. Some of those correspondences also reference communications made over the phone or in conversations. Sixteen large binders dated 2014-2018, organized into quarters of school years, were available to cross-check the data's emerging themes or substantiate patterns observed during data collection and analysis. These binders include student work samples, copies of school reports for juvenile court judges, attendance marks, graduation programs for students' ceremonies, teacher evaluations the principal conducted in the classroom, lesson plans, and communications between various stakeholders.

BINDOVERS GENERALLY AND CONTEXTUALLY SITUATED

Youth Transfer Practices (also referred to as *Bindovers* and *Waiver Law*)

During the 1980s and 1990s, state legislatures seemingly lost all recollection of the initial purposes and Progressive Era motivations that prompted the creation of juvenile courts (MS. 3301, Harry L. Eastman, 1917-1967). Also ignored was the data indicating that waiver mechanisms did not accomplish transfer advocates' overall goals and produced harmful unintended consequences (Howell, 1996; Reed et al., 1983). Sensationalized and often racialized media reports of youth committing crimes spurred politicians to attack juvenile courts and conceptions of childhood to gain public favor. Across the nation in the 1980s and 1990s, "Legislators amended statutes to require that youths be tried in adult court at younger ages and for more offenses" (Henning, 2013, p. 396). Unfortunately, developmental research from psychology and neurology (Galvin et al., 2007; Steinberg, 2009) has been largely ineffective in

reducing an overreliance on law enforcement by courts, schools, social agencies, shopping centers, libraries, and other institutions that regularly engage young people (Moreno, 2022; Neitz, 2011; Scott & Grisso, 1997).

National statistics regarding youth transfer from juvenile court to adult court are fragmented because a case can be transferred to adult court in several ways, and transfer provisions vary among the states. Worse, state-reported trends represent different data sources and modes for counting units. One state might report only the youth who received an adult sentence or solely discretionary bindovers, whereas another state's report will include all youth transferred to adult court regardless of sentencing outcomes or types of bindovers (Juvenile Justice, Geography, Policy, Practice & Statistics, 2023). Thus, it is challenging to ascertain where Midwestern State's practices might fall on a bindover continuum (Juvenile Justice, Geography, Policy, Practice & Statistics, 2023).

Although statistical data is not easily accessible, research regarding the harmful social and individual effects of prosecuting children as adults has been disseminated (Hahn & Sickmund, 2007). The American Civil Liberties Union (ACLU), Children's Law Center, and Juvenile Justice Coalition do advocacy work in the state where River County is located. They explain the court-based outcomes of subjecting youth to adult systems and processes in a 2019 fact sheet. It states, "Research has shown that transferring children from juvenile to adult court actually increases recidivism; subjects youth to conditions that jeopardize their physical and emotional safety, making subsequent rehabilitation almost impossible; results in

unnecessarily harsh sentences; and strains the resources of adult correctional facilities and criminal courts (p. 1). Research has also concluded that most children encountering the juvenile justice system face low-level offenses, have mental health illnesses, and have experienced traumatic victimization or abuse (ACLU of the Midwestern state, 2014). Encountering restrictive and punitive practices typically exacerbates prior conditions or creates new trauma for children, especially if sent to adult jails and prisons. Nevertheless, these transfer practices continue.

Youth Bindovers or Transfer Practices in City, River County, Midwestern State

Prosecutors in the Midwestern state where River County is located play a pivotal role in determining whether a child is charged as an adult. If a prosecutor wants a child to be punished in the adult criminal court system rather than remain in juvenile court custody, then the prosecutor *bindsover* the pending case. By December 2019, River County's prosecutor had charged more children as adults in one year than two predecessors did in the previous five (DeBerry, 2020). A comparison of bindover rates between 2011-2020 in five counties with large urban centers in the Midwestern State revealed that River County sent more youth to adult court than the other four counties combined (Children's Law Center, 2021).

According to a fact sheet, "Bindovers can either be mandatory or discretionary and depend on the child's age, prior experiences with the juvenile justice system, and the alleged offense" (American Civil Liberties Union et al., 2019, p. 2). Mandatory bindovers occur when a prosecutor seeks the highest charges for an incident (American Civil Liberties Union et al., 2019; Marshall et al., 2022). Discretionary

bindovers involve prosecutors' ability to ask judges to send children to adult court, and judges possess the discretionary powers to comply or not comply with the request. River County has had the highest number of discretionary and mandatory bindovers yearly in the Midwestern state since 2008 (Marshall et al., 2022). Accompanying this discretion is thorough documentation of the biases and abuses within law enforcement and legal systems (Davis, 2007; Streib, 2005). In River County in 2020, Black youth represented forty percent of the county's total youth population, but ninety percent of youth bound over in River County were Black (Children's Law Center, 2021).

Schooling in River County's Juvenile Detention Center[1]

River County's juvenile detention center school is located within City School District and was modeled after alternative schools in the school district. Rather than spend a specified amount of time in classes (i.e., quarters or semesters) and passing classes during that established amount of time to earn credits, students show mastery of courses through online and in-class instruction at their own pace. Classrooms at the detention center are self-contained, meaning that students spend approximately four hours each day in one school classroom and nearly an hour in the gymnasium for their physical education course. Special education teachers, referred to as *intervention specialists,* rotate their time in classrooms with students or take students to resource rooms to provide supplementary supportive aids and services.

If students earn high school credits during their time in class or if students leave behind hard copies of their transcripts, educators at the detention center might

follow up with them at their next location to ensure they have the necessary documents to advocate for their education.[2] All students in this analysis had their cases transferred to adult criminal court and spent time in the adult county jail and adult prisons after leaving the juvenile detention center.

CAPTIVE YOUTH AND *NOT THIS!*

I Still Haven't Given Up

1 Being down here
2 Even though this is a minor setback
3 It's also a major comeback
4 Because I still haven't given up
5 I'm still gonna be the same person[3]

Quincy's numbered words above and the story of his navigation through school and carceral processes illustrate how special education policy mandates are manipulated to meet the needs of adults with limited school resources. Quincy's words also indicate the endurance and resilience students manifest. They do not give up.

Although much has been written about demographic disproportionality among children identified as eligible for services under the Individuals with Disabilities Education Act (IDEA) (e.g., Annamma, Morrison, & Jackson, 2014; Artiles & Trent, 1994; McDermott & Varenne, 1995; Meiners, 2016), less has been written about how school and school district employees manipulate nuances of this federal civil rights legislation to exclude eligible children from protections. The following witness marks portray incarcerated young people seeking educational access who experience intentional or unintentional consequences of systemic inefficiencies, lack of

resources, time limits, civil rights violations, and deprivation. These witness marks also elucidate the importance of fierce advocates for students entangled in juridical processes.

Transcripts, The IDEA, IEPs, MFEs/ETRs, and the school district's SED

City school district's transcript database indicated if a student at the juvenile detention center was eligible for services under the IDEA. Each student identified as IDEA-eligible should have a comprehensive plan developed and tailored to the student's educational needs called an Individualized Education Program (IEP). The IDEA requires IEPs to include a written statement of evaluation and plan of action that sets forth each eligible student's present performance, measurable annual goals, and "the special education and related services and supplementary aids and services . . . to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child" (20 U.S.C. § 1414d1Ai). Some students arrived at the detention center school with active, unexpired IEPs.

Many students' school records indicated they were previously deemed eligible for services under the IDEA. However, their IEPs had expired, and they could not be officially re-evaluated by former school personnel for eligibility because they had not attended school regularly before incarceration. Members of an IEP team must follow the protocols outlined in the law to reactivate an IEP, and if the student does not have a current MFE or ETR, the process is elongated.

An MFE, which might also be referred to as an Evaluation Team Report (ETR), is a multi-factored evaluation (MFE) that is conducted at least once every three years between preschool and high school graduation to determine a student's eligibility for special education services under the IDEA. The process begins with a Student Support Services Team (SSST) meeting. The state's Coalition for the Education of Children with Disabilities explains, "A multifactored evaluation is described as a way to gather information from many sources about the student's strengths, needs, and learning styles" (p. 1).[4] Parents or guardians must provide consent prior to beginning an evaluation.

Per the IDEA's provisions, an MFE must occur within 60 days of parental consent and 90 days of the initial IEP team's referral, but the process is not necessarily speedy. In addition to parents and teachers, "a qualified person to conduct individual diagnostic assessments of children, and one- or more individual(s) who have knowledge of the suspected disability along with typical child development and general education curriculum" produce reports that document "testing, observations, interviews, work samples, checklists, etc." (p. 16).[5] In addition to the time it takes to comply with processes outlined in the IDEA, the transitional nature of the county juvenile detention center, where students might be detained for hours, days, weeks, or months, seemed to discourage prompt responses from the district's special education department when requests for a new ETR (MFE) were submitted.

In particular, the school at the detention center would submit requests to the special education district office for a school psychologist to come to the detention

center to conduct the diagnostic portion of the ETR assessments. Weeks of unresponsiveness from the district's special education department (SED) were not unusual, leading to speculation from detention center teachers that personnel in the SED hoped the child who needed a current ETR would be transferred out of the detention center before the SED would have to spare precious resources to re-evaluate an incarcerated child. Despite attempts to have students re-evaluated and their IDEA protections reinstated, some students left the facility before the SED could be convinced to send a school psychologist to perform diagnostic assessments. This left students' legal protections under the IDEA precarious and potentially unenforceable because of exemptions pertaining to incarcerated students written into the IDEA. Essentially, without fierce advocacy, the youth have little chance of having their rights respected or their developmental and educational needs met.

Transcripts, High School Credits, State Standardized Tests, & Grades

When students arrived at the classroom at the juvenile detention center, their transcripts were often incomplete because they shifted between charter schools, school districts, City's public schools, or other social agencies and carceral locations like group homes. Teachers would seek and consolidate all collected transcripts into one. The principal would review and enter the consolidated transcript into the City school district's digital record-keeping database. Then, educators would share a printed copy of the consolidated transcript with students so they would have it at their next location and be able to better advocate for their educational needs.[6]

Beginning in the fall of 2014, several patterns among students' transcripts emerged. First, even though the detention center school was part of the same City school system and used the same general database to gather information and records about students, guidance counselors were not thoroughly collecting all the information they needed to create schedules for students after they left carceral facilities and returned to their neighborhood high schools. Thus, students repeatedly took the same quarters of courses they had already taken and earned credits for passing.[7] This Midwestern state also still requires students to pass high-stakes standardized tests to graduate from high school. Transcripts indicated that students were repeatedly taking those high-stakes tests even if they had already met proficiency expectations and passed them.[8] According to the Midwestern state's department of education website, all students, including students with disabilities, must participate in high school state assessments until they pass them (2021).

However, Individualized Education Program (IEP) teams can exempt students with disabilities from the consequences of not meeting proficiency scores on end-of-course state standardized tests. When an IEP team determines that a student is exempt from meeting end-of-course tests, then that student can still graduate from high school if they complete and pass all courses required for high school graduation and takes all of the high-stakes standardized high school state tests at least once (the Midwestern state Department of Education, 2021). These potential high-stakes standardized testing exemptions are another crucial reason why students with disabilities must be officially identified before leaving juvenile detention facilities.

High-stakes standardized testing requirements in the state can be the factor that determines whether or not students will qualify to receive a high school diploma.

Excessive “Fs” undeservingly assigned to students was another pattern noticed among transcripts reviewed at the detention center. Even though the school secretary at the detention center changed the attendance of incarcerated students coming from City’s public schools from “absent” to “JDC” (juvenile detention center) daily in the district’s electronic attendance system, schools did not have an efficient or effective means for notifying high school teachers that students were being detained by the county. Thus, some students were marked absent from their local schools each day and then assigned “Fs” for all the classes on their schedules at the local school.[9] Meanwhile, those students may have perfect attendance and passing grades at the school in the detention center.[10]

Teachers in City public schools were instructed not to assign an “I” for incomplete instead of an “F.” If a student was earning an “A” and “B” in American History and English II, respectively, in classes at the detention center, their local school within the same City school district as the school in the detention center might simultaneously send a report to the student’s home in the middle or at the end of a quarter with “Fs” listed next to every subject. Plus, once a teacher submits a grade, only that teacher can typically remove or change the grade.[11]

Nevertheless, many students and allies responded to oppressive and unfair practices by using the situational constraints of space and time to access educational opportunities and make advances toward high school graduation. Students’ diligence

and self-advocacy for their education happened as contextual and temporal responses to domination— resistances and refusals from below. They aimed at improving and advancing in school and negating repressive forces that situated their time incarcerated as only punitive.

Exclusions through Exemptions

The Individuals with Disabilities Education Act (IDEA) entitles persons under the age of twenty-two identified with disabilities to free appropriate public education (FAPE). Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits programs that receive federal funding from discriminating against people with disabilities. Title II of the Americans with Disabilities Act (ADA) extends to state and local programs and provides protections for people with disabilities incarcerated in state-operated prisons and jails (Hay, 2021). Thus, legal protections indicate that special populations, such as incarcerated students with disabilities, should receive education services (Leone et al., 2008).

Even though a 2016 study found that "prisoners with specific learning disabilities were more likely than prisoners without disabilities to use educational programs" (Reingle Gonzalez et al., 2016, p. 112), specific regulations within the IDEA exempt adult correctional facilities from providing free appropriate public education to school-aged youth in their facilities. These include if providing such services would be inconsistent with state law or practice and if the individual in question was not previously identified as a child with a disability before placement in the adult carceral facility.

Youth adjudicated to adult systems are excluded from entitlements to assessments and evaluations they might receive in juvenile facilities. Additionally, there is an allowance for students' IEP teams in prisons to modify students' IEPs or placements if there is "a bona fide security or compelling penological interest that cannot otherwise be accommodated" (34 C.F.R. § 300.324d2i). Exemptions in the IDEA are additional reasons why it is urgent to either have students officially identified as active IDEA-eligible students or for them to graduate from high school before they leave juvenile detention facilities.

WITNESS MARKS

Witness Mark One: Tim, Inadequate Instruction, and ISE or Actions that Designate and Maintain Inaction

After a winter break, Tim, Tim's mother, and his classroom educator requested that Tim be re-evaluated for special education services while incarcerated at the juvenile detention center. School district records designated Tim as "ISE," or Inactive Special Education. According to an intervention specialist at the school, Tim was declared ineligible for services in the spring eight years earlier due to a lack of attendance at school.[12] The school administration and the district special education department were quickly contacted about scheduling an ETR for Tim immediately upon returning from winter break because he would turn 18 in March. If the prosecutor decided to transfer Tim's case to the adult system, then he had less than three months to be re-evaluated for the protections afforded through the IDEA.

Typically, previously eligible students (like Tim) would no longer qualify for protections under the IDEA only if their identified conditions no longer affect or interfere with their academic performance or progress. Another means to exclude a student from qualifying is through an *inadequate instruction* determination. Usually, an inadequate instruction determination occurs prior to a student's first assessment of eligibility for services under the IDEA. For example, a student who begins preschool for the first time and has never been evaluated for disabilities might not qualify for services under the IDEA if the student has only been in preschool for a few weeks. The intervention team at the school would want more information about the student's instructional and assessment experiences before arriving at an eligibility determination. A pattern related to inadequate instruction emerged while analyzing students' records at the detention center, and Tim's records followed this noticed pattern.

It was suspected that school employees were repeatedly suspending students who presented behavior challenges or making certain students feel so unwelcome at school that those students might elect not to attend school at all. For example, I previously observed (1998-2013) that specific students at high schools were aggressively targeted and harassed for minor infractions like dress code violations or tardiness so that administrators or teachers could exclude "disruptive" students from school or class. Then, when it was time to renew an IEP and confirm a student's eligibility for services under the IDEA, school personnel might disqualify these pushed-out students based on "inadequate instruction" due to a lack of attendance, or

they would let the IEPs expire and refuse to re-evaluate the students for services based on “inadequate instruction” claims.[13]

As a result, when students arrived at the detention center school, they often had an “ISE” designation in the district’s digital record-keeping system. Essentially, a student’s lack of attendance at school, even if that lack of attendance was orchestrated and enforced by school employees, was being used by school personnel to claim that the student had not been in school enough to receive adequate instruction. Therefore, according to the statute, the students subjected to this “inadequate instruction” designation no longer qualify for services or protections under the IDEA.[14] A lack of school attendance was used to effectively erase a legal recognition of disabilities and the school protections that legally accompany recognized disability statuses.

On February 6th, during the third quarter of the school year, one of the intervention specialists (special education teachers) emailed the city school district’s special education department (SED) about sending a psychologist to the school at the detention center to produce Tim’s ETR. The email response from SED management on February 7th at 3:37 pm is below.

> There is not a School Psychologist currently assigned to the DEC. The SST at the DEC will need to convene to discuss the parent's request, review data and then make a determination if they suspect a Disability. If they do not suspect a Disability, a PR01 needs to be drafted. If the team does suspect a Disability, I will need to be contacted and all of the data that the team utilized in making that decision needs to be scanned/emailed.

DEC is the initialism for Detention Education Center, the school’s name, and SST is the initialism for Student Support Team, which may be referred to as a Student Study

Team, Student Success Team, or Student Intervention Team in other school districts. SSTs usually design a support system for students having difficulties in general classrooms. Agreed-upon interventions vary depending on the child's educational needs. The SST team also determines if students' struggles in school might be due to a specific learning disability or another cause.

Since Tim's transcript indicated "ISE," and the reason for his removal from services within the school district was a lack of attendance which led to the "inadequate instruction" designation and denial of his IEP renewal in 2009, the SST requirement in his situation was an unnecessary delay. His lack of attendance did not eradicate his identified chronic disability. Plus, research indicates that a lack of attendance at school increases academic struggles, especially for students with disabilities (Kuhfeld et al., 2020). Based on the referral request and prior school history, the district could have approved a new ETR. On February 21st, an intervention specialist from the detention center sent Tim's SST report to SED management. The report indicated that teachers had implemented interventions since January 10th. Based on the evidence of two educators, detention center school requests, and the mother's and the student's requests, Tim should have been immediately scheduled for an ETR.

Meanwhile, school administrators and intervention specialists were in contact with a district school psychologist who was willing to come to the detention center to complete the evaluation and assessment for Tim. An email from the psychologist on February 22nd states, "While I would be happy to work with the team at the DEC, I

cannot complete evaluations at other schools without management approval. If no school psychologist is currently assigned to your building, all requests for initial evaluations must be made to [SED management]. She will then assign a school psychologist to complete the case.”[15] The psychologist was consistently responsive to student and staff needs. A system comprised of bureaucratic rules and procedures that order peoples’ decisions and produce the friction that makes transformation unlikely was not responsive.

Tim turned 18 on the third Saturday in March and was sent to the county jail and adult system the following week. Employees at the DEC continued to try to get him re-evaluated for services while he waited for the disposition of his case without access to any educational opportunities at the county jail. Tim's last communication to the detention center was a handwritten letter dated May 15th. He said he wanted to get his GED but that there was “no school for real” at the county jail. Tim’s eleven-page SST report submitted to the SED on February 21st indicated that Tim works hard and independently. Students not working hard is not what is preventing them from high school graduation. Bureaucratic system policies and practices effortlessly entrench and maintain obstacles that remain upheld despite resistance from below. Repeatedly, witness marks reveal how those on both sides of the resistance might be halted or forced into action.

Witness Mark Two: Quincy, Inadequate Instruction, PR-01, & an ETR or In-designations as Dis-locations

Quincy's City school district high school records did not indicate an active IEP nor an ISE designation, even though it was later learned that City's public school district employees did his initial ETR assessments and evaluations while Quincy was attending a local Catholic elementary school.[16] City's school district had already identified Quincy as having a disability when he was much younger but somehow erased it from the general online database that district employees used to access records of students affiliated with City's schools.[17] A PR-01 form letter in the district's database revealed that Quincy's mother had requested another special education evaluation from City's schools during the first semester of 2014. A Prior Written Notice (PR-01) contains a series of questions that must be answered for a district in the Midwestern state to comply with the IDEA. A team at the school notes in a PR-01 whether proposed changes and requests are accepted or refused by the district. The district responded to Quincy's mother's request through a PR-01 form letter in the winter of 2014.

The PR-01 form letter sent during the winter of 2014 informed Quincy's mom that the district refused to initiate an evaluation because they did "not have enough data to suspect an educational disability at this time." The letter also stated that the team determined that Quincy's lack of work completion and attendance impacted his educational performance and that those issues needed to be remedied before an evaluation could occur. Oddly, the letter also stated that the teachers and principal

reported that Quincy was “capable of doing the work.” How the principal and teachers could determine that Quincy was “capable of doing the work” but did not have enough data due to his alleged lack of work completion and attendance to determine if he might have an educational disability is confounding.

Although his high school transcripts from City school district did not include an ISE designation, Quincy indicated that he had an IEP. Communications between the school at the detention center and Quincy’s mother revealed that she had saved his elementary and middle school records. She shared the documents to assist with the process of having Quincy re-evaluated. Transcripts and records showed that Quincy was eventually expelled from a high school in City school district. He then began struggling academically and socially in another local high school until there was no evidence that he was attending school anywhere. Quincy’s experiences exemplify what many scholars have illuminated: students of color who identify as or are identified as having disabilities experience “some of the highest rates of expulsion and suspension” (Meiners, 2016, p. 7) in schools. An educator at the high school where Quincy experienced an expulsion in ninth grade provided more information about the disappearance of Quincy’s IDEA eligibility from the City school district’s digital data system.

Students have Fourteenth Amendment due process protections in place for disciplinary actions taken by school administrators, and students who qualify for services under the IDEA have additional procedural protections. A convenient way for school administrators to avoid having to provide those other procedural

protections, referred to as manifestation hearings and which occur in addition to standard suspension or expulsion hearings, is for school personnel to determine that a student no longer qualifies for IEP services when the annual renewal of an IEP is due for review.[18]

However, when producing evidence in compliance with the operations of the school's structures and interlocking systems, school administrators and educators cannot easily disqualify a student who previously qualified for the IDEA. Communications with educators at the high school Quincy was expelled from confirmed suspicions about manipulations of "inadequate instruction" designations. Attendance was being used inappropriately and harmfully throughout City's school district to disqualify children from protections afforded in the IDEA and remove and exclude children from special education and related services. The potential consequences of the harm enacted by these practices include the removed and excluded child becoming involved in a situation that propels them into a classroom at the county detention center.

An attorney recruited by an educator at the detention center provided pro bono assistance to convince the district's special education department to send someone to the detention center to complete Quincy's re-evaluation. In the spring, Quincy's mother submitted his ETR from almost ten years earlier that City school district, which denied his eligibility for disability services and erased his ISE designation from their digital record system, had administered and completed. The documents were

forwarded to SED management. The response from SED management at 3:31 pm, two days after receiving the documents, was the following:

> Can you please convene your SST to review the parent's request? The team, including the parent, will need to look at the data provided to make a determination on if a disability is suspected. If the team reviews the documentation and does not suspect a disability, an Intervention Specialist will need to complete a PR01 indicating the team's decision and rationale. If the team reviews the data and determines that a disability is suspected, please email me, and I will see if a School Psychologist will volunteer to complete the case.

The intervention specialist at the detention center school had sent both ETR requests to the SED asking for Tim and Quincy to be re-evaluated by a school psychologist on February 6th. After receiving a previous ETR completed by City school district in 2008 that clearly indicated Quincy's eligibility for special education services, the school district's SED manager still attempted to delay the re-evaluation process. It took a threatening letter from a volunteer lawyer to the City school district to garner SED management's approval for a school psychologist to complete an ETR. The school psychologist who completed the ETR was the same school psychologist who had agreed to come to the detention center in February—if only SED management had provided the necessary approval months earlier.

Quincy appeared in court the morning after his ETR was completed, and his case was transferred to the adult system. He was removed from the school at the detention center by the end of the week. Still, the paperwork he needed to prove his eligibility for the IDEA's provisions at his next location was forwarded to Quincy and his mother. Quincy received no educational access or services while detained in the

adult county jail and awaiting the disposition of his case.[19] Eventually, he was sent to an adult state prison.

At the prison, Quincy received educational accommodations for his disability because he had the updated ETR papers generated at the DEC within the juvenile detention facility and graduated from high school. Since the IDEA exempts prisons from identifying or providing services to eligible students without active documentation of their eligibility, Quincy may not have been given accommodations or modifications for his disability and may not have graduated from high school without his updated ETR.

In-designations Mean Not *In*cluded in Educational Spaces

Detained students grapple with challenges caused by their disabilities while entirely dependent on the City's public school district and River County government to prioritize their best interests. Incarcerated youth and their families must rely on county and school district employees to provide access to FAPE like the IDEA demands because it is in the best interest of students. Instead, discursive and disciplinary techniques are utilized within bureaucratic educational and juridical systems to identify some bodies as dis-located, out of place, and not belonging in certain spaces (Adams & Erevelles, 2015; Ahmed, 2011). These dis-located bodies are often forced to re-locate in a carceral facility.

Simultaneously, these bodies are *in-designated* as a means to impress alternative classifications that surface among *in*carcerated students' transcripts. "*In*active Special Education" and "*in*adequate *in*struction" are denials that translate

into specific students being deprived of educational access and disability protections because the categories assigned imply that students do not belong *in* educational spaces. Bureaucratic systemic objections persist when these *in*-designated students are *in*carcerated, but not about students' carceral placements or the educational civil rights violations students experience. Rather, institutional resistance transpires when students, parents, and educators within the school at the juvenile detention center demand the educational access and protections incarcerated students are entitled to receive. An *in*-designation paradoxically means a student is bureaucratically viewed as belonging *outside* educational institutions and protective legislation. Unfortunately, the same systems and people in institutions that allow and nurture injustices and deprivations are also responsible for abiding by the law, enforcing it, and monitoring compliance with it.

Visual 26. A student at the detention center walks to the graduation ceremony (photo taken by staff member)

Witness Mark Three: Isaiah, Individual Advocacy, Illogical Logic

Isaiah arrived at the school at the detention center in the summer of 2014. Then, he was sent to two other carceral institutions for children before being returned to the school at the county juvenile detention center the following school year. He initially left the juvenile detention facility in 2014, armed with his updated transcript and eager to advocate for his education. Isaiah's narrative exemplifies the common shortcomings of educational services in detention spaces and individual resistance.

Other scholars have noted deficiencies and authoritarianism in schools, youth detention spaces, and other carceral facilities (Flores, 2013; Gray et al., 1995; Tannis, 2014; Vaught, 2017). Teachers in detention facilities are often less experienced, and there are higher turnover rates than in local public schools. In schools in prisons, teachers are also more likely to teach in content areas they are not credentialed. Many schools in these facilities do not attempt to meet each student's individual academic needs. Instead, they loosely adapt a state curriculum for middle school or ninth grade and repeat the content throughout the school year for all students (Gray et al., 1995; Tannis, 2014; Vaught, 2017).

Perhaps worse, progress in school can be used as one of the factors to determine dispositions for youth entangled in juvenile court processes, so a student not progressing in a school that does not have what the student needs to progress can be weaponized against the young person. Vaught (2017) has described the failure of students in schools located within juvenile detention facilities as "an institutional,

ideological necessity" (p. 55) in a White supremacist state that disproportionately incarcerates Black and Brown youth. Isaiah was not going to be failed without a fight.

Educators and county employees cannot bring cell phones into the detention center's secure area, so all teachers have desk telephones. A teacher received a phone call at their desk from Isaiah while he was in the school area at one of his alternative placements in another county. Isaiah was frustrated because the alternative placement's school did not have the required courses he needed to take to graduate. The school placed him in the only available math classroom with everyone else incarcerated. Isaiah was taught the same general math lessons everyone received, even though his transcript indicated he needed Algebra II to graduate, not general math instruction. This student had earned credits for a school year of Algebra I and Geometry through blended learning opportunities (in-class and online instruction) while he was in a classroom at the DEC.[20] Either his transcript was ignored, or there was no Algebra II option for Isaiah in the school at the alternative placement.

A couple of months after the phone call to the teacher at the DEC, Isaiah was accused of leading and instigating a rebellion at the juvenile facility in the other county. He was returned to the River County Juvenile Detention Center classroom the following school year, where he graduated two days after he turned eighteen in the late winter of 2016.[21] The graduation ceremony was held on a Monday. By the end of the week, his case was transferred to the adult court, and he was removed.[22]

This student knew his days at juvenile facilities were limited and used his transcript to advocate for his educational needs. He also knew he needed to utilize all

his time in juvenile detention to complete courses and graduate from high school. I do not know if Isaiah instigated the rebellion at the alternative placement facility in the other county. I do know that from a subordinated position, Isaiah resisted repressive dominance by adjusting how (and perhaps where) his time incarcerated would be used. He wanted to graduate from high school. The state categorized and confined Isaiah, yet he was determined to create his own designation by becoming a high school graduate. Thus, Isaiah was simultaneously defying and participating in a system abiding by logic that, under tyranny, is rarely logical.

Visual 27. Isaiah at his graduation at the juvenile detention facility

Witness Mark Four: Taylor, Trauma, Testing, & the Punishing Time of the Carceral State

I came in here for a reason,
even though it wasn't on my behalf,
I had to come in here and slow me down in life…
Graduate.
Like what I'm about to do,
I'm about to graduate,
so I had to come in here and get this…
I can't look at the bad,
always gotta be on the positive.[23]
--Taylor

Taylor's story reflects how resisting and refusing injustice attracts more extreme enactments of injustice by some of those whose power is being challenged. Across three years, Taylor was detained and released a few times at the juvenile detention center. During his last stay, he was incarcerated for about a year at the juvenile detention center. Although he turned 18 during the fall, and his case was bound over to the adult court system, he managed to stay at the juvenile detention center until the beginning of the next school year. The arguments from his attorney on behalf of his remaining longer in the juvenile facility, plus the positive school reports provided for his court appearances, assisted with convincing the juvenile court judge assigned to his case that keeping Taylor in the juvenile facility was the better option. The best option would have been Taylor's release, his high school completion at a local public school, and his ability to more easily pursue playing football at a junior college like he aspired to do.

Taylor was placed on an IEP during his 7th-grade year at a suburban middle school. During his ninth-grade school year, Taylor was excluded from school and allocated five hours *per week* of home instruction by his suburban school district. He subsequently enrolled in an online charter school instead of his local high school at the beginning of the second semester during his ninth-grade year. The online school reported that between the end of February and the end of April 2016, Taylor logged into his online school for less than ten hours of total instructional time. Along with

online school and the school at the detention center, Taylor spent some time attending classes at a Day Treatment Center school.[24]

When Taylor arrived back at the classroom at the juvenile detention center in 2016, he appeared to be in an emotional crisis. Usually, Taylor was a leader who was talkative, friendly, and cheerful.[25] Taylor came back distressed and quiet. It took about a month for him to engage with the class again. The class policy was to allow students to engage when they were ready. Students often arrived at the detention center with histories of trauma exacerbated by arrests and captivity.[26] It was unknown when Taylor arrived in the fall of 2016 that he not only witnessed the murder of another close friend but was also blamed for the death. Instead of yielding to prosecutorial pressures to settle the case through a plea bargain, Taylor conjured the strength to resist and refuse. His case went to trial in the adult criminal court system, and a jury found him innocent of the charges that had prompted the bindover.[27]

Instead of sending Taylor's case back to juvenile court for the lesser charges that were added to the case by the prosecution, as the judge and prosecutors should have, Taylor was sent to a private adult prison to serve more time for those lesser charges.[28] After appeals and other legal processes, Taylor was finally released from state custody and given credit for time served on the lesser charges. Povinelli (2011) discusses how forcing those harmed to wait for relief repeatedly is characteristic of the punishing time utilized by a carceral state. While enduring all of this, Taylor still graduated from high school at the juvenile detention center.

Taylor at school in the JDC

Months passed in the fall of 2016 before the online charter school Taylor was previously enrolled in released his records to the school at the detention center. In the early part of 2017, it was discovered that the online charter school that delayed giving the DEC Taylor's records for months had overbilled the Midwestern state it was chartered in for almost $200 million dollars by claiming students were enrolled and attending school online without ever substantiating students' actual attendance (Siegel, 2017). When Taylor's records were finally received, it was noticed that the online charter school had let his IEP expire in the spring of the previous school year. An intervention specialist began the process of writing a current and updated IEP for Taylor in February.

Taylor's knowledgeable mother expressed concerns to the intervention specialist about stigmas and additional stereotypes surrounding her son if he remained associated with special education services (Heflinger & Hinshaw, 2010). After speaking with Taylor's mother, the intervention specialist met with his classroom educator after the students left the school area for the day. She was worried that the multiple traumas Taylor experienced and the stress of unknown outcomes related to court proceedings would overwhelm Taylor if he had to sit for hours and take long state assessments with high stakes attached. Taylor had already met the requirements to be excused from the state's test-taking graduation mandates.[29] However, without an active IEP outlining how he met test exemption requirements, Taylor would be required to perform proficiently on the state's high-stakes standardized tests during

extensive hours of test-taking to graduate from high school. Furthermore, Taylor would have to wait until the state testing window opened again. State testing was only allowed during three established times per year.

Since his classroom educator had developed a relationship with Taylor and his family during his time at the detention center, the intervention specialist suggested they call Taylor's mother. The educator spoke with Taylor's mom from a teacher's desk phone. They agreed with her that Taylor's academic abilities did not necessarily warrant typical special education interventions. They also concurred that the initial IEP in 7th grade could have resulted from him being targeted in a suburban school district for attending school while young, male, and Black (Artiles & Trent, 1994). Taylor is commonly a leader, problem solver, intelligent, thoughtful, and energetic. The classroom teacher also reiterated the concerns of the intervention specialist to Taylor's mother. It was suggested that Taylor call his mom while he was in school to further discuss renewing his IEP.[30] Students may have had only one phone call they were allowed per week while in the residential unit at the detention center, so calling home while in school during the day was the most reliable option.

With permission from Taylor and his mother, Taylor's IEP was renewed before the end of February. On a spring day months later, Taylor and two other incarcerated students participated in a graduation ceremony held in the detention center's library during the school day.[31] Taylor still had additional torturous months ahead of him, but he graduated from high school against unrelenting odds from juridical and educational institutions. As Taylor mentions in the quote at the

beginning of this narrative, he used what he describes as a slowing down of time imposed during his incarceration, even though it was not on his behalf, as he also mentions, to resist statistics and stereotypes and become a high school graduate.

Visual 28. Taylor on his graduation day

Witness Mark Five: Matt, Jail, Compensatory Time, & Prison Schooling

Matt was taken from a classroom at the juvenile detention center after he turned sixteen and right before winter break in 2014.[32] According to Matt, his case was taking a long time to resolve because his court date kept being reset. He was transferred to the adult criminal court system and held in the adult county jail for approximately one year while he was sixteen. Shortly after he turned seventeen, he was moved from River County's jail to a state prison. Matt asked for access to school at the county's jail and was told by jail personnel that the only educational services offered there were weekly GED courses. He asked to be included in the GED courses.[33] He was told to wait and let someone else have an open seat in the course because Matt might not be at the county jail that long.[34] Punishing time compounded

with punishing confinement before a conviction and sentence to time were even decided are mechanisms in the prison industrial complex.

Matt had an active IEP and access to daily medication while at the juvenile detention center. There was limited or no access to that medication at the jail or at the prison where he was eventually sent.[35] After being captive in jail for eight months, he wrote a letter thanking the teacher for the Harry Potter books they sent him. Several other students from the juvenile detention center had been transferred to the adult jail by this time. In one letter, Matt mentioned that he and another former student missed being in the classroom at the juvenile detention center.[36] They had no access to schooling at the adult county jail.

Shortly before Matt was sent to state prison, a legal professional from a disability rights group in the state met with him at the county jail and served as an advocate for him at his next location. Due to her insistence, Matt was provided a year of compensatory educational time to make up for the school year he was deprived of while in the adult jail. Thus, he remained eligible for protections afforded through the IDEA until he turned 23 instead of until he turned 22.[37] He was able to finish his high school courses but continued to struggle with passing the state's high-stakes standardized tests for graduation. The science test was particularly challenging for him. In one letter, he described how his test scores went down after he took them in prison.[38] There was no logical reason for him to retake all tests because he had previously passed three.

In between being "in the hole" and not having consistent access to educational services, Matt continued to study and retake the state tests he was required to pass for his graduation. [39] Since Matt completed his high school coursework and had an active IEP when he turned 23, IDEA-protected accommodations for his disability remained in place every time Matt took state standardized tests.[40] Matt's recognized disabilities and continuous active IEP meant that Matt's teachers could have excused him from meeting proficiency levels on state tests he struggled to pass. This exemption would have allowed the prison high school teachers and administrators to certify his high school graduation. His disabilities and circumstances certainly qualified. When it appeared that teachers at the prison were not assisting Matt with qualifying for a state testing exemption, individuals at the state's Department of Education who worked in the Office for Exceptional Children and Office of Assessment were contacted by his former JDC classroom teacher but to no avail.[41]

During the COVID-19 pandemic in 2020 and 2021, additional state exemptions were allowed for students concerning state testing as a component of high school graduation requirements. Matt learned the details so he could share them with the teachers at the prison. The state's pandemic high school testing exemptions seemed to finally convince the prison teachers to qualify Matt for high school graduation. Matt sent a digital picture of himself holding his transcript and smiling broadly through a prison message system.[42] When Matt sent the celebratory message announcing he was a high school graduate, it had been nearly seven years since he sat in the classroom at the detention center.

In all of these witness marks, young people and allies have to engage in extraordinary measures to ensure that what is supposed to happen actually happens. Even though advocacy, activism, agency, resistance, and refusals interrupt systemic and institutional wrongs being perpetuated and deserve documentation as witness marks, these narratives do not transform the systems and institutions nor any of the social apathy that creates conditions and opportunities for harm to occur continuously.

It should not and does not have to be like this.

Visual 28. Graphic summary of five witness marks

SYNTHESIS

Sara Ahmed (2017) discusses how some forms of violence are not understood or acknowledged as violence which perpetuates uninterrupted and unquestioned violence. She states, "So much violence directed against groups (that is, directed against those perceived as members of a group) works by locating that violence as coming from within those groups. Thus, minorities are often deemed as being violent, or as causing violence, or even as causing the violence directed against them" (Sara Ahmed, 2017, p. 225 in Gossett et al., Eds.). So much of what has been written about youth entangled in the carceral system discusses their disabilities, lack of formal education, and high school graduation (Aizer & Doyle, 2015; Council for State Governments Justice Center, 2015; Harper & Davis, 2012). Youth might even be blamed for not advancing in high school as if they have not worked hard enough to attain it, even if the academic courses and accommodations they need to graduate are unavailable in juvenile detention centers, jails, or prison schools. Documented witness marks in this analysis shift attention to how educators, prison employees and administrators, and flawed policies work in tandem within a network of systems and institutions to deny incarcerated youth educational access.

These witness marks serve as insertions of refusals and resistance and a rebuttal to invocations of individual blaming. Young people in these narratives project *Not this!* The narratives also locate the powers responsible for educational deprivations and are a modest attempt to remedy archival neglect. Recognizing and amplifying dispersions of resistance also reveal possibilities for interventions. What

follows draws from the data presented. It synthesizes the multiple obstacles confronting youth when they want to access educational opportunities and suggests alternatives to current policies and practices.

Educators and Carceral Facility Personnel

Enabled by porous policies and bureaucratic barriers and bumbles, educators and detention and jail officials and personnel repeatedly created obstacles for young people like Tim, Quincy, Isaiah, Taylor, and Matt, who desired and demanded educational access and protections they are entitled to receive. Many working within heavily bureaucratized public service positions experience oppression and discrimination based on their identity markers. However, there are many who still fiercely advocate for youth and maintain young people's best interests as a priority. It is also understandable that limited educational funding and resources can frustrate those who continuously hustle to acquire what students need and provide the care and educational experiences all children deserve. Nevertheless, limited resources are never an acceptable excuse for educators to manipulate provisions of the IDEA to meet their own aims and subsequently harm children, even as they work within bureaucratic and monetary constraints. Additionally, even if those working as officers or administrators in carceral spaces are unaware of civil rights education laws, they certainly have common knowledge of the need for youth to learn and attain a high school diploma in our current society.

The Special Education Department manager's delay tactics in City school district and the manipulations of the "inadequate attendance" provision of the IDEA

by other school district employees to more easily exclude Tim, Quincy, and similarly situated students are egregiously unethical, harmful, and must stop. The educators at the prison in which Matt was captive should have consistently utilized every available tool to assist Matt with becoming a high school graduate. The school at the youth detention facility that Isaiah was removed from should have provided access to the courses he needed to graduate. Taylor should have been given more than five hours per week of instructional time during his ninth-grade year in a suburban school district, and the online charter school he attended for ten hours over the course of two months should have been substantiating his attendance and participation. Systems designed to fail and indict students need to be abolished.

Charter Schools in the Midwestern State

Taylor was certainly not the only student failed by a charter school with limited accountability measures embedded in the legislation of the Midwestern state (Arney, 2017; Kucinich, 2017; O'Donnell, 2014; Richmond, 2019). Unregulated and unaccountable charter schools that siphon money away from public schools in the Midwestern state contribute to the difficulties youth pushed out of public schools confront. One student in the detention center school who was enrolled for two years at a charter high school only earned two credits throughout the entire time the Midwestern state was paying for his enrollment there. He earned two times as many credits in less time when enrolled at his local public school. This same charter school was supposed to have an ETR and IEP for this student but never provided one, so if

the youth was to be made eligible again for protections under the IDEA, the school staff at the detention center had to make it happen.[43]

Another charter school that was a member of a network of “no excuse” charter schools in the district ignored record requests from the school at the detention center for over three weeks. A response was only received after the business entities at the head of the no-excuses charter network were copied on the email requests. These emails also included threats to report the charter school to the Midwestern state’s department of education and the United States Department of Education’s Office of Civil Rights.[44] True to their militant approach, the no-excuses school employees' email response did not contain excuses for their neglect, but the DEC finally received the student’s records. There should not be these extremes that some must go through to get others to do what they are supposed to do for children.

Accountability for Whom?

After a complaint was filed with the United State Department of Education’s Office of Civil Rights about the violations of civil rights young people eligible for protections afforded in the IDEA experienced while incarcerated in the adult River County jail, it became clear that it was difficult to hold county officials in charge of the jail accountable.[45] Technically, the law did not necessarily apply to them since there was no school in the adult jail. It was also difficult to hold the school district that should be providing services to the young people in the jail accountable because they repeatedly claimed that local county jail officials refused to give them access to students.

A complaint was also filed with the Midwestern state's department of education in 2018, and a year-long investigation into the lack of schooling at the county jail by the state department of education occurred.[46] As a result, a few inadequate educational implementations were instituted at the county jail in the first months of 2020, but this only lasted a few months because all programs in the county jail ceased during the pandemic.[47] It is unclear what accountability systems are in place at state levels to enforce the IDEA's protections in county jails.[48]

Exemptions in the IDEA that release prisons from being accountable for identifying and providing for the educational needs of incarcerated individuals need to be eliminated. Recall those specific regulations within the IDEA that exempt adult correctional facilities from providing free appropriate public education to school-aged youth in their facilities. These exemptions include if providing such services would be inconsistent with state law or practice and if the individual in question was not previously identified as a child with a disability before placement in the adult correctional facility. There is also the allowance in the IDEA for the IEP team of an incarcerated student to modify the student's IEP or placement if there are the vaguely described "bona fide security or compelling penological interest that cannot otherwise be accommodated" (34 C.F.R. § 300.324d2i).

The deprivation of high school graduation because of high-stakes standardized exit exams continues in policy and practice in the Midwestern state, even though researchers conclude that accountability through standardized testing is a failed policy and "that high school grades are a stronger incremental predictor of college

outcomes" (Galla et al., 2019, p. 2077; Au, 2013). High-stakes standardized tests need to be abolished. Youth should not be held more accountable for their learning than those who are supposed to monitor and enforce fair educational policies and practices intended to assist students with exceptional needs and abilities.

Bindovers

The simplest solution to ceasing IDEA violations in adult jails, improving justice, and increasing public safety is to stop binding young people over to the adult system and abolish case waivers. In forty-four states in the U.S., the maximum age of juvenile court jurisdiction is age 17; in the remaining states, the maximum age ranges from 16 to 18 (Teigen, 2020).

The number of youths transferred to adult court has significantly decreased since its peak in the mid to late 1990s (Bryson & Peck, 2020), which illustrates that relying less on harsh, developmentally inappropriate, and punitive practices is possible. However, ability, racial, and socioeconomic disparities have remained persistent (Freiburger & Sheeran, 2020; Hanson & Stipek, 2014; Hennings, 2013; Ingraham, 2015). Youth of color, youth eligible for disability services, and youth of lower socioeconomic status continue to be disproportionately affected by transfer policies (Children's Law Center., et al., 2016; Campaign for Youth Justice, 2007; Fagan, Kupchik & Liberman, 2007; Miner-Romanoff, 2012; Redding, 2003, 2008).

Along with documented disparities in juvenile justice, substantial and expanding research in developmental sciences confirms the brain is structurally and functionally immature, often until age twenty-five. Additionally, researchers conclude

that adolescence is a distinct phase of development ripe with vulnerability and malleability (Bettman, 2014; Brooks, 2014; Bonnie & Scott, 2013; Cohen & Casey, 2014; Casey et al., 2020). This science informed the Supreme Court as they established precedential case law on diminished capacity jurisprudence in the first decades of the twenty-first century.[49] Additionally, some public defenders have argued that mandatory bindover laws like those in the Midwestern state, which require that all 16 and 17-year-olds who use a gun during a crime be tried and sentenced as adults, is unconstitutional.[50]

Alternatives to ending transfer practices that some counties have embraced to avoid educational civil rights violations when youth are in adult jails include partnering with the local school district that the jail is located within to provide the youth with educational access (Washington, D.C.; Chicago), or partnering with for-profit education providers (Los Angeles).[51] Although these attempts to provide educational services might be better than a complete lack of educational access, expanding jails through combining services with schools is a reform that extends carcerality rather than reducing it or working toward abolition.

Cash Bail

Abolishing cash bail (also known as a money bond) would release unconvicted people accused of non-violent crimes from jails so they can continue or pursue their education, work, and social and family lives without interruption. Like individuals aged eighteen and older held in jails, youth under eighteen transferred to the adult system can be subject to pretrial detention if their family or friends cannot afford bail.

As a result, young people eligible for educational services might be jailed in adult facilities for weeks or months without ever being convicted of any crimes (Human Rights Watch, 2017). This class of young people is overwhelmingly denied the free appropriate public education to which they are entitled under the IDEA and are thus prevented from accessing what is meant to facilitate their successful reentry into schools, communities, and homes. A lack of educational access further obstructs opportunities to lead successful adult lives and exacerbates risks linked to re-incarceration (Children's Law Center., et al., 2016; Campaign for Youth Justice, 2007; Fagan, Kupchik & Liberman, 2007; Miner-Romanoff, 2012; UCLA School of Law, 2021; Washington State Institute for Public Policy, 2013).

Prosecutors

U.S. Supreme Court decisions during the first decades of the twenty-first century clearly assert that youthful characteristics such as immaturity, impetuosity, and the failure to appreciate risks and consequences must be considered when contemplating juvenile court cases (Bettman, 2014; Brooks, 2014; Cohen & Casey, 2014). Hennings (2013) argues that prosecutors should evaluate alleged juvenile offenses not only through a lens of research on adolescent development in the interest of fairness but also that equity "demands an impartial application of the developmental research to all youth, regardless of race and socioeconomic status" (Bettman, 2014, p. 383). Prosecutors should respond to behaviors considered deviant and adolescent mistakes with the developmentally appropriate options commonly available to white youth in

higher socioeconomic categories (Bonnie & Scott, 2013; Casey et al., 2020; Hennings, 2013).

Ideally, young people should be entirely kept out of carceral facilities, especially adult jails, and kept in resourced schools that can meet their various and multifaceted individual needs. Unfortunately, schools often serve to reinscribe dominant ideologies and contribute to disparities, inequities, and mass incarceration rather than disrupting them.

CONCLUSION

Acts of resistance and survival possess a temporality. Individual resistance and survival practices are adapted to specific contexts in necessary moments as responses to dominant power. Using expansive theoretical frameworks and archiving processes, this analysis exposes how youth and allies resist and refuse obstructions and manipulations that prevent them from accessing educational opportunities, protections in the IDEA, and earning a high school diploma. Witness marks in this chapter represent students' acts of resistance and their refusals when confronted by disciplinary and oppressive authorities in close proximity and within the contextual and temporal parameters of students' circumstances. This analysis documents contextualized *Not this!* defiances that may or may not be linked to broader transformative collective social and political movements that produce or influence discursive shifts or alternative truths over time.

The young people in these writings create witness marks from below through their *Not this!* stances against unjust and dominant powers. Elucidating these witness

marks reveals students' individual dynamic struggles and advocates' assistance against multiple actors across similar contexts. The actors perpetuating injustices too often include educators, prosecutors, judges, prison employees, and officials who ignore or corruptly utilize mechanisms intended to increase equality for acts of oppression that reproduce dominant power structures. There are also fractures and gaps in policies and accountability systems. Yet, the young people's witness marks document that where there are repressive institutions and oppressive systems, there are also resistant practices, refusals, desires for education, and negotiations to establish alternative truths and identities.

These students' witness marks represent alternatives to stereotypical representations of incarcerated young people. Their stories reveal temporal and contextual choices that incarcerated young people make to advance their studies and construct themselves as high school graduates. Although they resist through their participation in a dominant system, they simultaneously reject that dominance by becoming or striving to be what the system actively obstructs and is not designed for them to become—high school graduates.

---

[1] This section is based on notes and artifacts between 2014-2018.

[2] *Next location* refers to either the next court-ordered facility placement the child was sent to after being in juvenile detention or the student's local school outside of incarceration facilities.

[3] These quotes are from a class podcast project in April 2017 facilitated in conjunction with a community art organization, which was made possible through a Foundation grant received between 2016-2018.

[4] A Guide to the Multifactored Evaluation (MFE), (2001). Sponsoring agency: Office of Special Education and Rehabilitative Services (ED), Washington, DC.; the Midwestern state State Dept. of Education. Retrieved from

https://www.govinfo.gov/content/pkg/ERIC-ED466923/pdf/ERIC-ED466923.pdf (Accessed 02/15/2021)

[5] Ibid.

[6] Staff meetings before school year began in 2014 and revised school student intake paperwork 2014-2018; emails from campus admins 2014-2018

[7] Listen. Act. Win. Education Action Events in City in May 2016 & 2017 & national school podcast April 2022

[8] Ibid.

[9] Email communication from the campus administrator on 06/30/2016 & transcripts from students at JDC between 2014-2018; notes on phone call to student's parent fall 2016

[10] Listen. Act. Win. Education Action Events in City in May 2016 & 2017

[11] Email communication from the campus administrator on 06/30/2016 & transcripts from students at JDC between 2014-2018

[12] Email communication 02/21/2017

[13] Confirmed that this was continuing in notes from a meeting September 16, 2022, with legal advocates in River County

[14] Email communications with attorney, May 9-11, 2017; notes from meeting with legal aid attorneys September 16, 2022

[15] Email communications between school district employees on 02/22/2017

[16] Paperwork Quincy's mother saved from his elementary school days, shared 05/02/2017

[17] Transcript for Quincy, 2016-2017 school year

[18] Confirmed by legal advocates in River County; notes from meeting September 16, 2022

[19] Handwritten correspondences dated June 2017

[20] Transcript records and notes on student 11/25/2014

[21] Online newspaper story dated Tuesday, November 3rd 2015, 12:37 PM EST
Updated: Friday, January 1st 2016, 11:51 PM EST

[22] Photos of graduation ceremony dated Spring 2016

[23] These quotes are from a class podcast project facilitated in conjunction with a community arts organization, which was made possible through a Foundation grant received for the classroom 2016-2018.

[24] School notes on student dated 10/10/2014, 1/12/2015, and 02/27/2017

[25] April 2017 class podcast

[26] Class notes dated 2014-2018; journal dated 2018

[27] Online news article shared by a substitute teacher during the summer of 2017

[28] Communications with Taylor through JPay 2017-2018; discussion with judge after SPACES event July 2018

[29] School notes on student dated 02/24/2017

[30] Notes on student dated February-May, 2017

[31] Photos of the graduation ceremony dated May 2017

[32] Notes on student dated December 15 & 17, 2014

[33] Handwritten letter from another student also indicating only GED courses at the county jail dated 05/15/17

[34] Handwritten letters from student in February and March 2015

[35] Emails dated 02/07-10/2017 with disability rights advocate

[36] Handwritten letter from student in August, 2015

[37] Email communications with advocate at Midwestern state's disability rights group March 23-31, 2016

[38] Letter from student in prison, n.d.

[39] Handwritten letter from student, n.d.

[40] Conversation/emails with state department of education assessment official April 2020

[41] Email communications dated 04/28 and 29/2020

[42] Jpay message dated May 2021

[43] These charter school anecdotes are from emails with evidence attached between DEC personnel and a public education advocate dated August 31, 2017, 12:39 pm

[44] Email with attachments dated August 24, 2017, 1:14 pm

[45] OCR #15-16-1455, communications with OCR attorneys, 2015-2019

[46] #CP 0113-2018, Complaint Findings Letter from state dated May 1, 2019

[47] Email communications with Midwestern state school board member Summer 2020, Fall 2021 and attorney with regional child advocacy organization Fall 2021-2022.

[48] Email from *Assistant Legal Counsel,* Office of Chief Legal Counsel, dated December 22, 2021, 11:44 AM

[49] See *Roper v Simmons*, 2005; *Graham v. Florida*, 2010; *Miller v. Alabama*, 2012

[50] *Quarterman v. State of Midwestern State*, 2014, Midwestern State R.C. (Revised Code) 2152.10(A)(2)(b) - Transfer is mandatory for offenses by juveniles involving a firearm & R.C. 2152.12(A)(1)(b) - Transfer is mandatory for certain offenses if the child is sixteen or seventeen at the time of the act charged.

[51] See *Charles H. & Israel F. v. The District of Columbia,* Case 1:21-cv-00997-CJN (2021); *Donnell C. v. Illinois State Bd. of Educ.*, Not Reported in F.Supp. (1995); and *LAUSD v. Garcia*, 669 F.3d 956 9 Cir. (2012)

CHAPTER SIX, THE END: Tying Together Strands in Juvenile-Court-Schools-Social-Agencies-Networks

CONCLUSION

The Integration of Method-Making

McKittrick (2021) describes method-making as an approach to research and writing in which curiosity thrives. Rather than indicating a lack of discipline, this research and reporting were steered by consistent burgeoning curiosities. These chapters illustrated interdisciplinary explorations informed and sustained by the "unacademic" and critical scholars across disciplines and fields. Through an assemblage of "ideas that are seemingly disconnected and uneven," I intended to unsettle "insular normalcies" (McKittrick, 2021, p. 4), illuminate collaborative resistance and refusals, and demonstrate collective solidarity in struggles against the centripetal forces and variables that sustain juvenile-court-schools-social-agencies-networks.

These chapters also demonstrate my indebtedness to a confluence of critical thinkers and their conceptualizations and analyses of "the complex controlling relationships among schools, prisons, and other carceral apparatuses and institutions" (Vaught et al., 2022, p. 6). To advance current contemplations of a school-prison nexus, I presented schools, social agencies, and juvenile courts as not only connected but as originating from and symbiotically and co-constitutively existing within a punitive fibrous network that demands and violently organizes compliance within narrow parameters of normativity. However, an "open textile fabric" such as a net metaphorically allows for actual resistance, agency, and survival. Legal complaints,

archives, and witness marks striate juvenile-court-schools-social-agencies networks and leave indelible impressions that can surmount temporal and contextual constraints, but justice is not yet widely met. Thus, these analyses do not necessarily disregard what was not conveyed in these pages or what is still yet to be. Instead, imagination remains imperative.

Main Ideas from this Research

Summarily, these chapters utilized critical policy analysis and archival studies to investigate policy architectures, carceral logics, and community and youth resistance and refusals when young people experience state custody.

The analysis in chapter three situates educational scholars and practitioners in conversation with their legal counterparts. The chapter explores how youth transferred and incarcerated in the adult criminal system and their allies use civil legal complaints to demand educational access. It also examines the broad contradictions between the Individuals with Disabilities Education Act's (IDEA) intentions concerning the education of young people with disabilities and how and why its interpretations are implemented, manipulated, or nullified in adult jails. Investigating and critically analyzing this landscape provided relevant insights into institutional power and workings and exposed the disconnects between policy intentions and policy outcomes as well as the unjust consequences of those policy fractures experienced by affected young people.

Chapter four is a multilayered critical historical archival analysis that considers how conditions in the past might inform or influence contemporary

inquiries for justice and healing. I found that well-intentioned Progressive Era responses to observed poverty and suffering in Cuyahoga County legitimized hierarchies and treated social dilemmas as issues that could be resolved within individuals. These practices of individualized carceral care and hierarchical labeling were not only legitimized but institutionalized. The consequences of this era can be observed in contemporary practices that continue to utilize reductionism and biodeterminism when categorizing and organizing individuals socially and institutionally. Engaging with these historical records illuminated carcerality's expansiveness, practices, and how investments in carceral systems reproduce inequities and injustices and maintain the power of dominant groups, even when members of that dominant group are attempting to reduce suffering and harm.

Chapter five engages with activist archival processes and contemplates the punitive time of the carceral state. The witness marks of young people who experienced incarceration reveal fractures and gaps in existing policies & accountability systems. They also demonstrate young people's agency, coalition-building, and the contexts and temporality of resistance and refusals in spaces that may otherwise remain unnoticed and undocumented. These witness marks reveal students' individual dynamic struggles and advocates' assistance as they confront multiple actors across similar contexts. Educators, prosecutors, judges, prison employees, and officials are portrayed as ignoring or corruptly utilizing mechanisms intended to increase equality for acts of oppression that reproduce dominant power structures. Additionally, the witness marks document that where

there are repressive institutions and oppressive systems, there are also resistant practices, refusals, and negotiations to establish alternative truths and identities.

All of the chapters provide fertile illustrations of the need for some rethinking in legal, social, cultural, political, and economic spheres regarding carcerality's broad infiltration and its effects on young people. At the end of this chapter is an outline organized according to federal, state, and local levels that merges policy considerations from each chapter.

Internal Review Boards (IRBs)

It took approximately a year, several rewrites, and a full board review at the university to initially receive approval to interview incarcerated and formerly incarcerated young people about their educational experiences before, during, and after being transferred from juvenile jurisdictions to the adult criminal system. However, after the university approved my IRB application, the review board for the state prisons where I wanted to conduct open-ended interviews with young people who graduated from high school despite being subjected to transfer processes denied my application. The pandemic during 2020-2021 exacerbated already highly challenging circumstances for anyone working on research in prisons, jails, and detention centers. These difficulties altered my designs and required a modified IRB submission to the university. The most recent IRB approval included utilizing archives, artifacts, and interviews with formerly incarcerated individuals aged 18 and above.

The state and universities consider people incarcerated as some of the most "vulnerable" participants in research projects. Haney (2020) describes research in prisons as being "notoriously difficult to conduct and even more difficult to conduct properly" (p. 222). The discourse from IRBs regarding the intense procedures for research approval in prisons focuses on protecting those incarcerated. Indeed, the heinous acts incarcerated individuals experienced previously in the name of research required the implementation of strict regulations. However, the difficulties in receiving approval to access carceral facilities also shield institutions' operations and practices. Thus, a lack of meaningful access obstructs assessing the conditions and well-being of those incarcerated and leads to questions regarding who or what is actually being protected by extensive concealment.

The rigidity of bureaucratic procedures and rules also often denies incarcerated individuals agency in decision-making processes. There are likely millions of incarcerated individuals without a means to share their narratives even when an opportunity might be available because the state's carceral concern is inherently patriarchal and derives from dominance, control, and violence. Unfortunately, the stories that are often shared are not primarily from the perspectives of those entangled in the system but rather from well-intentioned researchers using secondary sources. Excluding those who experience incarceration expands knowledge production, dissemination, and mobilization gaps.

Finale

Finally, I return to what was at the beginning of the introductory chapter—words from young people entangled in the constructed punitive fibers of a juvenile-court-schools-social-agencies network. I transcribed the poem that follows from a recording of a student at a school within a juvenile detention center during the 2017-2018 school year. I attempted to represent the poetic flow of the student's spoken words in its textual organization.

An artist and professor creating a collaborative artivism exhibit focused on deadly drone strikes asked students in a JDC classroom to read and record for the project. After recording for the artist's production, a student asked if he could speak his lyrics into the microphone while waiting at the classroom door for an escort to his court hearing. The artist readily agreed to record him and later shared the mp3 file with me via email.[45] Since the author of these music-less lyrics did not provide a title in his recording, I offer "Who or what is considered criminal?" as a potential title.

Who or what is considered criminal?

Dear Judge,

Before I get convicted and you call me a menace

I would like to say a couple words before I get my sentence

Yea, my life hard, but that ain't no reason why I did it

I come from the bottom

Ain't ashamed to say I'm from the trenches

[45] Emails from artist and records dated January 2018

Yea, we both Black, but I can see that there's a difference

You sit on your high horse and expect for me to call you "mister"

I sit on the project steps and pray for another day of livin'

I know that you don't care

It don't matter

Because it ain't you in it

You probably see yourself as president when you in your dreams

But all I see is all my dead homies when I go to sleep

I can't escape the pain, and I can't forget the stuff I've seen

I lost my closest friend

Yea, he died when he was just fifteen

Look me in my eyes and I dare you try to feel my pain

I remember times without a jacket standing in the rain

I'm new to this life so this life is running through my veins

Try to fill my shoes and I bet you wouldn't last a day

Mess my head up when I seen my auntie snort a line

Hit my first lick and fell in love with committin' crimes

Tried to go to school

Teacher said I was wastin' my time

Yea, I hate the past

But wouldn't change it if I could rewind

Stuff was really crazy and it's messin' with my mental

People out to get me

That's why I carry a pistol

See death around the corner

And murder in my peripheral

You don't know the half so don't try to call me a ***criminal***

I did not see or hear from the student again after he left the classroom at the juvenile detention center to go to court because he was bound over to the adult criminal court system—an unsatisfactory ending.

SUMMARY OF POLICY RECOMMENDATIONS

FEDERAL LEVEL

- End capitalist, technical, and market solution approaches to society's issues

Incarceration

- Pass legislation akin to the End Money Bail Act (The Justice Collaborative, 2020)
- Raise the age of juvenile court jurisdiction to at least 22
- Prohibit the placement of children in adult jails or prisons (*see* The Campaign for Fair Sentencing of Youth, 2021)
- Increase the minimum age for a child to be tried as an adult from 13 to 22

IDEA & the USDOE

- Fully Fund the IDEA at 40% as originally legislated
- strengthen legislation to incentivize and hold accountable the entities responsible for educating young people with disabilities
- Support states and higher education that abolish the use of high stakes standardized testing

- Designated and funded division of the USDOE to conduct ongoing inquiries about the educational services offered by school districts to people incarcerated in local jails within their boundaries
- When IDEA compliance is lacking regarding education in local adult jails, MSIP at the USDOE should consistently enforce the law
- USDOE should position itself on behalf of incarcerated youth needing educational access
- expand enforcement mechanisms for USDOE to hold districts beyond DCPS accountable
  should be expanded so that districts beyond DCPS are held accountable
- Eliminate exemptions in the IDEA that release prisons from being accountable for identifying and providing for the educational needs of incarcerated individuals, including
  - if providing such services would be inconsistent with state law or practice
  - if the individual in question was not previously identified as a child with a
    disability before placement in the adult correctional facility (the "child find" exemption)
  - the allowance in the IDEA for the IEP team of an incarcerated student to modify the student's IEP or placement if there are the vaguely described "bona fide security or compelling penological interest that cannot otherwise be accommodated" (34 C.F.R. § 300.324d2i)

- The implementation of the IDEA's provisions should be monitored and enforced by education professionals at every level of government who hold each other accountable.

STATE LEVEL

- End capitalist, technical, and market solution approaches to society's issues
  - End unregulated and unaccountable charter schools that siphon money away from public schools

Incarceration

- Eliminate transfer practices
- End cash bail/money bonds
- Raise the age of juvenile court jurisdiction to through twenty-two

- Minimally, youth currently incarcerated should have complete educational access regardless of where they are detained

State Departments of Education

- The implementation of the IDEA's provisions should be monitored and enforced by education professionals at every level of government who hold each other accountable.
- Abolish high-stakes standardized testing
- Equitably and fully fund schools so they can meet the various and multifaceted needs of students and employees
- Have accountability systems in place at state levels to enforce the IDEA's protections in county jails
- Supervise and monitor school districts' conformity with the specialized instruction and/or related services mandated by IEPs to ensure each school district's and jail's compliance
- Strategically use educational access for incarcerated youth to abolish youth transfer
practices and support decarceration
- Minimally, youth currently incarcerated should have complete educational access regardless of where they are detained

COUNTY LEVEL

- End capitalist, technical, and market solution approaches to society's issues

Incarceration

- Ideally, young people should be entirely kept out of carceral facilities, especially adult jails
- End cash bail/money bonds
- Eliminate transfer practices
- Prosecutors should respond to behaviors considered deviant and adolescent mistakes with the developmentally appropriate options commonly available to white youth in higher socioeconomic categories
- Prosecutors should evaluate alleged juvenile offenses not only through a lens of research on adolescent development in the interest of fairness but also that equity "demands an impartial application of the developmental research to all youth, regardless of race and socioeconomic status" (Bettman, 2014, p. 383)
- County officials enforce the IDEA's protections in county jails

- Accountability systems in place to enforce the IDEA's protections in county jails
- Strategically use educational access for incarcerated youth to abolish youth transfer practices and support decarceration
- Minimally, youth currently incarcerated should have complete educational access
    - Local county jail officials give school districts and educators full access
    - partnering with the local school district that the jail is located within to provide the youth with educational access (Washington, D.C.; Chicago)

SCHOOLS & SCHOOL DISTRICTS

- End capitalist, technical, and market solution approaches
- The implementation of the IDEA's provisions should be monitored and enforced by education professionals at every level of government who hold each other accountable
- END the pervasive educational neglect and indifference exhibited by professionals in education towards incarcerated young people
- Every school district in this country with a local jail within its district's boundaries should actively and intentionally secure access to educational services for detained young people
- End manipulations of the "inadequate attendance" provision of the IDEA by school district employees
- Educators in detention spaces should consistently utilize every available tool to assist students with accessing educational opportunities and becoming high school graduates Schools in detention facilities should provide access to all courses students in local schools receive
- Never accept five hours per week of instructional time as adequate
- charter schools must substantiate attendance and participation
- Create accountability systems to enforce the IDEA's protections in county jails
- Monitor and hold school districts that should be providing services to young people in jails accountable
- Partner with the local county officials to provide the youth with educational access (Washington, D.C.; Chicago)

APPENDIX A:
TWO CODE DISTRIBUTION CHARTS PRODUCED WITH MAXQDA FOR CHAPTER THREE

Code System	mon...	Pris...	refo...	safe...	com...	exa...	Pen...	inter...	cros...	spe...	Acc...	Isol...	Con...	Due...	Pro...	Coll...	inac...	Inhe...	Viol...	Viol...
monetary costs involved		1	7	3		3	3	4	1		7	3	4	4	2	3	2	4	5	
Prison Litigation Reform Act (PLRA)	1		4	4	4	4	1	3		1	7	4	5	7	6	5	3	4	8	
reforms and reforms not working	7	4		7	4	13	8	11	1	2	14	9	12	11	5	12	9	10	17	
safety and security	3	4	7		6	8	5	5		1	10	8	7	10	5	8	7	5	10	
complaints		4	4	6		12	4	5		1	15	9	6	14	5	13	10	11	12	
exacerbating debilitating effects of adu	3	4	13	8	12		9	10		3	18	14	13	19	6	16	14	12	19	
Pennhurst,institutions,disability	3	1	8	5	4	9		7	1	2	11	7	9	8	1	6	8	7	11	
intersectionality issues raised	4	3	11	5	5	10	7			1	10	8	10	11	4	8	5	11	11	
cross-disciplinary or intersection of	1		1				1				1					1		1	1	
speciesism/humanity raised		1	2	1	1	3	2	1			2	3	1	2	1	2	1	1	3	
Accountability	7	7	14	10	15	18	11	10	1	2		16	15	24	8	22	22	19	26	1
Isolation or Solitary Confinement	3	4	9	8	9	14	7	8		3	16		9	17	4	16	12	11	18	1
Confirmations as cons	4	5	12	7	6	13	9	10		1	15	9		16	6	12	11	13	19	1
Due process Equal Protection	4	7	11	10	14	19	8	11		2	24	17	16		9	19	15	17	23	1
Property Interest	2	6	5	5	5	6	1	4		1	8	4	6	9		6	4	3	9	
Collectives and Witnesses and Activist	3	5	12	8	13	16	6	8	1	2	22	16	12	19	6		16	17	23	1
inaction as action	2	3	9	7	10	14	8	5		1	22	12	11	15	4	16		12	17	1
Inheritance	4	4	10	5	11	12	7	11	1	1	19	11	13	17	3	17	12		19	1
Violence of status quo	5	8	17	10	12	19	11	11	1	3	28	20	21	25	9	25	19	21	2	2
Court Intervention		4	8	6	9	9	5	6		1	13	9	9	11	4	10	11	11	14	1
the law	4	5	10	7	11	12	6	10		1	21	10	12	19	8	13	12	16	18	1
Compliance	3	4	9	7	8	13	6	6			21	12	10	16	5	14	16	11	17	1
Hearings	1	3	4	4	6	5	2	4			9	5	5	9	4	6	5	6	8	1
Saying no to stop what usually happens	3	7	12	10	16	18	9	8		3	26	17	13	20	7	21	19	18	24	1
Shadows	2	6	14	8	11	17	8	11		3	22	18	15	18	7	20	16	17	26	1
Future and Time	3	8	11	9	16	18	9	9	1	1	29	18	17	23	8	25	19	19	27	1
Questions of youths' Status	6	4	15	7	8	13	7	9		1	21	10	14	18	6	13	12	14	19	
Questions of Age	4	2	10	4	3	12	7	7	1	1	13	8	10	12	2	9	8	10	14	

Code System	Due...	Pro...	Coll...	inac...	Inhe...	Viol...	Viol...	Viol...	Cou...	the l...	Co...	Hea...	Sayi...	Sha...	Futu...	Que...	Que...
monetary costs involved	4	2	3	2	4	5				4	3	1	3	2	3	6	4
Prison Litigation Reform Act (PLRA)	7	6	5	3	4	8			4	5	4	3	7	6	8	4	2
reforms and reforms not working	11	5	12	9	10	17			8	10	9	4	12	14	11	15	10
safety and security	10	5	8	7	5	10			6	7	7	4	10	8	9	7	4
complaints	14	5	13	10	11	12			9	11	8	6	16	11	16	8	3
exacerbating debilitating effects of adu	19	6	16	14	12	19			9	12	13	5	18	17	18	13	12
Pennhurst,institutions,disability	8	1	6	8	7	11			5	6	6	2	9	8	9	7	7
intersectionality issues raised	11	4	8	5	11	11			6	10	6	4	8	11	9	9	7
cross-disciplinary or intersection of			1		1	1									1		1
speciesism/humanity raised	2	1	2	1	1	3			1	1			3	3	1	1	1
Accountability	24	8	22	22	19	26	1	1	13	21	21	9	26	22	29	21	13
Isolation or Solitary Confinement	17	4	16	12	11	18	1	1	9	10	12	5	17	18	18	10	8
Confirmations as cons	16	6	12	11	13	19	1	1	9	12	10	5	13	15	17	14	10
Due process Equal Protection		9	19	15	17	23	1	1	11	19	16	9	20	18	23	18	12
Property Interest	9		6	4	3	9			4	8	5	4	7	7	8	6	2
Collectives and Witnesses and Activist	19	6		16	17	23	1	1	10	13	14	6	21	20	25	13	9
inaction as action	15	4	16		12	17	1	1	11	12	16	5	19	16	19	12	8
Inheritance	17	3	17	12		19	1	1	11	16	11	6	18	17	19	14	10
Violence of status quo	25	9	25	19	21	2	2	2	16	20	19	10	26	28	29	19	14
Court Intervention	11	4	10	11	11	14	1	1		11	12	5	13	14	16	10	5
the law	19	8	13	12	16	18	1	1	11		14	7	17	16	18	20	11
Compliance	16	5	14	16	11	17	1	1	12	14		6	18	14	20	14	7
Hearings	9	4	6	5	6	8	1	1	5	7	6		7	8	9	6	2
Saying no to stop what usually happens	20	7	21	19	18	24	1	1	13	17	18	7		22	25	17	7
Shadows	18	7	20	16	17	26	1	1	14	16	14	8	22		23	15	11
Future and Time	23	8	25	19	19	27	1	1	16	18	20	9	25	23		18	11
Questions of youths' Status	18	6	13	12	14	19			10	20	14	6	17	15	18		13
Questions of Age	12	2	9	8	10	14			5	11	7	2	7	11	11	13	

APPENDIX B:
CODE SYSTEM, OVERVIEW OF CODE CO-OCCURRENCES, & SAMPLE CODE MODELS PRODUCED FOR CHAPTER FOUR VIA MAXQDA

Code System

1 History of CMSD	172
2 Ohio and CMSD School Funding	12
3 Ohio school legislation	27
4 History of Sol Kahn	13
5 Funding for Detention Homes or Juvenile Court	28
6 Dealing with County or City Government	44
7 Accounting-Outcomes-Scientific Approaches	134
8 Academia	110
9 Military and Discrimination In	31
10 Economic Issues and Social Links	85
11 Prohibition	8
12 Raises Issues of Ability/Disability	93
13 Stories about Families and Children	99
14 Raises Issues of Immigration, Migration, Racism, Ageism	98
15 Mental Health or Hygiene Psychiatry	151
16 Schools or Teachers or Education Mentioned	329
17 Juvenile Court Legislation	72

18 Dealing with the Press and Publicity	11 0
19 Daily Court Activities	45
20 History of Harry Eastman	77
21 Welfare	13 5

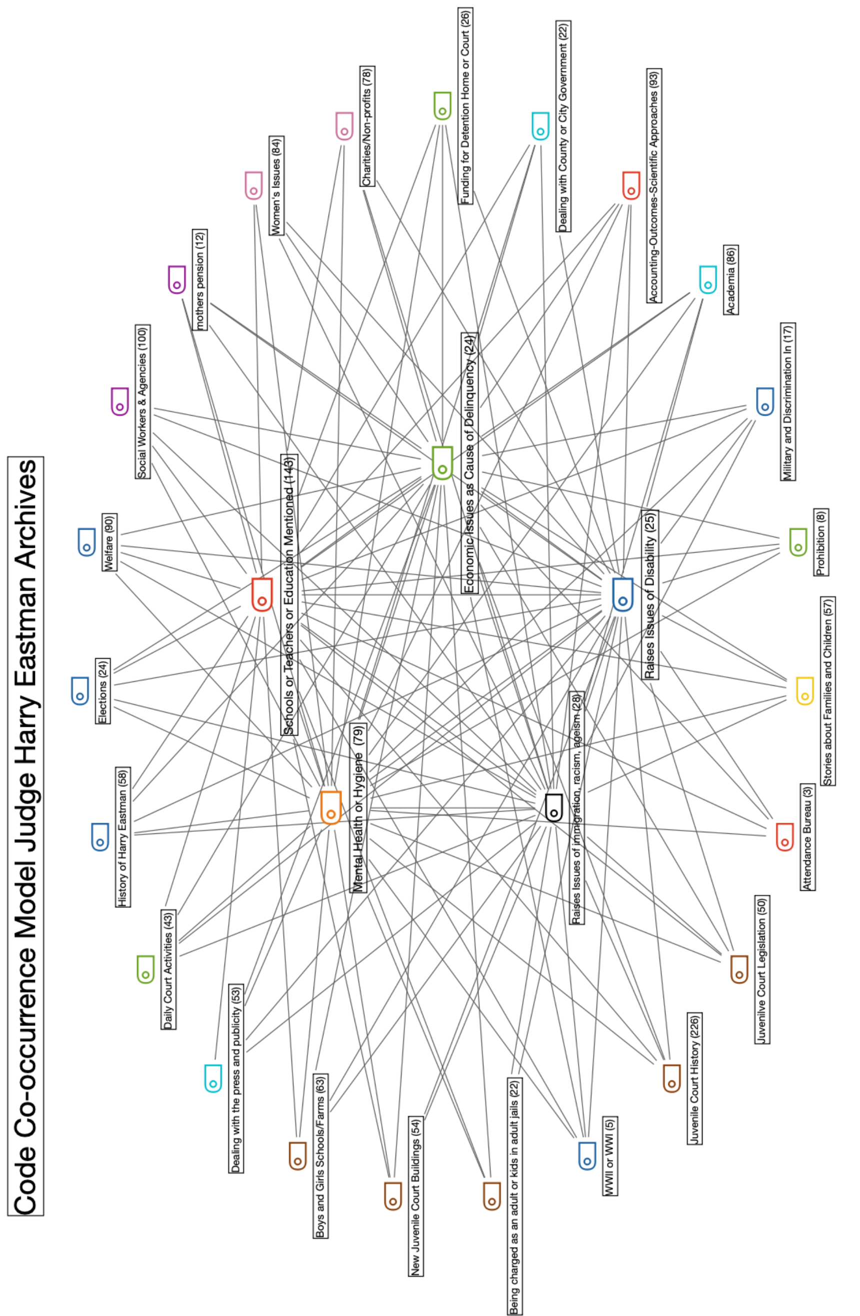
Overview of Code Co-occurrences

Color	Parent code	Code	Cod. seg. (all documents)
●	Schools or Teachers or Education Mentioned	Attendance Bureau	77
●		Dealing with County or City Government	44
●		Funding for Detention Homes or Juvenile Court	28
●	Schools or Teachers or Education Mentioned	Juvenile Court and Schools or CMSD	106
●	Attendance Bureau	History of Attendance Bureau	52
●	History of CMSD	private schools vs public and classism	16
●	History of CMSD	Teacher activism	12
●	History of CMSD	Buildings	15
●	History of CMSD	History of CLE	52
●	History of CMSD	Cold War/Communism	19
●		Ohio and CMSD School Funding	12
●	Mental Health or Hygiene Psychiatry	physical health raised	31
●	History of CLE	Hough	20
●	Integration	Civil Rights Actions	31
●	Raises Issues of Ability/Disability	links ability and discipline	21
●	History of CMSD	Integration	83
●	Integration	National Association for Advancement of White People/Racism	9
●	History of CMSD	"New" Technologies	26
●	Stories about Families and Children	Heart conditions among court and school employees	6

●	Raises Issues of Immigration, Migration, Racism, Ageism	Links discrimination and police or discipline	7
●	Collinwood	Surveillance	4
●	History of CLE	Collinwood	79
●	History of CMSD	Weak teachers, Merit Pay, Longer School Year	1
●		Dealing with the Press and Publicity	110
●		Juvenile Court Legislation	72
●	Welfare	Mothers' Pensions	16
●		Daily Court Activities	45
●		History of Harry Eastman	77
●	Welfare	Charities/Non-profits	132
●		Welfare	135
●		Raises Issues of Ability/Disability	93
●		Prohibition	8
●		Raises Issues of Immigration, Migration, Racism, Ageism	98
●		Stories about Families and Children	99
●		Mental Health or Hygiene Psychiatry	151
●	Welfare	Social Workers & Agencies	173
●	Juvenile Court Legislation	New Juvenile Court Buildings	63
●		Schools or Teachers or Education Mentioned	329
●		Academia	110
●		Accounting-Outcomes-Scientific Approaches	134
●		Economic Issues and Social Links	85
●		Military and Discrimination In	31
●	New Juvenile Court Buildings	Boys and Girls Schools/Farms	125
●	History of Harry Eastman	Elections	25
●	Mothers' Pensions	Women's Issues	155
●	Juvenile Court Legislation	Juvenile Court History	347
●		Ohio school legislation	27
●		History of CMSD	172
●	Juvenile Court History	WWII or WWI	22
●		History of Sol Kahn	13

●	Juvenile Court History	Being charged as an adult or kids in adult jails	38

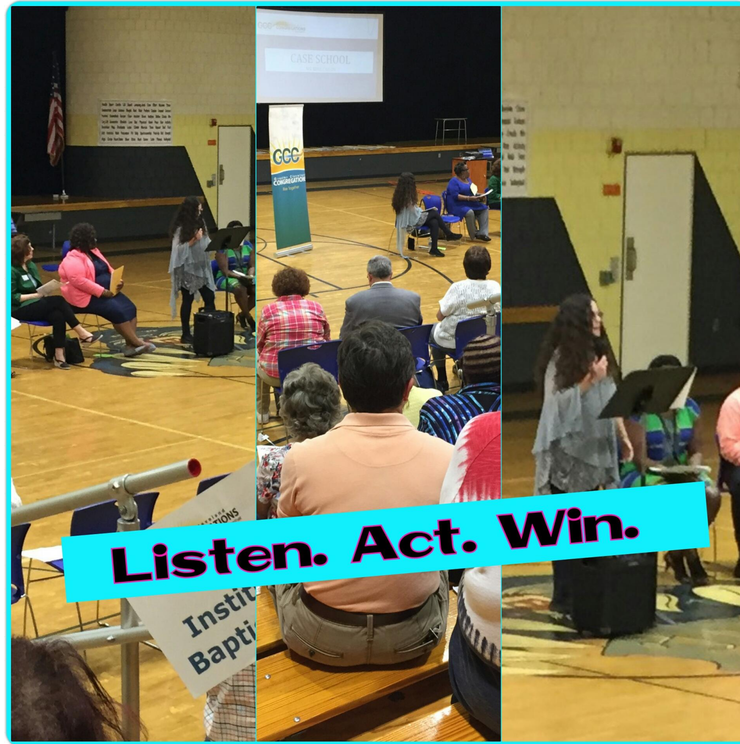
Sample Code Co-Occurrence Model



Sample Archival Data Code Co-Occurrence Model (Code Intersection)

APPENDIX C:
SAMPLES OF ARTIFACTS ARCHIVED FOR CHAPTER FIVE

Photos from a call to action event with GCC



Part of letter from young person transferred to adult system

Hey im Sorry i left Without
being able to Say goodbye either. they dont let
US go to School down here So im probably going t
repeat the 11th grade thank you for Sending
my transcript i appreciate it Tell the kids i
Said Wassup 3x An okay i will Stay Positive &
Keep growth mindset 100 An whats the Name
of that Video we Use to always Watch When
the White guy goes to different countries and
Compare's them to the U.S. ? An do you think
You can Send me a Note book down Here? & that
Picture i drew that was in my Yellow folder if you can,
can you Send it Please thank you.

One of the email correspondences from detention center teacher inquiring about "inadequate attendance" and IEPs.

Question about absence policy & IEPS

4 messages

at 10:37 PM

Hello,

I hope wherever you are that you are avoiding the heat and humidity that we have up here in

There seems to be a policy now i at results in kids losing their IEP services because of attendance. For example, I had a student arrive who hadn't been in school for over a year, so his IEP was no longer active. The district said that he no longer had a right to it because of his attendance. He lost the services. Of course, I used it to modify instruction and offer accommodations, but it was "unofficial" compliance since the IEP was gone.

Were you guys already aware of this policy or procedure? I'm not sure how someone can be designated an "IEP student" and then no longer have access to services if they take a year or two off from school. Their absence doesn't eliminate the need for the IEP. In fact, the prolonged absence actually impedes the progress of someone working to no longer need an IEP.

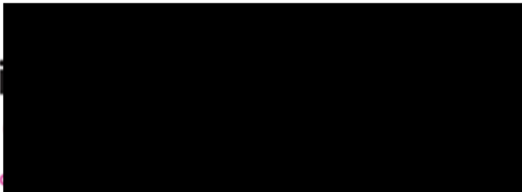
I are still in contact. I'm worried about him. Some guy he calls "Mr. Pillow" is always in his "jpay" account and writing me instead of him. At first, he said Mr. P was just helping him, but now Mr. P is writing in place of him at times. When wrote, he said that he was doing his homework. :)

I hope you are well.

Warmly,

at 1:43 PM

Good to hear from you. The weather is challenging along with building renovations and only one elevator for 20 floors at work! I would appreciate the opportunity to have a phone conference to discuss both the matters you have raised. I am available on Monday around 10 or Tuesday at 10 or 2. Please let me know if either of those dates work for you or if not, propose some other time. Thank you and hope to talk to you soon.



One of the correspondences with state education dept. regarding Matt's high school graduation

@gmail.com>

Thank you for your phone call this morning

4 messages

.gov> at 8:06 AM

Greetings,

I apologize that the email address you were provided was giving you difficulties. N

Thanks for your call about my former student.

He was adjudicated at the age of 16 to the adult system, and has been detained since age 15. He was making tremendous progress with me at t county juvenile detention center where he also had an active IEP. However, as soon as he turned 16, the courts sent him to sit at the adult county jail i r a year without any access to education while he awaited the outcome of his case. After processing at another facility, he landed in prison where an advocate from Disability Rights Center made sure the facility knew he had an IEP and needed accommodations. At they agreed to extend his services until age 22. He turned 23 in December o Amidst a tremendous amount of disruptions to his education due to the many occasions where he was not provided with access to school through no fault of his own (because of lock downs, etc.), he still managed to complete all of his high school courses and he passed 4/5 The last test he needs to pass is science, which he's taken several times. He requested an exemption from this last test while still on the IEP and was told that he couldn't be granted one because he passed the other 4 tests, which is absurd due to his disability, but I can't tell other educators what to do.

I sent him science study materials and he's been waiting to try again, but they are not going to have access to testing again until fall at the earliest. I thought he might qualify for an exemption under the COVID19 crisis modifications. When I was teaching young r , I did everything within my power to get students to graduate from high school, but I don't get the sense that everyone a has the same inclination.

Any advice or assistance would be greatly appreciated.

Thank you,

9:24 AM

Thank you for the detailed information. I am going to check with various offices in our agency and get back with you.

I hope we can get this figured out and help him get his diploma. Since he is over 22, I am including and on this email in hopes they can add some information to assist us. I will be in touch.

Page 1 / 5

Sample correspondence illustrating what some people have to go through to get others to do what they are supposed to do for children; concerns lack of education in adult county jail for IDEA eligible students

[redacted] 2015

I am writing in response to your August 13, 2015 email correspondence to the U.S. Department of Justice, which was forwarded to the U.S. Department of Education's (Department), Office for Civil Rights (OCR), Customer Service and Technology Team, for reply. You, an educator at the [redacted] Juvenile Detention Facility, stated, "…some of our students on active IEPs are adjudicated to the adult county facility where their educational services are completely stopped except for the opportunity to be on a waiting list to take the GED test." Assistance was requested regarding this matter. I am pleased to respond.

OCR is responsible for enforcing five federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability and age by recipients of federal financial assistance. In addition, OCR enforces the Boy Scouts of America Equal Access Act, which addresses equal access to school facilities for the Boy Scouts and other specific youth groups.

In addition to investigating complaints and conducting compliance reviews, OCR enforcement offices are responsible for providing technical assistance to recipients. OCR's [redacted] Office is responsible for complaints, compliance reviews and technical assistance regarding educational institutions in [redacted] Therefore, I have forwarded a copy of your correspondence to OCR's [redacted] Office for further review and appropriate handling. If you wish, you may contact OCR's [redacted] Office directly at:

[redacted]

I hope the information provided is of assistance to you.

Sincerely,

[redacted]
Customer Service and Technology Team
Office for Civil Rights

cc: OCR, [redacted]

PR-01 form letter denying an evaluation because student doesn't complete work, yet teachers and principal state he is capable of completing school work

PR-01 PRIOR WRITTEN NOTICE TO PARENTS School District

CHILD'S INFORMATION

/2014

This is to notify you of the district's action.

1. Type of action taken:
   - ☐ Proposes to initiate an initial evaluation
   - ☑ Refusal to initiate an evaluation
   - ☐ Expedited evaluation
   - ☐ Change of placement
   - ☐ Change of placement for disciplinary reasons
   - ☐ Proposes to change the identification, evaluation or educational placement of the child or provision of FAPE
   - ☐ Refusal to change the identification, evaluation or educational placement of the child or provision of FAPE
   - ☐ Reevaluation
   - ☐ IEP issues/meetings where the parent(s) disagree with the district
   - ☐ Revocation of Consent
   - ☐ Due process hearing, or an expedited due process hearing, initiated by the district
   - ☐ Graduation from high school
   - ☐ Exiting high school due to exceeding the age eligibility for FAPE
   - ☐ Other

2. A description of the action proposed or refused by the school district:
   The district refuses to initiate an evaluation as we do not have enough data to suspect an educational disability at this time.

3. An explanation of why the school district proposes or refuses to take the action:
   The district does not have enough data to determine whether or not has an educational disability. He continues to demonstrate problems with attendance and tardiness. He will often not attend class or complete the classwork. Teachers and principal report that he is capable of doing the work. The team determined that his lack of work completion and attendance are impacting his educational performance and those issues need to continue to be addressed.

4. A description of other options that the IEP team considered and the reasons why those options were rejected:
   No other options were considered as needs to improve his attendance and work completion. He needs to attend his classes.

PR-01- PRIOR WRITTEN NOTICE FOR PARENTS FORM REVISED BY ODE: MAY 28, 2009

Page 1 of 2

5. A description of each evaluation procedure, assessment, record or report the school district used as a basis for the proposed or refused action:
   Home and school collaboration should continue. He will continue having a check in sheet for work completion, hall passes only when he completes class work, and frequent reminders to stay off of his phone.

Communications between school at detention center and district Special Education Department trying to get an ETR scheduled; the student was initially evaluated by this school district when he attended Catholic school (he was not in another school district as the intervention specialist mistakenly communicates), so the SED could have looked into their system and examined his elementary school evaluations without getting them from the parent

This was the response that I just got f[redacted]oncerning my email from today with additional documentation fo[redacted]

Can you please convene your SST to review the parents request? The team, including the parent, will need to look at the data provided to make a determination on if a disability is suspected. If the team reviews the documentation and does not suspect a disability, an Intervention Specialist will need to complete a PR01 indicating the teams decision and rationale. If the team review the data and determines that a disability is suspected, please email me and I will see if a School Psychologist will volunteer to complete the case.
Thank you,

This was the original referral on April 12th:
From:
Sent:
To:
Cc:
Subject: SST Referral

Good Afternoon,

I have attached an SST Referral for [redacted] is struggling to access the general education curriculum without intensive academic and behavioral interventions. [redacted] mother stated that he previously received special education services when he was enrolled in another school district and she has requested testing.

Thank you for your assistance on this matter.

Sincerely,

This was another email referral on April 17th and [redacted] response:

Re: IEP's/ETR

Reply all

Action Items

Good afternoon,
Thank you for sending. Was a request for records sent to the school that the parent said was providing special education services? Was documentation obtained from them? Can you please forward that documentation to me?
Thanks,

From:
Sent:
To:
Cc:
Subject: Re: IEP's/ETR

Good Afternoon,

I have attached an SST Referral for [redacted] is struggling to access the general education curriculum without intensive academic and behavioral interventions. He has experienced some success with support from Intervention Specialist, Paraprofessional, and Gen Ed teacher at DEC. [redacted] mother stated that he previously received special education services when he was enrolled in another school district and she has requested testing.

REFERENCES

Abu-Jamal, M. (2009). *Jailhouse Lawyers: Prisoners Defending Prisoners V. the U.S.A.* City Lights Publishers.

ACLU of Ohio. (2014, July 16). *Ending 'Adultification' and the One-Size-Fits-All Approach to Juvenile Justice*. ACLU of Ohio. Retrieved December 1, 2021, from https://www.acluohio.org/en/news/ending-adultification-and-one-size-fits-all-approac h-juvenile-justice

ACLU of Ohio. (2019, August 6). *Public Records Reveal 30+ Juveniles Transferred to Crisis-Ridden Cuyahoga County Jail in 2019; ACLU of Ohio Expresses Grave Concerns, Wants Answers.* ACLU of Ohio. Retrieved February 26, 2023, from https://www.acluohio.org/en/press-releases/public-records-reveal-30-juveniles-transfe rred-crisis-ridden-cuyahoga-county-jail

ACLU Ohio. (2021, January 25). *THE IMPACT OF COVID-19 ON INCARCERATED OHIOANS IN 2020*. ACLU of Ohio. Retrieved February 26, 2023, from https://www.acluohio.org/sites/default/files/COVID-19LookBack_2021-0125.pdf

Acts and Resolves of Rhode Island, 1898, chap. 581, secs. 2, 3, 5.

Adams, D.L. & Erevelles, N. (2016). Shadow Play: DisCrit, Dis/respectability, and Carceral Logics. In D. J. Connor, B. A. Ferri, & S. A. Annamma (Eds.), *Disability studies and critical race theory in education* (pp. 131–144). Teachers College Press.

Administrative Office of the U.S. Courts on behalf of the Federal Judiciary. (n.d.). *Court Website Links | United States Courts*. U.S. Courts. Retrieved April 4, 2022, from https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-lin ks

Ahmed, S. (2017). Living a Feminist Life. Duke University Press.

Ahmed, S. (2021). *Complaint!*. Durham: Duke University Press.

Aizer A., Doyle, J. (2015) Juvenile Incarceration, Human Capital, and Future Crime: Evidence from Randomly Assigned Judges. *The Quarterly Journal of Economics*, Volume 130, Issue 2, May 2015, Pages 759–803, https://doi.org/10.1093/qje/qjv003

Alexander, M. (2020). *The New Jim Crow: Mass Incarceration in the Age of Colorblindness.* New Press.

Alumnae Association of Smith College. (1922, November). Alumnae Notes: Class news (14) [*The Smith Alumnae Quarterly*]. Massachusetts.

American Civil Liberties Union. (2020, September 13). *Ohio Could Save Big by Implementing Bail Reform: - A Fiscal Impact Analysis - September 2020*. ACLU of Ohio. Retrieved December 12, 2022, from https://www.acluohio.org/sites/default/files/ACLUofOhio_OhioCouldSaveBigByImplementingBailReform-AFiscalImpactAnalysis_2020-0913.pdf

American Civil Liberties Union, Children's Law Center, & Juvenile Justice Coalition. (2019, October). *Factsheet 2019: Cuyahoga County's Treatment of Children*. American Civil Liberties Union, Ohio. Retrieved December 1, 2021, from https://static1.squarespace.com/static/571f750f4c2f858e510aa661/t/5daefe083332ec6ec3e9466e/1571749385547/Factsheet+2019+Cuyahoga.pdf

Americans with Disabilities Act of 1990, Title II, 42 U.S.C. §§12131-12134, 28 CFR part 35 (1990).

Anderson-Zavala, C., Krueger-Henney, P., Meiners E., & Pour-Khorshid, F. (2017). Fierce Urgency of Now: Building Movements to End the Prison Industrial Complex in Our Schools, *Multicultural Perspectives, 19*(3), 151-154. DOI: 10.1080/15210960.2017.1331743

Annamma, S. A., Morrison, D. & Jackson, D. (2014). Disproportionality fills in the gaps: Connections between achievement, discipline and special education in the School-to-Prison Pipeline, *Berkeley Review of Education, 5*(1), online. https://doi.org/10.5070/B85110003

Annamma, S. A. (2018). *Pedagogies of Pathologization: Dis/abled girls of color in the school-prison nexus.* Routledge.

Annamma, S.A., Ferri, B.A., & Connor, D.J. (2018, March). Disability Critical Race Theory: Exploring the intersectional lineage, emergence, and potential futures of DisCrit in education. *Review of Research in Education,* Vol. 42, pp. 46 –71. DOI: 10.3102/0091732X18759041

Annamma, S. A., and Handy, T. (2021). Sharpening justice through DisCrit: A contrapuntal analysis of education. *Educ. Res*. 50, 41–50. doi: 10.3102/0013189X20953838

Apple, M. (1982). Education and power. Routledge.

Apple. (2019). On Doing Critical Policy Analysis. *Educational Policy (Los Altos, Calif.)*, *33*(1), 276–287. https://doi.org/10.1177/0895904818807307

Arney, J. (2017, December 27). *The Complete and Utter Failure Of Ohio Charter Schools*. Columbus Navigator. Retrieved December 24, 2022, from https://www.columbusnavigator.com/complete-failure-ohio-charter-schools/

Artiles, A.J. (2003). Special Education's Changing Identity: Paradoxes and dilemmas in views of
culture and space. *Harvard Educational Review*Vol. 73 No. 2, 164-202.

Artiles, A.J. (2011). Toward an interdisciplinary understanding of educational equity and difference: The case of the racialization of ability. *Educational Researcher,* 40(9), 431-445).

Artiles, A. J. (Ed.). (2013-2020). (Vol. 15, Ser. The Disability, Culture, and Equity Series). Teachers College Press.

Artiles, A. J., & Trent, S. C. (1994). Overrepresentation of minority students in special education: A continuing debate. *Journal of Special Education, 27*, 410–4.

Astolfi, C. (2018a, July 9). *Independent review of Aniya-Day-Garrett's death is done*. Cleveland.com. https://www.cleveland.com/metro/2018/07/independent_review_of_aniya-da.html

Astolfi, C. (2018b, October 4). *State review finds repeated failures in Cuyahoga County's handling of Aniya Day-Garrett abuse cases*. Cleveland.com. Retrieved February 23, 2023, from https://www.cleveland.com/metro/2018/10/scathing_state_review_finds_re.html

Astolfi, C. (2022, May 31). *Prosecutor's 'disrespectful' treatment of Cleveland lawmaker probing gaps in justice system is a familiar refrain for Black women leaders.* Cleveland.com.

Astolfi, C., & Higgs, R. (2021, May 6). *25 years of deaths: A look back at child slayings among families known to Cuyahoga County's child-welfare agency*. Cleveland.com. Retrieved February 5, 2023, from

https://www.cleveland.com/news/2021/05/25-years-of-deaths-a-look-back-at-child-slayings-among-families-known-to-cuyahoga-countys-child-welfare-agency.html

A.T. (aka Tillman) v. Harder, 298 F. Supp. 3d 391 (N.D.N.Y. 2018)

Atkins, S. E., & Overall, W. H. (1881). *SOME ACCOUNT OF THE WORSHIPFUL COMPANY OF CLOCKMAKERS OF THE CITY OF LONDON.* The Clockmakers' Company.
https://s3.eu-west-2.amazonaws.com/clockmakers/i4ogPzhSWOe5wJNIMsJO-2835-the-company-of-clockmakers-london-ocr-optimized-pdf

Au, W. (2009). *Unequal by design: High-stakes testing and the standardization of inequality*. New York: Routledge.

Au, W. (2013). Hiding behind high-stakes testing: Meritocracy, objectivity and inequality in U.S. education. *The International Education Journal: Comparative Perspectives 12*(2), 7–19.

Ayers, W., B. Dohrn, and R. Ayers, Eds. (2001). *Zero tolerance*. New Press.

Aymer, S. M. (2016). “I can’t breathe”: A case study—Helping Black men cope with race-related trauma stemming from police killing and brutality. *Journal of Human Behavior in the Social Environment*, *26*(3-4), 367–376. doi:10.1080/10911359.2015.1132828

Ball, S. J. (1991). *Politics and policymaking in education*. Routledge.

Ball, S. J. (1993). What is policy? Texts, trajectories, and toolboxes. *Discourse13*(2), pp. 10–17.

Ball, S. J. (1997). Policy sociology and critical social research: A personal review of recent education policy and policy research. *British Educational Research Journal23*, pp. 257– 274. doi:10.1080/0141192970230302

Barnert, E. S., Abrams, L. S., Dudovitz, R., Coker, T. R., Bath, E., Tesema, L., Nelson, B. B., Biely, C., & Chung, P. J. (2019). What Is the Relationship Between Incarceration of Children and Adult Health Outcomes? *Academic Pediatrics*, *19*(3), 342–350. doi:10.1016/j.acap.2018.06.005 PMID:29935252

Bastian, M. (2017). Liberating Clocks: Exploring Other Possible Futures. The Science of Time 2016, *Astrophysics and Space Science Proceedings, 50*, 369-377. DOI 10.1007/978-3-319-59909-0_41

Becker, H. (1967). Whose Side Are We On? *Social Problems (Berkeley, Calif.)*, *14*(3), 239–247. https://doi.org/10.1525/sp.1967.14.3.03a00010

Ben-Moshe, L. (2011). Genealogies of Resistance to Incarceration: Abolition Politics within Deinstitutionalization and Anti-Prison Activism in the U.S. Sociology - Dissertations. 70. https://surface.syr.edu/soc_etd/70

Ben-Moshe, L. (2013). Disabling Incarceration: Connecting Disability to Divergent Confinements in the USA. *Critical Sociology, 39*(3) 385–403.

Ben-Moshe, L. (2020). *Decarcerating Disability: Deinstitutionalization and Prison Abolition.* University of Minnesota Press.

Benoit, I. E., & Eveleigh, A. (Eds.). (2019). *Participatory archives: Theory and practice*. Facet Publishing.

Berlant, L. (2011). *Cruel Optimism*. Duke University.

Bettman, M. B. (2014, September 23). *What Happened on Remand: Juvenile Again Sentenced to Life* ... Legally Speaking Ohio. Retrieved December 12, 2022, from https://legallyspeakingohio.com/2014/09/what-happened-on-remand-juvenile-again-sentenced-to-life-without-parole-state-v-long/

Bingel, J. (2022, November 10). *Appeals court overturns conviction of former Cuyahoga County jail director*. Cleveland 19. Retrieved February 26, 2023, from https://www.cleveland19.com/2022/11/10/appeals-court-overturns-conviction-former-cuyahoga-county-jail-director/

Birckhead, T. R. (2012). Delinquent by Reason of Poverty. *Wash. U. J. L. & Pol'y, 38*(53). https://open-scholarship.wustl.edu/law_journal_law_policy/vol38/iss1/4

Birckhead, T. R. (2017). The Racialization of Juvenile Justice and the Role of the Defense Attorney. *B.C. L. Rev., 58*(379). https://lawdigitalcommons.bc.edu/bclr/vol58/iss2/2

Bonnie, R. J., & Scott, E. S. (2013). The teenage brain: Adolescent brain research and the law. *Current directions in psychological science, 22*(2), 158-161.

Bowles, S., & Gintis, H. (2002). Schooling in Capitalist America revisited. *Sociology of Education75*, 1-18.

Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology, 3*, 77–101. doi:10.1191/1478088706qp063oa

Brian B. v. Pennsylvania Department of Education, 230 F.3d 582 (3d Cir. 2000)

Brett, R. (2003, November 12). One Life Changed; what of others? *Plain Dealer*, 11.

Brewer, C. A. (2014). Historicizing in critical policy analysis: The production of cultural histories and micro-histories. *International Journal of Qualitative Studies in Education27*, pp. 273–288.

Britannica, T. Editors of Encyclopaedia (2022, November 1). Ida Tarbell. *Encyclopedia Britannica*. https://www.britannica.com/biography/Ida-Tarbell

Brooks, J.D. (2014). What any parent knows but the Supreme Court misunderstands: reassessing neuroscience's role in diminished capacity jurisprudence. *New Crim Law Rev 17*, 442–501.

Brown, M., & Schept, J. (2017). New abolition, criminology and a critical carceral studies. *Punishment & Society19*(4), 440–462. https://doi.org/10.1177/1462474516666281

Bryson, S. L., & Peck, J. H. (2020). Understanding the subgroup complexities of transfer: The impact of juvenile race and gender on waiver decisions. *Youth Violence and Juvenile Justice, 18*(2), 135-155.

Buckley v. State Corr. Inst.-Pine Grove, 1:13-cv-2022 (M.D. Pa. Jan. 6, 2014)

Buckley v. State Corr. Institution-Pine Grove, 98 F. Supp. 3d 704 (M.D. Pa. 2015)

Butcher, F., Kretschmar, J. K. P.D. &. K. T. M., & Tossone, K. T. P.D. (2018, August). *An Evaluation of the Behavioral Health/Juvenile Justice (BHJJ) Initiative: 2006-2017*. Case Western Reserve University. Retrieved February 23, 2023, from https://case.edu/socialwork/begun/sites/case.edu.begun/files/2018-09/Statewide-BHJJ-evaluation-2018.pdf

Caldwell, R. G. (1961, January to February). Juvenile Court: Its Development and Some Major Problems. *Journal of Criminal Law and Criminology, 51*(5), 493-511.

Campaign for Youth Justice. (2007 November 11). Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America.

http://www.campaignforyouthjustice.org/Downloads/NationalReportsArticles/CFYJ-Jailing_Juveniles_Report_2007-11-15.pdf

Campbell, E. (2022, September 19). *More reliable 2021 Census estimates have erased progress on Cleveland children's poverty*. The Center for Community Solutions. Retrieved January 15, 2023, from https://www.communitysolutions.com/more-reliable-2021-census-estimates-have-erased-progress-on-cleveland-childrens-poverty/

Carlson, K.A. & Maike M.M. (2013). *Educating Juveniles in Adult Jails: A program guide*. Washington State Office of Superintendent of Public Instruction. Retrieved May 22, 2022, from https://www.k12.wa.us/sites/default/files/public/institutionaled/pubdocs/educatingjuvenilesinadultjails.pdf

Case Western Reserve University's Department of History. (1987/1996). CUYAHOGA COUNTY JUVENILE COURT | *Encyclopedia of Cleveland History.* Case Western Reserve University. Retrieved July 10, 2022, from https://case.edu/ech/articles/c/cuyahoga-county-juvenile-court

Casey, B. J., Taylor-Thompson, K., Rubien-Thomas, E., Robbins, M., & BaskinSommers, A. (2020). Healthy Development as a Human Right: Insights from Developmental Neuroscience for Youth Justice. *Annual Review of Law and Social Science, 16*, 203-222.

Caswell, M., Punzalan, R., and Sangwand, T-K. (2017). Critical Archival Studies: An Introduction," in "*Critical Archival Studies*," eds. Michelle Caswell, Ricardo Punzalan, and T-Kay Sangwand. Special issue, *Journal of Critical Library and Information Studies, 1*,(2). DOI:
10.24242/jclis.v1i2.50.

Celeste, G. (20 March 2018). HB 394 Testimony to the Ohio House Criminal Justice Committee. *The Ohio Legislature.* Retrieved June 16, 2022, from https://www.legislature.ohio.gov/legislation/legislation-committee-documents?id=GA132-HB-394

Center for Children's Law and Policy. (2018, September). Cuyahoga County Juvenile Justice Center Conditions Assessment Narrative Report. *Perilous Chronicle*. https://perilouschronicle.com/wp-content/uploads/2018/12/Cuyahoga-County-Juvenile-Justice-Center.pdf

Center on Juvenile and Criminal Justice. (2021). *Juvenile Justice History — Center on Juvenile and Criminal Justice*. Center on Juvenile and Criminal Justice. Retrieved December 1, 2021, from http://www.cjcj.org/Education1/Juvenile-Justice-History.html

Center on Urban Poverty and Community Development. (2014). *Cuyahoga County Child Maltreatment Early Childhood Data Brief*. County Child Maltreatment. Retrieved February 26, 2023, from https://case.edu/socialwork/povertycenter/sites/case.edu.povertycenter/files/2018-09/child-maltreatment-2014-data-brief.pdf

Cheek, A. L., & Cheek, W. F. (1996). *John Mercer Langston and the Fight for Black Freedom, 1829-65*. University of Illinois Press.

Chein, J., Albert, D., O'Brien, L., Uckert, K., & Steinberg, L. (2011). Peers increase adolescent risk-taking by enhancing activity in the brain's reward circuitry. *Developmental Science*, *14*(2), F1–F10. https://doi.org/10.1111/j.1467-7687.2010.01035.x

Children's Law Center et al. (2016). *IN SUPPORT OF APPELLANT MATTHEW AALIM* [Brief Amicus Curiae]. In the Supreme Court of Ohio.

Children's Law Center, Inc. (2016, October 14). *Special Projects: In their own words*. In Their Own Words | Raising Awareness of Ohio Youth in the Adult Criminal Justice System. Retrieved October 21, 2020, from https://ohiobindover.wordpress.com/

Chute, C. L. (1923). Juvenile Probation. *The ANNALS of the American Academy of Political and Social Science, 105*(1), 223-228. https://doi.org/10.1177/000271622310500145

Clare, Eli. 2017. *Brilliant Imperfection: Grappling with Cure*. Durham, NC: Duke University Press.

Cleveland Call and Post (1934-1962); Feb 13, 1936; SAYS DISCRIMINATION IS PRACTICED IN SENDING BOYS TO CITY'S FARM ProQuest Historical Newspapers: *Cleveland Call and Post,* pg. 1.

Cleveland Call and Post (1934-1962); Mar 5, 1936; SUGGEST PLACING NEGRO ON STAFF AT HUDSON FARM ProQuest Historical Newspapers: *Cleveland Call and Post* pg. 1

Cleveland Centennial Commission (1896). *A Centennial History of Cleveland's Charities, 1796-1896*.

Cleveland City Council. (2022, May 22). *Safety Committee Meeting May 11, 2022*. YouTube. Retrieved March 1, 2023, from https://www.youtube.com/watch?v=YGGu92cFJPE&t=6258s

Cleveland Division of Police. (n.d.). *Division of Police Mission Statement*. City of Cleveland. Retrieved February 23, 2023, from https://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/PublicSafety/Police

Cleveland Foundation. (2022, August 26). *Cuyahoga County Criminal Justice Change Efforts: Findings From Our Senior Criminal Justice Fellow's Report*. Cleveland Foundation. Retrieved February 28, 2023, from https://www.clevelandfoundation.org/2022/08/cuyahoga-county-criminal-justice-change-efforts-findings-from-our-senior-criminal-justice-fellows-report/

Cleveland State University. Michael Schwartz Library. Special Collections. (1906-1907). *Postcards of Cleveland*. The Cleveland Memory Project. Retrieved July 4, 2022, from http://www.clevelandmemory.org/postcards/

Cleveland World. (1896). "The Worlds" History of Cleveland; Commemorating the City's Centennial Anniversary. *Cleveland*. clevelandhistory/01160856_The World's History of Cleveland/01160856_CLE_02.pdf

Cohen, A. O., & Casey, B. J. (2014). Rewiring juvenile justice: the intersection of developmental neuroscience and legal policy. *Trends in cognitive sciences, 18*(2), 63-65.

Connor, D.J., Ferri, B.A. & S.A. Annamma (Eds.). (2016). *Disability Studies and Critical Race Theory in Education.*Teachers College Press.

Cooper, H., Nye, B., Charlton, K., Lindsay, J., & Greathouse, S. (1996). The Effects of Summer Vacation on Achievement Test Scores: A Narrative and Meta-Analytic Review. *Review of Educational Research*, *66*(3), 227–268. doi:10.3102/00346543066003227

Council for Exceptional Children. (2021). *Analysis Shows State-by-State Funding Shortfalls for IDEA*. Council for Exceptional Children. Retrieved December 30, 2021,

from
https://exceptionalchildren.org/blog/analysis-shows-state-state-funding-shortfalls-idea

Craig, D. B. (2013). *Progressives at War*: *William G. McAdoo and Newton D. Baker*, *1863–1941*. Johns Hopkins University.

Crowe, B., & Drew, C.. (2021). Orange is the New Asylum: Incarceration of Individuals with Disabilities. *Behavior Analysis in Practice*, *14*(2), 387–395. https://doi.org/10.1007/s40617-020-00533-9

Cristi, A. A. (2022, August 2). *Beck Center For The Arts Announces Inspiring Mural Created With Juvenile Court Residents*. Broadway World. Retrieved March 1, 2023, from
https://www.broadwayworld.com/cleveland/article/Beck-CenterFor-The-ArtsAnnounces-Inspiring-Mural-Created-With-Juvenile-Court-Residents-20220802

Cruz, C. (2019). Reading This Bridge Called My Back for pedagogies of coalition, remediation, and a razor's edge, *International Journal of Qualitative Studies in Education, 32*(2), 136-150, DOI: 10.1080/09518398.2018.1533

Cunningham, R. (2007). *Democratizing Cleveland: The rise and fall of community organizing in Cleveland, Ohio 1975-1985.* Belt Publishing.

The Cuyahoga County Child Fatality Review Committee. (2010). *Child Fatalities 2010*. Cuyahoga County Board of Health. Retrieved February 24, 2023, from https://www.ccbh.net/s/CDR2010.pdf

Cuyahoga County Jail Coalition. (n.d.). *Cuyahoga County Jail Coalition - About the Coalition*. Google Sites. Retrieved March 5, 2023, from https://sites.google.com/view/jailcoalition/about-us/about-the-coalition

Darbee, J. T. (2001, July 5). A History of the Cooley Farms Complex by Jeffrey T. Darbee – Teaching Cleveland Digital. *Teaching Cleveland Digital*. Retrieved November 7, 2022, from
https://teachingcleveland.org/a-history-of-the-cooley-farms-complex-by-jeffrey-t-darbee/

Darling-Hammond, L. (2007). Race, inequality and educational accountability: The irony of 'no child left behind'. *Race, Ethnicity, and Education, 10*(3), 245-260.

Darling-Hammond, L., Flook, L., Cook-Harvey, C., Barron, B. & Osher, D. (2020). Implications for educational practice of the science of learning and development.

Applied Developmental Science, *24*(2), 97-140. DOI: 10.1080/10888691.2018.1537791

Dávila-Freire, M. (2020). Reading the archive against the grain: Power relations, affective affinities and subjectivity in the documenta Archive. *alj*, *45*(3), 94-99. doi:10.1017/alj.2020.14

Davis, A. J. (2007). *Arbitrary Justice: The Power of the American Prosecutor*. Oxford University Press, USA.

Davis, R. H. (1972). *Black Americans in Cleveland from George Peake to Carl. B. Stokes, 1796-1969*. The Western Reserve Historical Society.

DeBerry, J. (2020, January 9). Charging juveniles as juveniles is better for them and us: Jarvis DeBerry. Cleveland.com. https://www.cleveland.com/opinion/2020/01/charging-juveniles-as-juveniles-is-better-for-them-and-us.html

DeCaro, L. A. (2013, April 1). *JOHN BROWN TODAY A Biographer's Blog*. JOHN BROWN TODAY A Biographer's Blog. Retrieved March 3, 2023, from https://abolitionist-john-brown.blogspot.com/2013/04/0-false-18-pt-18-pt-0-0-false-false.html

Dector, H., & Spade, D. (Directors). (2016). *Reina Gossett: The Violence of Historical Erasure* [Film]. The Engaging Tradition Project and the Barnard Center for Research on Women. https://bcrw.barnard.edu/videos/reina-gossett-historical-erasure-as-violence/

Deffenbaugh, W. S., & Keesecker, W. W. (1935). *Compulsory school attendance laws and their administration* (No. 4). US Government Printing Office.

de Finney, S., Palacios, L., Mandeep Kaur, M., and Chadwick, A. (September 2018). Refusing Band-Aids: Un-settling 'Care' Under the Settler Carceral State. *CYC-Online*, 28–39. https://www.cyc-net.org/ cyc-online/sep2018.pdf.

Denzin, N. K. (1999). Interpretive Ethnography for the Next Century. *Journal of Contemporary Ethnography*, *28*(5), 510–519. doi:10.1177/089124199129023631

Department of Justice United States Marshalls. (2018, Oct-Nov). Cuyahoga County Correctional Center Facility Review. *In Quality Assurance Review*. Prisoner Operations Division. Retrieved November 5, 2022 from https://www.clevescene.com/media/pdf/cuyahoga_county_jail_facility_review_report_redacted_2.pdf

DiChiera, B. (2013, Summer). *I have a juvenile criminal record. Which offenses can be sealed? – Legal Aid Society of Cleveland*. Legal Aid Society of Cleveland. Retrieved February 25, 2023, from https://lasclev.org/i-have-a-juvenile-criminal-record-which-offenses-can-be-sealed/

Diem, S., Young, M.D., Welton, A.D., Mansfield, K.C., Lee, P.L. (2014). The intellectual landscape of critical policy analysis. *International Journal of Qualitative Studies in Education,* 27(9), 1068-1090. https://doi.org/10.1080/09518398.2014.916007

Dissell, R. (2014, April 28). Officials Moving to Quell Violence. *The Plain Dealer*, 1.

Dissell, R. (2018, October 14). Hostile culture, education shortfalls, understaffing hinder 'safe and humane' detention of Cuyahoga County youth, report says. *Cleveland.com*. https://www.cleveland.com/news/erry-2018/10/4e9c83626d7675/hostile-culture-education-shor.html

Donnell C. v. Illinois State Bd. of Educ., 829 F.Supp. 1016 (1993)

Donnell C. v. Illinois State Bd. of Educ., Not Reported in F.Supp. (1995)

Downey, D. B., & Conroy, J. W. (Eds.). (2020). *Pennhurst and the Struggle for Disability Rights*. Pennsylvania State University Press.

Dragoo, H. E. (2019). *The Individuals with Disabilities Education Act (IDEA) Funding: A Primer* (R44624). https://www.everycrsreport.com/files/20190829_R44624_c85f49a0d2b1c25913346932a5 bf6b9c30831c8d.pdf

Durbin, K. (2022a, July 31). Cuyahoga County officials share wish lists for a new jail. *Cleveland.com* Accessed at https://www.cleveland.com/news/2022/07/cuyahoga-county-officials-share-wish-lists-for-new-jail.html

Durbin, K. (2022b, August 26). *Cuyahoga County residents denounce plans for new jail*. Cleveland.com. Retrieved March 5, 2023, from

https://www.cleveland.com/news/2022/08/cuyahoga-county-residents-denounce-plans-for-new-jail.html

Eastman, H. L. (1917-1967). Harry Lloyd Eastman Papers. Manuscript Collection, 11 containers and 1 oversize volume. MS 3301. Western Reserve Historical Society. http://catalog.wrhs.org/collections/search?keyword=harry+eastman&title=&creator=&identifier=&subject=&year=&year-max=&smode=advanced

Eastman, H. L. (1959, October). The Juvenile Court Judge's Job. National Probation and Parole Asociation Journal, 5(4), 38-44.

Edelson, M. (2017). Special Education in Adult Correctional Facilities: A Right Not a Privilege, 50 *LOY. L.A. L. REV.* 93.

Edgerley, J. G. (1906). COMPULSORY SCHOOL ATTENDANCE. *The Journal of Education, 63*(10) (1570), 255–257. http://www.jstor.org/stable/42808682

Editors of the Plain Dealer. (2005, January 22). Judges Out of Order. *Plain Dealer*, 24.

Eisenach, E.J. (1994). *The Lost Promise of Progressivism*. University Press of Kansas.

Ellis, H. (1913). The Causes of Juvenile Delinquency.[Die Ursachen der Jugendlichen Verwahrlosung und Kriminalität].(Heidelberger Abhandlungen, Heft 1, 1912.) Gruhle, HW. *Journal of Mental Science*, 59(245), 362-364.

Ely, C. (2008). A Criminal Education: Arguing for Adequacy in Adult Correctional Facilities. *Columbia Human Rights Law Review39*(795), 1-41.

Encyclopedia of Cleveland History. (n.d.)a. *1919 STEEL STRIKE | Encyclopedia of Cleveland History*. Case Western Reserve University. Retrieved March 4, 2023, from https://case.edu/ech/articles/n/1919-steel-strike

Encyclopedia of Cleveland History. (n.d.)b. *OBERLIN-WELLINGTON RESCUE | Encyclopedia of Cleveland History*. Case Western Reserve University. Retrieved March 3, 2023, from https://case.edu/ech/articles/o/oberlin-wellington-rescue

Erevelles, N. (2014). Crippin' Jim Crow: Disability and the school to prison pipeline. In L. Ben-Moshe, C. Chapman, & A. Carey (Eds.), *Disability incarcerated:*

Imprisonment and disability in the United States and Canada (pp. 81-99). Palgrave Macmillan.

Erickson, L. E. (1959). THE COLOR LINE IN OHIO PUBLIC SCHOOLS, 1829-1890 (Dissertation ed.). The Ohio State University. https://etd.ohiolink.edu/apexprod/rws_etd/send_file/send?accession=osu1486476430056211&disposition=inline

Fagan, J., Kupchik, A., & Liberman, A. (2007). Be careful what you wish for: Legal sanctions and public safety among adolescent offenders in juvenile and criminal court (*Public Law Research Paper* no. 03–61). New York, NY: Columbia Law School.

Federal Register / Vol. 71, No. 156 / Monday, August 14, 2006 / Rules and Regulations

Felton, E. (2022, September 26). *Cleveland fights to reform police after decades of failed efforts*. The Washington Post. Retrieved February 5, 2023, from https://www.washingtonpost.com/nation/2022/09/26/cleveland-police-reform/

Fenton, Z. (2016). Disability does not discriminate: Toward a theory of multiple identities through coalition. In D. J. Connor, B. A. Ferri, & S. A. Annamma (Eds.), *Disability studies and critical race theory in education* (pp. 203-212). Teachers College Press.

Ferrise, A. (2018a, January 9). Inmates involved Cleveland Juvenile Detention Center are accused of killing 12-year-old boy. *Cleveland.com*. https://www.cleveland.com/metro/2018/01/two_inmates_involved_in_fight.html

Ferrise, A. (2018b, January 9). Renewed calls for reforms at Cuyahoga County Juvenile Detention Center after Monday-night brawl - cleveland.com. *Cleveland.com*. https://www.cleveland.com/metro/2018/01/renewed_calls_for_reforms_at_c.html

Ferrise, A. (2018c, January 26). Sheriff body camera video shows riot at Cuyahoga County Juvenile Detention Center. *Cleveland.com*. https://www.cleveland.com/metro/2018/01/sheriff_body_camera_video_show.html

Ferrise, A. (2019, August 6). ACLU: More than 30 juveniles transferred to troubled Cuyahoga County Jail is a 'grave concern'. *Cleveland.com*. https://www.cleveland.com/metro/2019/08/aclu-more-than-30-juveniles-transferred-to-troubled-cuyahoga-county-jail-is-a-grave-concern.html

Ferrise, A. (2021a, September 1). *Judge cites staffing 'crisis' in asking for raises for Cuyahoga County Juvenile Detention Center officers*. Cleveland.com. Retrieved

March 1, 2023, from
https://www.cleveland.com/metro/2021/09/judge-cites-staffing-crisis-in-asking-for-raises-for-cuyahoga-county-juvenile-detention-center-officers.html

Ferrise, A. (2021b, October 8). *Cuyahoga County to raise pay for Juvenile Detention Center officers after judge warns of 'crisis'*. Cleveland.com. Retrieved March 1, 2023, from
https://www.cleveland.com/metro/2021/10/cuyahoga-county-to-raise-pay-for-juvenile-detention-center-officers-after-judge-warns-of-crisis.html
Flaherty, M. J. (2003, March). Time Work: Customizing Temporal Experience. Social Psychology Quarterly, 66(1), 17-33. https://www.jstor.org/stable/3090138

Flanagan, M.A. (2016). *America Reformed: Progressives and Progressivisms, 1890s–1920s.* Oxford University Press.

Flannery, D. (2012). *Violence and a Public Health Response Introduction Overview ...* Squarespace. Retrieved February 25, 2023, from
https://static1.squarespace.com/static/5572f4bbe4b017c504538936/t/55a6845fe4b0f979b8e4ab38/1436976223897/Violence+Paper+Final+Version.pdf

Fléchon, D. (2019, January). *THE HISTORIC LINKS BETWEEN WATCHMAKERS AND ARMS MANUFACTURERS*. Europa Star. Retrieved November 21, 2022, from
https://www.europastar.com/the-watch-files/archives-heritage/1004089964-the-historic-links-between-watchmakers-and-arms.html

Fleming, R. (2015). *ABOUT | muntupoetslegacy*. Wix.com. Retrieved March 5, 2023, from https://muntupoetslegacy.wixsite.com/muntupoetslegacy/about

Flores, J. (2013) "Staff Here Let You Get Down": The Cultivation and Co-optation of Violence in a California Juvenile Detention Center. *Signs, 39*(1), 221-241.
Stable URL: http://www.jstor.org/stable/10.1086/670771

Foucault, M. (1975) 2010. *The Birth of the Clinic: An Archaeology of Medical Perception*. Routledge.

Foucault, M. (1991). *Discipline and Punish (Penguin Social Sciences).* (A. Sheridan, Trans.). Penguin Books.

Foucault, M. (1995). *Discipline and Punish: the Birth of the Prison, 2nd ed.* Vintage Books.

Franklin County Court of Common Pleas. (2020). Annual Report. https://drj.fccourts.org/uploads/Forms/2020_ annual_report.pdf

Frazier, N. (2017). *Harambee City: The Congress of Racial Equality in Cleveland and the Rise of Black Power Populism.* The University of Arkansas Press.

Freiburger, T. L., & Sheeran, A. M. (2020). The joint effects of race, ethnicity, gender, and age on the incarceration and sentence length decisions. *Race and Justice, 10*(2), 203-222.

Gable, R. (2022). *The Hidden Curriculum: First Generation Students at Legacy Universities*. Princeton University Press.

Galla, B. M., Shulman, E. P., Plummer, B. D., Gardner, M., Hutt, S. J., Goyer, J. P., Finn, A. S., & Duckworth, A. L. (2019). Why High School Grades Are Better Predictors of On-Time College Graduation Than Are Admissions Test Scores: The Roles of Self-Regulation and Cognitive Ability. *American Educational Research Journal, 56*(6), 2077–2115. https://doi.org/10.3102/0002831219843292

Gallek, E. (2021a, September 8). *Cuyahoga County Juvenile Detention Center chaos*. FOX 8 News. Retrieved February 28, 2023, from https://fox8.com/news/i-team/video-shows-incident-that-placed-cuyahoga-county-juvenile-detention-center-manager-on-leave/

Gallek, E. (2021b, October 14). *Cuyahoga County Juvenile Detention Center hostage situation*. FOX 8 News. Retrieved February 28, 2023, from https://fox8.com/news/i-team/video-worker-held-hostage-during-stand-off-at-cuyahoga-county-juvenile-detention-center/

Gallek, E. (2021c, December 17). *Video: More chaos erupts as teen inmates go wild inside Cuyahoga County Juvenile Detention Center*. FOX 8 News. Retrieved February 28, 2023, from https://fox8.com/news/i-team/video-more-chaos-erupts-as-teen-inmates-go-wild-inside-cuyahoga-county-juvenile-detention-center/

Gallek, E. (2022, March 18). *Cuyahoga County Juvenile Detention Center riots*. FOX 8 News. Retrieved February 28, 2023, from https://fox8.com/news/i-team/absolute-havoc-another-riot-breaks-out-at-cuyahoga-county-juvenile-detention-center/

Gallek, E., & Gallek, P. (2022, March 26). *Forced fights and explicit photos in Cuyahoga detention center*. FOX 8 News. Retrieved March 1, 2023, from

https://fox8.com/news/i-team/forced-fights-explicit-photos-more-detention-center-trouble-i-team-reports/

Gallitto, R. A. (n.d.). History. Cuyahoga County Juvenile Court. Retrieved November 8, 2022, from http://juvenile.cuyahogacounty.us/en-US/history.aspx

Galvan, A., Hare, T., Voss, H., Glover, G., & Casey, B. J. (2007). Risk-taking and the adolescent brain: who is at risk?. *Developmental science*, *10*(2), F8–F14. https://doi.org/10.1111/j.1467-7687.2006.00579.x

Garcia v. Los Angeles County Sheriff's Department, Not Reported in Fed. Supp. (2015).

Garland, D. (2001). Introduction: The Meaning of Mass Imprisonment. *Prison and Society*, *3*(1), 5-7. https://journals.sagepub.com/doi/pdf/10.1177/1462474012222820

Gee, J. P. (1999/2014). *An Introduction to Discourse Analysis* (4th ed.). Routledge.

Georgia State University. (2016). *Centripetal Force Calculation*. Hyperphysics. Retrieved February 5, 2022, from http://hyperphysics.phy-astr.gsu.edu/hbase/cf.html#cf

Gill, Conlon, D., Moran, D., & Burridge, A. (2018). Carceral circuitry: New directions in carceral geography. *Progress in Human Geography, 42*(2), 183–204. https://doi.org/10.1177/0309132516671823

Gillispie, M. (2014, June 13). Cuyahoga officials say gang controlled detention center. *Morning Journal*. https://www.morningjournal.com/2014/06/13/cuyahoga-officials-say-gang-controlled-detention-center/

Gilmore, R. W. (2007). *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. University of California Press.

Glueck, S., & Glueck, E. T. (1934). *One thousand juvenile delinquents*. Harvard Univ. Press.

Gorz, A. (1967). *Strategy for Labor: A Radical Proposal* (M. Nicolaus, V. Ortiz González, & V. Ortiz, Trans.). Beacon Press.

Gorz, A. (1968). REFORM AND REVOLUTION. *The Socialist Register*, 111-143. https://socialistregister.com/index.php/srv/article/view/5272/2173

Gossett, R., Stanley, E. A., & Burton, J. (Eds.). (2017). *Trap Door: Trans Cultural Production and the Politics of Visibility.* MIT Press.

Gott v. Berea College, (1913). 156 Ky. 376, 161 S.W. 204

Gould, S. J. (1996). *The Mismeasure of Man* (2nd ed.). WW Norton.

Government of the District of Columbia. (2022). *Office of the Student Advocate*. | studentadvocate.dc.gov. Retrieved May 18, 2022, from https://studentadvocate.dc.gov/

Grabowski, J.J. (1986). Social Reform and Philanthropic Order in Cleveland. In Grabowski, J. J., & Van Tassel, D. D. (Eds). *Cleveland--a tradition of reform* (pp. 29-49). Kent State University Press.

Grabowski, J.J. (2013). Introduction. In Hauser, E. J. (Ed).1913. *My story : Tom L. Johnson*. The Kent State University Press.

Grabowski, J. J., & Van Tassel, D. D. (1986). *Cleveland--a tradition of reform*. Kent State University Press.

Gray, T., May, G.L., & Stohr, M.K. (1995). Inmate Needs and Programming in Exclusively Women's Jails. *The Prison Journal, 75*(2), 186-202.

Greater Cleveland Congregations. (n.d.). *A decade of building power to create change*. Greater Cleveland Congregations. Retrieved March 5, 2023, from https://www.greaterclevelandcongregations.org/who-we-are/10-year-anniversary/

Greater Cleveland Congregations. (2022, December 22). *GCC Calls Out Cuyahoga County on Abuse of Discretionary Youth Bindover*. Greater Cleveland Congregations. Retrieved March 5, 2023, from https://www.greaterclevelandcongregations.org/news-events/posts/gcc-calls-out-cuyahoga-county-on-abuse-of-discretionary-youth-bindover/

Green v. Johnson, 513 F.Supp. 965 (1981)

Greason, W. (2021, February 23). *An Ode to Kenneth Kusmer (1945-2020) – The Metropole*. The Metropole. Retrieved December 21, 2022, from https://themetropole.blog/2021/02/23/an-ode-to-kenneth-kusmer-1945-2020/

Green, M. 2018 ‘Reflection and reflexivity: The archive and the creative process.’ *Journal of Writing and Writing Courses, 22*(2), 1-11. https://textjournal.scholasticahq.com/article/25178 (accessed 10/11/2021).

Gross, S., & Ostovich, S. (Eds.). (2016). *Time and Trace: Multidisciplinary Investigations of Temporality*. BRILL. http://ebookcentral.proquest.com/lib/ucsc/detail.action?docID=4514094

Hahn, R., & Sickmund, M. (2007, November 30). *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*. CDC. Retrieved November 25, 2021, from https://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf

Haidet, R. (2020, March 2). *Workers protest conditions at Cuyahoga County Juvenile Justice Center using inflatable rats*. WKYC. Retrieved March 1, 2023, from https://www.wkyc.com/article/news/local/cleveland/protest-cuyahoga-county-juvenile-justice-center/95-eb79fa69-1c6f-4fc2-b75d-0c17151e5611

Handberry v. Thompson, 92 F.Supp.2d 244 (2000)

Handberry v. Thompson, 446 F.3d 335 (2006)

Handberry v. Thompson, Not Reported in Fed. Supp. (2015)

Haney, C. (2012). Prison Effects in the Era of Mass Incarceration. *The Prison Journal*, *0*(0), 1-24. https://doi.org/10.1177/0032885512448604

Haney, C. (2020). The science of solitary: Expanding the harmfulness narrative. *Northwestern Law Review, 115*(1), 211-256.

Hardesty, M. (2016, October). Digital Tools for Archival Research. *Archive Journal*. http://www.archivejournal.net/notes/digital-tools-for-archival-research/

Harper, D. S., Hughes, L., Sanders, L. C., & Hubbard, D. (2001). *The Collected Works of Langston Hughes: Works for children and young adults: biographies* (J.

McLaren, D. Martin-Ogunsola, L. C. Sanders, D. Johnson, S. C. Tracy, A. Rampersad, D. S. Harper, D. Hubbard, & C. C. De Santis, Eds.). University of Missouri Press.

Harris, V. (2011). Jacques Derrida meets Nelson Mandela: archival ethics at the endgame. *Arch Sci, 11*, 113–124. https://doi.org/10.1007/s10502-010-9111-4

Harris, C., Ortenburger, M., Santiago, F., Tellez, A., & Heller, J. (2017). Juvenile Injustice: Charging Youth as Adults is Ineffective, Biased, and Harmful. *Human Impact*, p. 4.

Hart, D., Reed, B., & Syed, H. (2017). *Chapter I*. S-Town Podcast. Retrieved December 24, 2022, from https://stownpodcast.org/chapter/1

Hartman, S. (2008). *Lose Your Mother: A Journey Along the Atlantic Slave Route*. Farrar, Straus and Giroux.

Hartshorne, R. (1950). The Functional Approach in Political Geography. *Annals of the Association of American Geographers*, *40*(2), 95–130. https://doi.org/10.2307/2560998

Hauser, E. J. (Ed.). (2013) 1913. *My story : Tom L. Johnson*. The Kent State University Press.

Hay, V. (2021, April 12). Educational Requirements as Barriers to Release for Incarcerated People with Cognitive Disabilities. *Columbia Human Rights Law Review*. HRLR Online. https://hrlr.law.columbia.edu/hrlr-online/educational-requirements-as-barriers-to-release-for-incarcerated-people-with-cognitive-disabilities/

H.C. v. Bradshaw, 426 F. Supp. 3d 1266 S.D. Fla. (2019)

Healy, W. (1915). *The Individual Delinquent. A Text-Book of Diagnosis and Prognosis for all concerned in understanding Offenders.* W. Heinemann.

Heck. (1931). *A study of the Ohio compulsory education and child labor law.* Ohio State University.

Heflinger, C. & Hinshaw, S. (2010).Stigma in Child and Adolescent Mental Health Services Research: Understanding Professional and Institutional Stigmatization of

Youth with Mental Health Problems and Their Families. *Administrative Policy Mental Health, 37*, 61-70.

Henning, K. N. (2013). Criminalizing Normal Adolescent Behavior in Communities of Color: The Role of Prosecutors in Juvenile Justice Reform. *Cornell Law Review*, *98*, 383-462.

Higginbotham, E. B. (1993). *Righteous Discontent: The Women's Movement in the Black Baptist Church, 1880–1920* (E. B. Higginbotham, Ed.). Harvard University Press.

Hinds, L. (2007). Building police-youth relationships: The importance of procedural justice. *Youth Justice7*, pp. 195–209.

Hockenberry, S., & National Juvenile Court Data Archive. (2022, February 3). *Delinquency Cases in Juvenile Court, 2019*. Office of Juvenile Justice and Delinquency Prevention. Retrieved December 12, 2022, from https://ojjdp.ojp.gov/publications/delinquency-cases-2019.pdf

Howard, M., & Miller, J. (2019). From Prison to Jail: Adapting to Teaching in a New Carceral Environment. *PS: Political Science & Politics, 52*(1), 93-95. doi:10.1017/S1049096518001063

Howe, F. C. (1925). *The Confessions of a Reformer*. Charles Scribner's Sons.

Howell, J. (1996). Juvenile Transfers to the Criminal Justice System: State of the Art. *Law & Policy, 18*, 17-60.

Human Rights Watch. (2017, April 11). *"Not in it for Justice": How California's Pretrial Detention and Bail System Unfairly Punishes Poor People | HRW*. Human Rights Watch. Retrieved October 21, 2022, from https://www.hrw.org/report/2017/04/11/not-it-justice/how-californias-pretrial-detention-and-bail-system-unfairly

Hwang, R. (2019). Deviant Care for Deviant Futures: QTBIPoC Radical Relationalism as Mutual Aid against Carceral Care. *Transgender Studies Quarterly, 6*(4), 559–578. https://doi.org/10.1215/23289252-7771723

Hyslop-Margison, E.J. & Richardson, T. (2005). Rethinking Progressivism and the Crisis of Liberal Humanism: Historical and Contemporary Perspectives on Education

for Democratic Citizenship . *International Journal Of Progressive Education , 1* (2) , 49-58 . Retrieved from https://dergipark.org.tr/en/pub/ijpe/issue/26326/277407

Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400–1482 (2004).

Ingraham, C. (2015, December 28). Why White People See Boys Like Tamir Rice as Older, Bigger, Guiltier Than They Really Are. *Washington Post*. https://www.washingtonpost.com/news/wonk/wp/2015/12/28/why-prosecutorskeep-talking-about-tamir-rices-size-36-pants/

in loco parentis. (n.d.) West's Encyclopedia of American Law, edition 2. (2008). Retrieved November 1 2022 from https://legal-dictionary.thefreedictionary.com/in+loco+parentis

Johnson (Bing), L. (1922, February). The New Spirit Behind School Attendance. *The Ohio Teacher, 42*(6), 255. https://books.google.com/books?id=8xwwAQAAMAAJ&pg=PA255&lpg=PA255&dq=ohio+compulsory+attendance+laws+bing+law&source=bl&ots=uCAnKvTW3q&sig=ACfU3U0LjDG_5JIlWA65kqfik3Ui3ZJdhw&hl=en&sa=X&ved=2ahUKEwiY97e1vvn4AhWeEEQIHZXUD3Q4FBDoAXoECBAQAw#v=onepage&q=ohio%20

Johnson (Bing), L. (1938). *Social Work in Greater Cleveland: How Public and Private Agencies are Serving Human Needs.* The Welfare Federation of Cleveland. https://ia600607.us.archive.org/16/items/socialsorkingrea00luci/socialsorkingrea00luci.pdf

Johnson, S. (2021). *Extra Life: A Short History of Living Longer*. Penguin Publishing Group.

Johnston, L. (2011, March 20). *Timeline of controversy*. cleveland.com. Retrieved February 5, 2023, from https://www.cleveland.com/cuyahoga-county/2011/03/a_timeline_of_mounting_costs.html

Joo, J. (2020, October 8). *The Oldest Detention Center in the US*. Architectural Afterlife. Retrieved February 5, 2023, from https://architecturalafterlife.com/2020/10/oldest-detention-center-us/

Jules, B. (2016, November 9). Confronting Our Failure of Care Around the Legacies of Marginalized People in the Archives. *Medium*. Retrieved November 20, 2022, from

https://medium.com/on-archivy/confronting-our-failure-of-care-around-the-legacies-of-marginalized-people-in-the-archives-dc4180397280

Justice Policy Institute. *The costs of confinement: Why good juvenile justice policies make good fiscal sense.* 2009. Washington, DC. Retrieved February 1, 2022, from https://justicepolicy.org/research/the-costs-of-confinement-why-good-juvenile-justice-policies-make-good-fiscal-sense/

Justice Policy Institute. (2017). *Raise The Age Executive Summary*. Justice Policy Institute. Retrieved October 29, 2022, from https://justicepolicy.org/wp-content/uploads/2021/06/raisetheage.fullreport.pdf

Juvenile Court Judges Journal. (2009). The Builders. Juvenile Court Judges Journal 2, 12–17.. doi:10.1111/j.1755-6988.1951.tb01631.x

Juvenile Delinquents: The Police, State Courts, and Individualized Justice. (1966). *Harvard Law Review, 79*(4), 775–810. https://doi.org/10.2307/1338869

Juvenile Justice, Geography, Policy, Practice & Statistics. (2023). *Jurisdictional boundaries*. JJGPS. Retrieved from https://www.jjgps.org/jurisdictional-boundaries

Juvenile Law Center. (n.d.). *Youth Tried as Adults*. Juvenile Law Center. Retrieved October 29, 2022, from https://jlc.org/issues/youth-tried-adults

Kaba, M. (2021). *We Do this 'til We Free Us: Abolitionist Organizing and Transforming Justice* (T. K. Nopper, Ed.). Haymarket Books.

Kerr, D. R. (2011). *Derelict Paradise: Homelessness and Urban Development in Cleveland, Ohio*. University of Massachusetts Press.

Khan, A., 2022. The Carceral State: An American Story. *Annual Review of Anthropology, 51*, 49–66. doi:10.1146/annurev-anthro-041420-013930

Khan, S. B. (1907-1985). Sol Khan Papers. Manuscript Collection, 1 Container, MS 3978. Western Reserve Historical Society. http://catalog.wrhs.org/collections/search?keyword=Sol+Kahn&title=&creator=&identifier=&subject=&year=&year-max=&smode=advanced

Kilgore, J. (2014). Repackaging mass incarceration. Available at: https://www.counterpunch. org/2014/06/06/repackaging-mass-incarceration/ (Accessed 11 November 2020)

Kolbe, T., Dhuey, E., and Menlove Doutre, S. (2022). Unequal & Increasingly Unfair: How Federal Policy Creates Disparities in Special Education Funding. (EdWorkingPaper: 22-578). Retrieved from Annenberg Institute at Brown University: https://doi.org/10.26300/ses4-a514

Klarman, M.J. (1998). Race and the Court in the Progressive Era, *Vanderbilt Law Review, 51*(881). Available at: https://scholarship.law.vanderbilt.edu/vlr/vol51/iss4/3

Kolko, G. (1963). *The Triumph of Conservatism: A Reinterpretation of American History, 1900–1916*. Free Press.

Kuhfeld, Megan, James Soland, Beth Tarasawa, Angela Johnson, Erik Ruzek, and Jing Liu. (2020). Projecting the potential impacts of COVID-19 school closures on academic achievement. (EdWorkingPaper: 20-226). Retrieved from Annenberg Institute at Brown University: https://doi.org/10.26300/cdrv-yw05

Kusmer, K. L. (1976). *A Ghetto Takes Shape: Black Cleveland, 1870-1930*. University of Illinois Press.

LAUSD v. Garcia, 669 F.3d 956 9 Cir. (2012)

Land, M. (1948, January). John Brown's Ohio Environment. *Ohio History Journal, 57*(1), 24-47. Ohio History Connection. https://resources.ohiohistory.org/ohj/search/display.php?page=57&ipp=20&searchterm=Array&vol=57&pages=24-47

Larkin, M. (2022, July 25). The high-stakes MCAS is back — and may get harder. Critics ask if we need it at all. *WBUR*. https://www.wbur.org/news/2022/07/25/mcas-exam-bese-weighs-raising-passing-scores

Lee, M. (2008). *Bureaus of efficiency reforming local government in the progressive era*. Marquette University Press.

Leone, P., & Weinberg, L. (2010). *Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems*. https://www.ncjrs.gov/App/Publications/abstract. aspx?ID=252889

Leone, P. E., Wilson, M., & Krezmien, M. P. (2008, Mar. 31–Apr. 1). Understanding and Responding to the Education Needs of Special Populations in Adult Corrections (unpublished manuscript). Available at https://perma.cc/6JAU-YBF5

Levinas, E. (2003). *Humanism of the Other*. Trans. Nidra Poller. Urbana and Chicago: University of Illinois Press. [Humanisme de l'autre homme, 1972]

Levine M. & Levine, A. (1970). *A Social History of Helping Services: Clinic, court, school, and community*. Appleton-Century Crofts.

Lewis, S. (2021, September 4). *Original grassroots: A look at Cleveland's community organizing heritage -*. The Cleveland Observer. Retrieved March 5, 2023, from https://www.theclevelandobserver.com/original-grassroots-a-look-at-clevelands-community-organizing-heritage/

Lewry, S. (March 2018). Incorrigible Students: A Criminal Oxymoron? *Notre Dame Law Review93*(3) Article 10, 393-414.

Lilja, M. (2018). The politics of time and temporality in Foucault's theorisation of resistance: ruptures, time-lags and decelerations, *Journal of Political Power*, *11*(3), 419-432. DOI:10.1080/2158379X.2018.1523319

Lilja, M., Baaz, M. Schulz, M. & Vinthagen, S. (2017). How resistance encourages resistance: theorizing the nexus between power, 'Organised Resistance' and 'Everyday Resistance', *Journal of Political Power, 10*(1), 40-54. DOI: 10.1080/2158379X.2017.1286084

Lilja, M. & Vinthagen, S. (2018). Dispersed resistance: unpacking the spectrum and properties of glaring and everyday resistance, *Journal of Political Power, 11*(2), 211-229. DOI: 10.1080/2158379X.2018.1478642

Lindell, K. U., & Goodjoint, K. L. (2020, September 1). *RETHINKING JUSTICE FOR EMERGING ADULTS*. Juvenile Law Center. Retrieved October 29, 2022, from https://jlc.org/sites/default/files/attachments/2020-09/JLC-Emerging-Adults-9-2.pdf

Lindsey, K. (2018). "Deliberate freedom": using speculation and imagination in historical biography', *Journal of Writing and Writing Courses 22* (Special Issue #50): 1-16.https://textjournal.scholasticahq.com/article/25601-deliberate-freedom-using-speculationand-imagination-in-historical-biography (accessed 12/11/2021).

Locked Out: Improving educational outcomes for incarcerated youth (Rep.). (2015). The Council of State Governments Justice Center. Retrieved December 02, 2018, from https://csgjusticecenter.org/youth/publications/locked-out-improving-educational-and-vocational-outcomes-for-incarcerated-youth/

Logan, W. (1972). *Shaping American higher education*. American Council on Education.

Lombroso, C. (2006) 1876. Criminal man. In *Criminal Man*. Duke University Press.

London, R. A., & Glass, R. D. (2022, April 4). *Toward equitable collaboration: Community partners' strategic perspectives on community-engaged research*. William T. Grant Foundation. Retrieved March 5, 2023, from https://wtgrantfoundation.org/toward-equitable-collaboration-community-partners-strategic-perspectives-on-community-engaged-research

Lorde, A. (1984/2007). The Master's Tools Will Never Dismantle the Master's House. *Sister Outsider: Essays and Speeches* (Ed. 2007). Crossing Press, 110-114.

Loss, C. P. (2014). Institutionalizing in Loco Parentis after Gott v. Berea College (1913). *Teachers College Record, 116*(12), 1–16. https://doi.org/10.1177/016146811411601203

Lubet, S., & Maines, R. (2016, Summer). *This Shawl Belonged to Langston Hughes (True) and Was Worn by One of John B*. National Endowment for the Humanities. Retrieved March 3, 2023, from https://www.neh.gov/humanities/2016/summer/feature/shawl-belonged-langston-hughes-true-and-was-worn-one-john-brown%E2%80%99s-men-harpers-ferry-well

Mader, J., & Butrymowicz, S. (2014 October 26). *Pipeline to Prison: Special education too often leads to jail for thousands of American children.* The Hechinger Report. https://hechingerreport.org/pipeline-prison-special-education-often-leads-jail-thousands-american-children/

Maguire, M., & Delahunt, B. (2017). Doing a thematic analysis: A practical, step-by-step guide for learning and teaching scholars. *All Ireland Journal of Higher Education9*(3). https://ojs.aishe.org/index.php/aishe-j/article/view/335.

Mahon-Reynolds, C., & Parker, L. (2016). The overrepresentation of students of color with learning disabilities: How "writing identity" plays a role in the school-to-prison

pipeline. In D. Connor, B. Ferri, & S. A. Annamma (Eds.), DisCrit: Critical conversations across race, class, & dis/ability (pp. 145–155). Teachers College Press.

Malvin, J. (1879). *Autobiography of John Malvin: A Narrative, Containing an Authentic Account of His Fifty Years' Struggle in the State of Ohio in Behalf of the American Slave, and the Equal Rights of All Men Before the Law Without Reference to Race Or Color; Forty-seven Years of Said Time Being Expended in the City of Cleveland*. Leader Printing Company.

Martin, J. (2023, Spring). Antonio Gramsci. In Edward N. Zalta & Uri Nodelman (eds.) *Stanford Encyclopedia of Philosophy)*. Retrieved from https://plato.stanford.edu/entries/gramsci/#Hege

Marshall, A., Casanova, S., Maynard, H., & Dissell, R. (2022, December 12). *What's a Bindover? Your Guide to Ohio's Court Process*. The Marshall Project. Retrieved December 14, 2022, from https://www.themarshallproject.org/2022/12/12/ohio-cleveland-bindover-courts-children-guide

Mazzolini, J. (2004a, January 5). Delays Expensive for Courts. *The Plain Dealer*, 7.

Mazzolini, J. (2004b, December 12). Center: Time, money being wasted. *The Plain Dealer,* A12. https://cleveland.newsbank.com/doc/image/v2:122AFBBA107AC9E4@NGPA-OHPD-17B14E3D4FA8E70A@2453345-17AEC07F3AA8BB04@11-17AEC07F3AA8BB04@

McCann, C. (2014). Title I Distribution Formulas. *EdCentral.* New America Foundation. http://www.edcentral.org/edcyclopedia/no-child-left-behind-act-title-i-distribution-formulas/

McCarthy, P., Schiraldi, V., & Shark, M. (2016, October). *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. Office of Justice Programs. Retrieved February 25, 2023, from https://www.ojp.gov/pdffiles1/nij/250142.pdf

McCauley E. J. (2017). The Cumulative Probability of Arrest by Age 28 Years in the United States by Disability Status, Race/Ethnicity, and Gender. *American journal of public health107*(12), 1977–1981. https://doi.org/10.2105/AJPH.2017.304095

McClelland, J. B. (1930). The Effects of the Bing Law. *Educational Research Bulletin, 9*(13), 353–359. http://www.jstor.org/stable/1472314

McDermott, R., & Varenne, H. (1995). Culture "as" Disability. *Anthropology & Education Quarterly, 26*(3), 324–348.

McKittrick, K. (2021). *Dear Science and Other Stories.* Duke University Press.

McTighe, M. J. (1986). Leading Men, True Women, Protestant Churches, and the Shape of Antebellum Benevolence. In Grabowski, J. J., & Van Tassel, D. D. (Eds). *Cleveland--a tradition of reform* (pp. 14-28). Kent State University Press.

Meiners, E.R. (2007). *Right to Be Hostile: Schools, Prisons, and the Making of Public Enemies* (1st ed.). Routledge. https://doi.org/10.4324/9780203936450

Meiners, E. R. (2014). Trouble with the Child in the Carceral State. *Social Justice (41)*3, pp. 120-144.

Meiners, E. R. (2016). *For the Children? Protecting Innocence in a Carceral State*. University of Minnesota Press.

Meiners. (2017). The Problem Child: Provocations Toward Dismantling the Carceral State. *Harvard Educational Review*, *87*(1), 122–146. https://doi.org/10.17763/1943-5045-87.1.122

Meiners, E.R. & Winn, M.T. (2010). Resisting the school to prison pipeline: the practice to build abolition democracies. *Race Ethnicity and Education, 13*(3), 271-276, DOI: 10.1080/13613324.2010.500832

Melaku, M. (2018, February 5). *Cleveland's Youth Deserve Justice; Systemic Failures of the Cuyahoga Juvenile Detention Center*. ACLU of Ohio. Retrieved February 26, 2023, from https://www.acluohio.org/en/news/clevelands-youth-deserve-justice-systemic-failures-cuyahoga-juvenile-detention-center

Mendel R. A.(2011). *No place for kids: The case for reducing juvenile incarceration.* Annie E. Casey Foundation.

Miggins, E.M. (1986). The Search for One Best System: Cleveland Public Schools and Educational Reform. In Grabowski, J. J., & Van Tassel, D. D. (1986). *Cleveland--a tradition of reform* (pp. 136-155). Kent State University Press.

Miner-Romanoff, K. (2012, May 30). Juveniles Sentenced and Incarcerated as Adults: Findings from a Qualitative Analysis of Their Knowledge, Understanding, and Perceptions of Their Sentences. *Justice Policy Journal*, *9*(1), 1-47. http://www.cjcj.org/uploads/cjcj/documents/Juveniles_Sentenced.pdf

Minh-Ha, T.T. (1989). *Woman, Native, Other: Writing Postcoloniality and Feminism*. Indiana University Press.

Moreno, T. H.. (2022). Beyond the police: libraries as locations of carceral care. *Reference Services Review, 50*(1), 102–112. https://doi.org/10.1108/rsr-07-2021-0039

Morris, R.J. & Thompson, K.C. (June 2008). Juvenile Delinquency and Special Education Laws: Policy Implementation Issues and Directions for Future Research. *Journal of Correctional Education59*(2), 173-190. https://www.jstor.org/stable/23282795

Morton, M. J. (n.d.). Homes for Poverty's Children: Cleveland's Orphanages, 1851-1933. *Ohio History Journal*, 1-18. https://resources.ohiohistory.org/ohj/browse/displaypages.php?display[]=0098&display[]=5&display[]=22

Morton, M. J. (1998, March). Cleveland's Child Welfare System and the “American Dilemma,” 1941–1964. *Social Service Review, 72*(1), 112-136. https://www.jstor.org/stable/10.1086/515735

Morton, M.J. (2000). Institutionalizing Inequalities: Black Children and Child Welfare in Cleveland, 1859-1998. *Journal of Social History 34*(1), 141-162. doi:10.1353/jsh.2000.0119.

Morton, M. J. (2010). *The Overlook of Cleveland and Cleveland Heights*. Arcadia Publishing.

Morton, M. J. (2021, February 6). *Elizabeth J. Hauser – Teaching Cleveland Digital*. Teaching Cleveland Digital. Retrieved November 15, 2022, from https://teachingcleveland.org/tag/elizabeth-j-hauser/

Myers. (18 May 1902). Cleveland’s Colored Population. *Cleveland Plain Dealer Sunday Magazine*, 47-48.

The National Archives UK. (2017, March). Cataloguing paper records: guidance for government departments. The National Archives. Retrieved July 10, 2022, from https://cdn.nationalarchives.gov.uk/documents/information-management/cataloguing-guidance.pdf

National Center for Learning Disabilities. (2022). *IDEA Full Funding: Why Should Congress Invest in Special Education? - NCLD*. National Center for Learning Disabilities. Retrieved August 23, 2022, from https://ncld.org/news/policy-and-advocacy/idea-full-funding-why-should-congress-invest-in-special-education/

National Council on Disability. (2015, June 18). *Breaking the School-to-Prison Pipeline for Students with Disabilities*. National Council on Disability. Retrieved October 21, 2022, from https://www.ncd.gov/publications/2015/06182015

National Institute of Corrections. (n.d.). *Ohio 2019*. National Institute of Corrections. Retrieved March 11, 2022, from https://nicic.gov/state-statistics/2019/ohio-2019

Neitz, M. B. (2011). A Unique Bench, a Common Code: Evaluating Judicial Ethics in Juvenile Court, *Georgetown Journal of Legal Ethics, 24*(97).
network | Etymology, origin and meaning of network by etymonline. (n.d.). Online Etymology Dictionary. Retrieved July 9, 2022, from https://www.etymonline.com/word/network

19 News Investigative Team. (2022, June 7). *Advocates say juvenile justice center is one of the most dangerous places in Cleveland*. Cleveland 19. Retrieved February 28, 2023, from https://www.cleveland19.com/2022/06/07/advocates-say-juvenile-justice-center-is-one-most-dangerous-places-cleveland/

Nguyen. (2021). Carceral Care Work : Strengthening Policing Through the Provision of Social Services. *ACME an International e-Journal for Critical Geographies20*(6), 559–578.

Nocella, A., Parmar, P., & Stovall, D. (2014). *From Education to Incarceration: Dismantling the School-to-Prison Pipeline.* Peter Lang Publishers.

Noddings, N. (1998). Thoughts on John Dewey's "Ethical Principles Underlying Education." *The Elementary School Journal*, *98*(5), 479–488. http://www.jstor.org/stable/1002326

Nordquist, Richard. (2020, August 27). Understanding Anthimeria in Language. Retrieved from https://www.thoughtco.com/what-is-anthimeria-rhetoric-1689100

Nowell, L. S., Norris, J. M., White, D. E., & Moules, N. J. (2017). Thematic Analysis: Striving to Meet the Trustworthiness Criteria. *International Journal of Qualitative Methods, 16*(1). https://doi.org/10.1177/1609406917733847

O'Donnell, P. (2014, July 28). *Ohio is the "Wild, Wild West" of charter schools, says national group promoting charter standards*. Cleveland.com. Retrieved December 24, 2022, from
https://www.cleveland.com/metro/2014/07/ohio_is_the_wild_wild_west_of.html

O'Malley, T. F. (2022). *Untitled*. Cuyahoga County Juvenile Court. Retrieved February 28, 2023, from
http://juvenile.cuyahogacounty.us/pdf_juvenile/en-US/AnnualReports/2021AnnualReport.pdf

Office of Juvenile Justice Delinquency Prevention. (15 May 2020). *OJJDP Statistical Briefing Book*. Online. Available:
https://www.ojjdp.gov/ojstatbb/corrections/qa08700.asp?qaDate=2018.

Office of Juvenile Justice Delinquency Prevention. (16 November 2020). *OJJDP Statistical Briefing Book*. Estimated number of arrests by offense and age group, 2019. Online. Available: https://www.ojjdp.gov/ojstatbb/crime/ucr.asp?table_in=1. Released on November 16, 2020.

Ohio Board of State Charities. (1922, September). The Bing Law. *The Ohio Bulletin of Charities and Correction, 28*(1-2), 159-160.
https://books.google.com/books?id=jdAPAQAAIAAJ&pg=RA1-PA159&lpg=RA1-PA159&dq=ohio+compulsory+attendance+laws+bing+law&source=bl&ots=xLdf5msR8K&sig=ACfU3U3nZgTn9_MQCRvwzaPS5Yo3TxS2bg&hl=en&sa=X&ved=2ahUKEwiY97e1vvn4AhWeEEQIHZXUD3Q4FBDoAXoECA8QAw#v=onepage&q

Ohio Department of Education. (2021). *Ohio School Report Cards*. Ohio School Report Cards. Retrieved April 21, 2021, from
https://reportcard.education.ohio.gov/advanced

Ohio Department of Education. (2021, April 23). *Graduation Questions and Answers | Ohio Department of Education*. Ohio Department of Education. Retrieved November 29, 2022, from

https://education.ohio.gov/Topics/Ohio-s-Graduation-Requirements/Contacts-and-Resources/Graduation-FAQs

Ohio History Connection. (2013, May 23). Boys' Industrial School. Ohio History Central. Retrieved July 6, 2022, from https://ohiohistorycentral.org/w/Boys%27_Industrial_School

Painter, R. & Mayer, K. (2017). WHICH COURT IS BINDING? Binding vs. Persuasive Cases, *The Writing Center at Georgetown University Law Center*.

Palmer, A. M. (1930, June). Educating the educators. *Journal of Higher Education, 1*, 334–338.

Parkes. (2017). Solitary Confinement, Prisoner Litigation, and the Possibility of a Prison Abolitionist Lawyering Ethic. *Canadian Journal of Law and Society, 32*(2), 165–185. https://doi.org/10.1017/cls.2017.16

Phillips, K. L. (1999). *Alabama North: African-American migrants, community, and working-class activism in Cleveland, 1915-45*. University of Illinois Press.

Picou, S. J., & Marshall, B. K. (2007). Social Impacts of Hurricane Katrina on Displaced K–12 Students and Educational Institutions in Coastal Alabama Counties: Some preliminary observations. *Sociological Spectrum*, *27*(6), 767–780. doi:10.1080/02732170701534267

Pisciotta. (1994). *Benevolent Repression: Social Control and the American Reformatory-Prison Movement*. NYU Press.

The Plain Dealer. (1997, September 24). Detention revamping under way. *The Plain Dealer*, 21A.

Platt, A. M. (1977) 1967. *The Child Savers: The invention of delinquency, Second Edition*. The University of Chicago Press.

Povinelli, E. A. (2011). *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism*. Duke University Press.

Puar, J. K. (2017). *The Right to Maim: Debility, Capacity, Disability.* Duke University Press.

Putney, B. (1938). Wage rates and workers' incomes. *Editorial research reports 1938 (Vol. I)*. http://library.cqpress.com/cqresearcher/cqresrre1938012000

Quinn, C. (1998a, January 22). The man who caught the cops. *Plain Dealer*.

Quinn, C. (1998b, February 21). Teen's Legacy Targets Abuse by Juvenile Guards. *Plain Dealer*, 6.
Ramirez, M. H. (2015). Being Assumed Not to Be: A Critique of Whiteness as an Archival Imperative. *The American Archivist, 78*(2), 339–356. http://www.jstor.org/stable/26356551

Redding, R. E. (2003). The Effects Of Adjudicating And Sentencing Juveniles As Adults: Research and Policy Implications. *Youth Violence and Juvenile Justice, 1*(2), 128–155. https://doi.org/10.1177/1541204002250875

Redding, R. E. (August 2008) Juvenile transfer laws: An effective deterrent to delinquency? Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. https:// www.ncjrs.gov/pdfles1/ojjdp/220595.pdf

Reddy, C. (2011). *Freedom with Violence: Race, sexuality, and the US state.* Duke University
Press.

Reed, D., Johnson, M., Karales, K. and Stevens, A. (1983). Needed: Serious Solutions for Serious Juvenile Crime. Chicago Law Enforcement Study Group.

Rehabilitation Act of 1973, Section 504, 29 U.S.C. §794, 34 CFR part 104 (2010).

Reingle Gonzalez, J. M., Cannell, M. B., Jetelina, K. K., & Froehlich-Grobe, K. (2016). Disproportionate Prevalence Rate of Prisoners With Disabilities: Evidence From a Nationally Representative Sample. *Journal of Disability Policy Studies*, 27(2), 106–115. https://doi.org/10.1177/1044207315616809

Richardson, J.F. (1986). Political Reform in Cleveland. In Grabowski, J. J., & Van Tassel, D. D. (1986). *Cleveland--a tradition of reform* (pp. 156-172). Kent State University Press.

Richie, B. (2012). *Arrested justice: Black women, violence, and America's prison nation*. NYU Press.

Richmond, G. (2019, February 13). *State reins in the 'Wild West' of charter schools*. The Columbus Dispatch. Retrieved December 24, 2022, from https://www.dispatch.com/story/opinion/columns/2019/02/13/state-reins-in-wild-west/6010855007/

Richmond, M. (2021, July 28). *The Union That Used To Represent Juvenile Justice Center Staff Sounds Alarm*. Ideastream. Retrieved March 1, 2023, from https://www.ideastream.org/news/the-union-that-used-to-represent-juvenile-justice-center-staff-sounds-alarm

Rickford, J. R., Alim, H. S., & Ball, A. F. (Eds.). (2016). *Raciolinguistics: How Language Shapes Our Ideas about Race*. Oxford University Press.
Ritchie, A. J. (2017). *Invisible No More: Police Violence Against Black Women and Women of Color.* Beacon Press.

Robenalt, J. (2018). *Ballots and Bullets: Black power politics and urban guerrilla warfare in 1968 Cleveland.* Lawrence Hill Books.

Roche, T. (2002). *Report to the Board of Cuyahoga County Commissioners from the Annie E. Casey Foundation Regarding Juvenile Detention System Practices and Recommended Reforms*. Justice Policy Institute. Retrieved February 5, 2023, from https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/03-03_tac_ohboardcuyahogaco_jj.pdf

Rochford, P. (2022, December 12). *Timeline: 25 years of mayoral control over Cleveland public schools*. Signal Cleveland. Retrieved February 5, 2023, from https://signalcleveland.org/timeline-25-years-of-mayoral-control-over-cleveland-public-schools/

Rodriguez, S., Ben-Moshe, L., & Rakes, H. (2020). Carceral protectionism and the perpetually (in)vulnerable. *Criminology & Criminal Justice, 20*(5), 537–550. https://doi.org/10.1177/1748895820947450

Rooks, N. (2017). *Cutting School: Privatization, Segregation, and the End of Public Education*. New Press.

Russo, J. F. (2004). *2004 Annual Report with changes 6-27-05*. Cuyahoga County Juvenile Court. Retrieved February 23, 2023, from http://juvenile.cuyahogacounty.us/pdf_juvenile/en-US/AnnualReports/2004AnnualReport.pdf

Russo, J. F. (2007). *CUYAHOGA COUNTY COURT OF COMMON PLEAS JUVENILE DIVISION*. Cuyahoga County Juvenile Court. Retrieved February 24,

2023, from
http://juvenile.cuyahogacounty.us/pdf_juvenile/en-US/AnnualReports/2007AnnualReport.pdf

Sargent, P. (1926). *Handbook of American Public Schools (Vol. 10)*. Cosmos.

Sawyer, W., & Wagner, P. (2022, March 14). *Mass Incarceration: The Whole Pie 2022*. Prison Policy Initiative. Retrieved October 21, 2022, from https://www.prisonpolicy.org/reports/pie2022.html

Schechner, S. J. (2001). The Material Culture of Astronomy in Daily Life: Sundials, Science, and Social Change. *Journal for the History of Astronomy, 32*, 189-222.

Scheerenberger, R.C. (1983). *A History of Mental Retardation*. Paul H. Brooks Publishing Co.

Schwartz, J.M. and Cook, T. (2002). Archives, Records and Power: The Making of Modern Memory. *Archival Science, 2*, 1-19.

Scott, E.S. & Grisso, T. (1997). The Evolution of Adolescence: A Developmental Perspective on Juvenile Justice Reform. *Juvenile Criminal Law & Criminology, 88,*(137), 141–42.

Scraton, & McCulloch, J. (2009). The violence of incarceration. Routledge.

Shaffer, C. (2017, September 15). Juvenile inmates' lawsuit says detention guards forced them to fight each other. *Cleveland.com*. https://www.cleveland.com/metro/2017/09/cuyahoga_county_juvenile_inmat.html

Shaffer, C. (2018a, January 25). Report finds 'significant flaws' in Cuyahoga County Juvenile Detention Facility. *Cleveland.com*. https://www.cleveland.com/metro/2018/01/report_finds_significant_flaws_1.html

Shaffer, C. (2018b, March 19). Activists demand investigation into county child and family services following Aniya Day-Garrett's death. *Cleveland.com*. https://www.cleveland.com/court-justice/2018/03/activists_demand_investigation.html

Shaffer, C. (2018c, October 23). Cuyahoga County settles lawsuit over juvenile detention center's 'fight night'. *Cleveland.com*. https://www.cleveland.com/court-justice/2018/10/cuyahoga_county_settles_lawsui_1.html

Shange, S. (2019). *Progressive Dystopia: Abolition, Antiblackness, and Schooling in San Francisco*. Duke University Press.

Sicius, F.J. (2015). The Progressive Era: a Reference Guide. A Reference Guide, ABC-CLIO, LLC, 2015. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/ucsc/detail.action?docID=2037979. Created from ucsc on 2022-11-01 20:06:18.

Siegel, J. (2017, April 13). Appeals court judge compares ECOT founder to Russian oligarch. *Columbus Dispatch*. https://www.dispatch.com/story/news/politics/state/2017/04/13/appeals-court-judge-compares-ecot/21378202007/

Siemon, K. L. (1985, February 24). Detention Home Now Less Grim. *Plain Dealer*, 28.

Singh, A., & Corriher, B. (2016, August 8). *State or Federal Court?* Center for American Progress. Retrieved October 21, 2022, from https://www.americanprogress.org/article/fact-sheet-state-or-federal-court/

Sins Invalid. (2019). *Skin, Tooth, and Bone: The Basis of Movement is Our People (2nd ed.)*. [Digital version] sinsinvalid.org.

Sloop, H. (2021, August 7). *Property damaged, officer injured after vandalism incident at Cuyahoga County Juvenile Detention Center*. WKYC. Retrieved February 28, 2023, from https://www.wkyc.com/article/news/local/cleveland/cuyahoga-county-juvenile-detention-center-fight-august-7/95-842dec1d-6d0e-4a05-9246-76327bd21766

Social Welfare History Project (2011). Julia Clifford Lathrop (1858-1932): First chief of the Children's Bureau and advocate for enactment of the Sheppard-Towner Maternity and Infancy Act of 1921. Social Welfare History Project. Retrieved from https://socialwelfare.library.vcu.edu/federal/lathrop-julia-clifford/

Sojoyner, D.M. (2013). Black Radicals Make for Bad Citizens: Undoing the Myth of the School to Prison Pipeline, *Berkeley Review of Education, 4*(2), 241-263. Available online at http://escholarship.org/uc/ucbgse_bre

Sojoyner, D. M. (2015). *First strike: Educational enclosures in Black Los Angeles*. University of Minnesota Press.

South Australia. (1895). Acts of the Parliament of South Australia Retrieved June 25, 2022, from http://nla.gov.au/nla.obj-53890933

Stacklin, R. (2019). *Child Fatalities 2018 The Cuyahoga County Child Fatality Report Twenty-Second Edition*. First Year Cleveland. Retrieved February 26, 2023, from https://www.firstyearcleveland.org/files/assets/2018countychildfatalityreport.pdf

Staff Writer. (2014, June 14). Officials: Gang controls Cleveland juvenile detention center. *The Columbus Dispatch*. https://www.dispatch.com/story/news/crime/2014/06/14/officials-gang-controls-cleveland-juvenile/24130621007/

State of Illinois. (2011, May 20). *Laws of the State of Illinois : Illinois : Free Download, Borrow, and Streaming*. Internet Archive. Retrieved November 15, 2022, from https://archive.org/details/lawsofstateofill1899illi

Steinberg L. (2009). Should the science of adolescent brain development inform public policy?. *The American psychologist*, *64*(8), 739–750. https://doi.org/10.1037/0003-066X.64.8.739

Steward-Lindsey, S. (2006, Fall). History of Waiver. *American Journal of Criminal Law*, *34*(109).

Stewart. D. (2003). McGerr, Michael. A Fierce Discontent: The Rise and Fall of the Progressive Movement in America, 1870-1920. *Library Journal*, *128*(13), 102–.

Stewart, J. B. (1970). *Joshua R. Giddings and the Tactics of Radical Politics.* Press of Case Western Reserve University.

Stipek, D., & Hanson, K. (2014, May 16). *Schools v. prisons: Education's the way to cut prison population (op-ed by Deborah Stipek)*. Stanford Graduate School of Education |. Retrieved December 10, 2022, from https://ed.stanford.edu/in-the-media/schools-v-prisons-educations-way-cut-prison-population-op-ed-deborah-stipek

Stoskopf, A. (1999). An untold story of resistance: African-American educators and I.Q. testing in the 1920's and '30's. *Rethinking Schools, 14*(1).

Streib, V.L. (2005). Prosecutorial Discretion in Juvenile Homicide Cases. *Dickinson Law Review, 109*(4). https://ideas.dickinsonlaw.psu.edu/dlra/vol109/iss4/9

Švigelj, M. M. (2021, December). Poetic Injustice in the Headlines. *Iron City Magazine 6*, p. 10.

Švigelj, M. M. (2021, December). In Verse Operationalization. *Iron City Magazine 6*, p. 11.

Švigelj, M.M. and Johnson, M. (2022, August 7). *Cuyahoga County fails to meet educational needs for children in juvenile detention: Melissa Marini Švigelj and Meryl Johnson*. Cleveland, Ohio; Plain Dealer. Retrieved from https://www.cleveland.com/opinion/2022/08/cuyahoga-county-fails-to-meet-educational-needs-for-children-in-juvenile-detention-melissa-marini-svigelj-and-meryl-johnson.html

Tanenhaus, D.S. & Dohrn, B. (2004). *Juvenile Justice in the Making*. Oxford University Press, Incorporated.

Tannis, L.N. (2014). *Educating Incarcerated Youth: Exploring the Impact of Relationships, Expectations, Resources and Accountability* (pp. 1–259). Palgrave Macmillan UK. https://doi.org/10.1057/9781137451026

Tapia, R. (2020). What Is the Carceral State? Community Organizations Team. available at: https://storymaps.arcgis.com/stories/7ab5f5c3fbca46c38f0b2496bcaa5ab0

Taylor, S. (1997). Critical policy analysis: Exploring contexts, text and consequences. *Discourse: Studies in the Cultural Politics of Education18*, pp. 23–35.

Terada, Y. (2022, October 14). *The Psychological Toll of High-Stakes Testing*. Edutopia. Retrieved December 23, 2022, from https://www.edutopia.org/article/psychological-toll-high-stakes-testing/

Terman, L. M. (1916). *The Measurement of Intelligence*. Houghton Mifflin.

Theoretical Archaeology Group. (2019). *Slow Archaeology - TAG 2019 – Syracuse University*. Syracuse University. Retrieved November 20, 2022, from https://tag2019.maxwell.syr.edu/organizers/slow-archaeology/

Tiegan, A. (2020, July 1). *Juvenile Age of Jurisdiction and Transfer to Adult Court Laws*. National Conference of State Legislatures. https://www.ncsl.org/research/civil-and-criminal-justice/juvenile-age-of-jurisdiction-and- transfer-to-adult-court-laws.

Title 34 - Education, Part 300 - ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES20 U.S.C. 1401(3). 71 FR 46753, Aug. 14, 2006, as amended at 72 FR 61306, Oct. 30, 2007. https://www.govinfo.gov/app/details/CFR-2017-title34-vol2/CFR-2017-title34-vol2-sec300-8

Tomlinson. (2015). Is a sociology of special and inclusive education possible? *Educational Review (Birmingham)*, *67*(3), 273–281. https://doi.org/10.1080/00131911.2015.1021764

Tomlinson-Keasey, C. (1993). Opportunities and challenges posed by archival data sets. In D. C. Funder, R. D. Parke, C. Tomlinson-Keasey, & K. Widaman (Eds.), *Studying lives through time: Personality and development* (pp. 65–92). American Psychological Association. https://doi.org/10.1037/10127-020

Tunstall v. Bergeson 141 Wn. 2d 201 (Wash. 2000).

Turiano, N. A. (2014). Archival Data Analysis Introduction. *The International Journal of Aging and Human Development, 79*(4), 323–325. https://doi.org/10.1177/0091415015574188

Tyler, T. R., Goff, P. A., & MacCoun, R. J. (2015). The Impact of Psychological Science on Policing in the United States: Procedural Justice, Legitimacy, and Effective Law Enforcement. *Psychological Science in the Public Interest16*(3), pp. 75–109. https://doi.org/10.1177/1529100615617791

Tyler, T. R., & Jackson, J. (2014). Popular legitimacy and the exercise of legal authority: Motivating compliance, cooperation and engagement. Psychology, Public Policy, and Law, 20, 78–95.

UCLA School of Law. (2021). The impact of prosecuting youth in the adult criminal justice system: A review of the literature. Retrieved from http://www.campaignforyouthjustice.org

Unknown, A. (2014, April 28). Detention. *The Plain Dealer*, 4.

U.S. Census Bureau. (2019, September 26). *U.S. Census Bureau American Community Survey*. Retrieved January 15, 2023, from https://data.census.gov/all?q=american+community+survey

U.S. Diplomatic Mission to Germany. (1999). About the USA. About the USA. Retrieved November 13, 2022, from https://usa.usembassy.de/etexts/his/e_prices1.htm

Updated Inventory of Evidence-Based, Research-Based, and Promising Practices (January 2013). Evidence-based Practice Institute & Washington State Institute for Public Policy. Document No. E2SHB2536-2.

U.S. Congress House of Representatives Committee on Education and the Workforce. (1997). *Individuals with Disabilities Education Act* Amendments of 1997. (H.Rept. 105-95.). U.S. Government Printing Office

U.S. Congress Senate Committee on Labor and Human Resources. (1997). *Individuals with Disabilities Education Act* Amendments of 1997. (S.Rept. 105-17). Washington DC: U.S. Government Printing Office

U.S. Department of Education. (n.d.). *About IDEA*. About IDEA - Individuals with Disabilities Education Act. Retrieved October 21, 2022, from https://sites.ed.gov/idea/about-idea/

U.S. Department of Education. (2015). *CORRECTIONAL EDUCATION GUIDANCE PACKAGE*. LAWS & GUIDANCE GENERAL Correctional Education in Juvenile Justice Facilities. Retrieved October 29, 2022, from https://www2.ed.gov/policy/gen/guid/correctional-education/fact-sheet.pdf

U.S. Department of Education, Office for Civil Rights, Free Appropriate Public Education for Students With Disabilities: Requirements Under Section 504 of the Rehabilitation Act of 1973, Washington, D.C., (2010).

U.S. Department of Education. (2022, March 25). *OSEP: Monitoring and State Improvement Planning Division*. Department of Education. Retrieved October 21, 2022, from https://www2.ed.gov/about/offices/list/osers/osep/msipd.html

United States Department of Education, OSEP. Policy Documents Regarding the Education of Infants, Toddlers, Children and Youth with Disabilities : Free Appropriate Public Education for Eligible Youth With Disabilities: Incarcerated in Adult Prisons. Retrieved February 14, 2021 from https://www2.ed.gov/policy/speced/guid/idea/letters/revpolicy/tpfapepris.html

U.S. Department of Education. (2021). *Special Education – Fiscal Year 2022 Budget Request*. Washington, DC Retrieved May 14, 2022 from https://www2.ed.gov/about/overview/budget/budget22/justifications/i-specialed.pdf

United States v. Hinds County School Board, 433 F.2d 619 (5th Cir. 1970).

United States v. Hinds Cnty., CAUSE NO. 3:16-CV-489-CWR-JCG (S.D. Miss. Apr. 16, 2020).

United States v. Hinds Cnty., 3:16-CV-489-CWR-RHWR (S.D. Miss. Feb. 4, 2022).

Vallas, R. (2016 July 1). Disabled Behind Bars, *Center for American Progress.* Retrieved November 2020 online from https://www.americanprogress.org/issues/criminal-justice/reports/2016/07/18/141447/disabled-behind-bars/

Van Tassel, D. D. (1986). Introduction: Cleveland and Reform. In Grabowski, J. J., & Van Tassel, D. D. (1986). *Cleveland--a tradition of reform* (pp. 1-13). Kent State University Press.

van Zyl Smit, D. (2013). Punishment and human rights. In J. Simon, & R. Sparks The SAGE handbook of punishment and society (pp. 395-415). SAGE Publications Ltd, https://dx.doi.org/10.4135/9781446247624.n20

Vaught, S. E. (2017). *Compulsory: Education and the Dispossession of Youth in a Prison School*. University of Minnesota Press.

Vaught, S. E., Chin, J., & McKinley Jones Brayboy, B. (2022). *The School-Prison Trust*. University of Minnesota Press.

Venkateswaran. (1990). The Bing Law and youth education policy: The administration of compulsory school laws in Cleveland, Ohio, 1910--1930. https://doi.org/info:doi/

V.W. v. Conway, 236 F. Supp. 3d 554 (N.D. N.Y. 2017).

Wade, J. W. (2014, Nov). Cleveland police shoot, kill 12-year-old. *Call & Post* http://ezp2.cpl.org/login?url=https://www.proquest.com/newspapers/cleveland-police-shoot-kill-12-year-old/docview/1636897355/se-2

Walker, J. M. Jr. (2016 February 29). How Do Precedents Lose Their Binding Effect? *CHINA GUIDING CASES PROJECT*, Stanford University.

Walsh, E. (1995, June 2). *A TEXTBOOK EXAMPLE OF URBAN SCHOOL DECAY*. The Washington Post. Retrieved February 5, 2023, from https://www.washingtonpost.com/archive/politics/1995/06/02/a-textbook-example-of-urban-school-decay/72d84754-dd55-4bf7-8288-06e89a9b97bf/

Ward, J. (2012). National organizations respond to the expulsion of bullied gay teen dynasty young. GLAAD. Retrieved from http://www.glaad.org/blog/national-organizations-respond-expulsion-bullied-gay-teen-dynasty-young

Weaver, L. (2021, May 20). Boys Industrial School superintendent mansion set for demolition. *Lancaster Eagle-Gazette.* Retrieved July 10, 2022, from https://www.lancastereaglegazette.com/story/news/2021/05/20/boys-industrial-school-superintendent-mansion-set-demolition/5037722001/

Wheeler, R. (1987). CLEVELAND: AN HISTORICAL OVERVIEW | *Encyclopedia of Cleveland History*. Case Western Reserve University. Retrieved July 9, 2022, from https://case.edu/ech/cleveland-historical-overview

Whitlach, W. G. (1967). The Juvenile Court-A Court of Law, *18 W. Rsrv. L. Rev*. 1239. Available at: https://scholarlycommons.law.case.edu/caselrev/vol18/iss4/9

Willey, R. J. (1979, Spring). Juvenile Justice Task Force supports legislative reform. *CLEVELAND-MARSHALL Law Notes, 5*(3), 17, 22, 24. Retrieved from https://engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1010&context=lawpublications_lawnotes

WKYC Staff. (2017, March 24). *Dead From Abuse | 62 kids in Cuyahoga County over 10 years*. WKYC. Retrieved February 26, 2023, from https://www.wkyc.com/article/news/local/cuyahoga-county/dead-from-abuse-62-kids-in-cuyahoga-county-over-10-years/95-425453537

Wyatt-Brown, B. (1986). Abolition and Antislavery in Hudson and Cleveland: Contrasts in Reform Styles. In Grabowski, J. J., & Van Tassel, D. D. (1986). *Cleveland--a tradition of reform* (pp. 91-112). Kent State University Press.

Wye, C. (1986). At the Leading Edge: The Movement for Black Civil Rights in Cleveland. In Grabowski, J. J., & Van Tassel, D. D. (1986). *Cleveland--a tradition of reform* (pp. 113-135). Kent State University Press.

Young, M.D., & Diem, S. (2018). Doing Critical Policy Analysis in Education Research: An Emerging Paradigm. In: Lochmiller, C. (eds) *Complementary Research Methods for Educational Leadership and Policy Studies*. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-319-93539-3_5

Young, M. D., & Reynolds, A. L. (2017). Critically examining policy workers and policy work within state boards of education. In M. D. Young & S. Diem (Eds.), *Critical approaches to education policy analysis: Moving beyond tradition* (pp. 19–42). Springer International Publishing.

Young, T. (2022). Attorney: Far too many Ohio kids thrown in prison where they face sexual assaults, suicide. The Columbus Dispatch. https://www.dispatch.com/story/opinion/columns/guest/2022/03/11/what-can-done-keepminors-out-adult-courts-prisons-mandatory-bindover/9406206002/

Youth Transition Funders Group. (n.d.). *Keep Youth Out of Adult Prisons, 3rd Edition*. National Juvenile Justice Network. Retrieved October 22, 2022, from https://www.njjn.org/about-us/keep-youth-out-of-adult-prisons

Ziedenberg, J. (2011). You're an adult now: Youth in adult criminal justice systems. *National Institute of Corrections*. Retrieved from htttp://www.njjn.org

Zinn, H. (1977). Secrecy, Archives, and the Public Interest. *Archival Issues*, *II*(2), 14-26.