



An Introduction to Students' Rights in the Juvenile Justice System: Lesson Plan and Information

Curriculum Unit 92.01.02
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Objectives To develop an awareness and knowledge of the Juvenile Justice system with focal attention on the rights of juveniles and a working comprehension of cases where the care of the child is cause for court intervention. Many Hispanic and non-Hispanic students in the middle school where I work have inquired about the differences between the criminal court system, the juvenile courts, and their rights, for example, if they have been arrested for selling drugs, running away from home because of sexual abuse, cruel parental punishment and other situations that adolescents confront on a daily basis. Student empowerment is an inherent corollary of this specific section of this unit.

Background Information

After the instructor presents the following necessary background to the students in the form of a middle school seminar, a question and answer session is conducted by the classroom teacher with the judge or attorney that has agreed to act as a presenter and temporary mentor for the students.

The first question that comes to mind here is related to the origins of the juvenile court system as understood by a middle school individual who is interested or concerned when confronted by a pertinent problem. According to most of the readings researched for the presentation, the first juvenile court originated in 1899 in Illinois because people expected the court to act in a parental role for the children instead of having a punitive and adversarial involvement as is prevalent in adult criminal courts. It was the belief that young people in conflict with the law needed care, custody and discipline without being handled as criminals. There was a profound distinction between children and adults. Even though the integrity and privacy of family relationships were considered as a fundamental right, very often the state had to get involved for the protection and safe guarding of children from events and circumstances that were detrimental to their physical and emotional development. The courts intervened into the child-parent relationship to serve the best interest of the child and to officiate the creation of opportunities for the child to have a family ambiance where he or she experienced love, physical and emotional development. Then and today, students were perceived as less responsible for their behavior than adults.

In Connecticut the most salient objectives of the juvenile court might be summarized as the following:

- To perpetuate and uphold family ties as much as possible;
- Provide confidentiality to delinquent and other family matters coming before the court;
- Assure for each youth the care and discipline which serves the child's best interest and the best interest of society and the public, if and when, a young person is placed away from home;
- To find a new home for the child only when their well-being or the safety and protection of the public deems it vital;
- To guarantee as much as possible that the youth under the court's authority has proper emotional, mental, physical and moral care and guidance; AND
- To insure that the proper cases are heard in Superior Court for Juvenile Matters (juvenile court) the court which has jurisdiction over all cases pertaining to the behavior and custody of uncared for, neglected and dependent children and youth.

The nature and procedures of a juvenile court are very often dissimilar to those applied in adult courts. Some of these distinctions are due, besides other considerations, to the belief that there exists a fundamental right to privacy in child-parent relationships and that those children in trouble need to be treated as children and youth in need of special care and guidance. In other courts, cases are commenced by an indictment rather than by petition as in juvenile court. The word respondent is utilized instead of the word defendant and allegations (charges) must be proven at an adjudicatory hearing, instead of at a trial. In adult courts defendants plead guilty or not guilty, whereas, in juvenile situations, the respondent is asked to admit or deny. Judges make a finding in juvenile matters, not a verdict, and the word disposition is used in juvenile cases instead of the word sentencing.

Children and youth do not have the same legal protections and rights that adults have but there are a variety of unique safeguards that exist for young people appearing before the Superior Court for Juvenile Matters. Generally, the public does not have access to cases in the juvenile court. Only those individuals whose presence is imperative to the cases are allowed to be in the courtroom. Court records are very confidential and generally disposable only for court personnel and attorneys connected with a specific case. Other distinctions between adult courts and juvenile include the following: delinquent youth are not legally convicted of a crime; neither the parent of, nor juveniles alleged to have committed criminal acts can ask for trial by jury, except a delinquent whose case has been transferred to adult criminal court; court and police records can be erased under certain situations; physical descriptions of juveniles, identification photographs and other things like fingerprints can be required by police when a youth 13 years or older is charged with a felony offense; and, the court's jurisdiction includes proceedings pertaining to children from families with service needs, youth emancipation, termination of parental rights of children committed to the care of a state agency and all cases relevant to the behavior and custody of uncared for neglected and dependent children and youth.

How does the state of Connecticut determine what specific minors fall under the jurisdiction of the Superior Court for Juvenile Matters? How does the State law define the word children and in which cases is the State required to intervene? These questions are very germane to the students' understanding of the Superior Court

for Juvenile Matters and for their awareness of an institution that very often has a major impact on their future. The state's determination of the nature of a delinquent act committed by a youngster depends on the age of the child. According to the information read, the law in Connecticut defines the word children for purposes of the juvenile court system as persons under the age of sixteen (16) and the word youth as individuals sixteen (16) to eighteen (18) years of age. Five categories of minors come under the jurisdiction of the Superior Court for Juvenile Matters. In two specific categories the behavior of the child or youth is often the reason or cause of the court's involvement in the situations. These two categories include a child who has violated or attempted to violate a state or federal law, municipal or local ordinance or an order of the Superior court. A minor who falls into this first category is referred to as a delinquent child. When a minor commits or attempts to commit certain grievous offenses he or she often is adjudicated as a serious juvenile offender if the crime is first and second degree assault, armed robbery, murder, arson, kidnapping, rape and others. Depending on the alleged crime, a decision can be made to place the child away from the home community for up to one year, to place the offender in a detention facility until a final decision is made on the case, or there may be an automatic transfer of certain juveniles to adult criminal court.

Another category of minors in which the behavior of the child or youth is the cause of the court's intervention is a child in a family with service needs. A family with Service Needs has a child under sixteen years of age. This child under sixteen years of age who is or does one of the following: has exhibited a consistent pattern of truancy in school or has been chronically and overtly defiant of school rules and regulations, has ran away from home without just cause; has shown immoral or indecent conduct; or is beyond the control of parents or guardian.

In the categories previously described the reason or cause for the court's intervention was the behavior of the minor involved. In the other categories, the care of the child or youth is the cause for the court's involvement in the cases. One category is that of an emancipated minor. A special hearing is provided before a person is put into the emancipated minor description. This is a person reaching his or her eighteenth birth and whose parents are free from any authority, responsibility. The minor or the parents may request that the court make a legal decision that there are no obligations or responsibilities between child and parents. A second category involves the dependent neglected and uncared for children and youth and includes any individual under the age of eighteen who has experienced any of the following unwanted situations: is homeless or has been abandoned; has been denied the necessities of life, has been physically, or emotionally maltreated, sexually molested, or has received an unusually cruel punishment by parent or guardian; has been or is being denied proper living conditions or is being allowed to live in conditions that are injurious to his or her health; is being denied adequate care and attention or whose parent or guardian is unable to provide necessary care. These are the determinations which have to be made by the courts.

The last category of cases which involves the care of the child or youth as the reason for the court's intervention are the types of juvenile court cases requiring termination of parental rights. In these serious juvenile cases the judge must find "clear and convincing" evidence that constitute a higher standard of proof far more demanding than is required in many other cases involving dependent, neglected or uncared for children or youth. In a far-reaching case involving the court intervention into the child-parent relationship, the court severs all legal rights and responsibilities between a child and his or her parents. After this has transpired, the child can be adopted by another family. Thus, whether the juvenile case is a termination of parental rights, an emancipated minor, dependent, neglected, and uncared for children or youth, in all the above categories the lives and futures of many young people is influenced by the courts.

Of all the categories previously described, that of the emancipated minor holds much interest and intrigue for

this teacher as well as various students. One of the reasons why the topics for this unit were somewhat changed was an experience I had on June 23, 1992. This was the graduation day for the Sheridan Middle School. I hugged one of my students and said "Congratulations, you and your family deserve this wonderful day." The male student turned to an obviously attractive but older woman, he kissed her and said, "Mrs. Greenia, I want you to meet my wife." He discerned my reaction and before another word was uttered, he said, "Yes, I am married, I am an emancipated minor." Needless to say, I did not know what the student meant. And here I am explaining and paraphrasing researched information that applies to other emancipated students in middle and high school.

First, the court has a hearing in which it is determined whether the individual is in one of the following situations: the person is on active duty with one of the U.S. armed forces; the person lives by his own free will separate and apart from the parents and is responsible for his own total financial upkeep; the minor has been legally married; and that the granting of emancipated status is in the best interest of either of both parties. The parents of any person between the ages of sixteen and eighteen or the child himself or herself may ask the court for a legal determination that the minor and parents are free from any authority, obligation or responsibility to each other. After the court issues an order of emancipation, the minor may become active in many legally recognized adult behaviors. The emancipated minor may enroll in any college or school without parental consent, establish a separate residence, consent to medical, dental or psychiatric attention and care without parental control or knowledge, sue and be sued by his or her own name, and sell real and personal property and can no longer be the subject of a petition as abused, dependent, neglected or uncared for under juvenile law. And do we have minors in the middle and high schools in New Haven who are already involved in "emancipated" situations but are not aware of it? I know of a few at the middle school level and intend to work with them alone with the judges, attorneys and Department of Children and Youth Services.

What are some of the constitutional rights that youths involved in delinquent cases have? What special rights if any do children appearing before the Superior Court for Juvenile Matters have in Connecticut? According to the Hartford Institute of Criminal and Social Justice and other authorities on juvenile law, youth involved in delinquent cases are afforded certain constitutional rights. These rights include, among others, the following:

1. To be informed of these rights;
2. To receive adequate notice of allegations (charges);
3. To have "guilt" determined by proof beyond reasonable doubt;
4. To appeal to a higher court the final decisions of Superior Court of Juvenile Matters, after completion of the dispositional hearing;
5. To remain silent and not to be penalized for doing so;
6. To be heard and present evidence in their own behalf;
7. To confront and cross-examine witnesses;
8. To be represented by a lawyer and to be provided with an attorney at the expense of the state if the minor cannot afford one; and
9. To be protected against double jeopardy.

Furthermore, in Connecticut minors involved in cases before the Superior Court for Juvenile Matters have the right to “request a release from custody on bail.” Connecticut is one of the few states in the country to give this right to juveniles. Also, if a statement, admission or confession is obtained from a minor and used as evidence, the child can request that the court disallow this evidence in court if such documents or statements were obtained from the child without the presence of both the child and the parent or guardian, and only if they were advised of their rights. If a parent has been a victim of personal violence by a child the court may demand that said parents can testify against their child.

After the teacher and the presenter have explained the background information and the constitutional rights to the students, the teacher will take the students through the part of the lesson called Step by Step Through a Delinquency Case including what to do if they are stopped by police, what happens if they are taken into custody, what to do and say while in custody, what transpires in a detention center, what comes next if they are released to the parent or guardian, and what occurs if they are placed in a detention center and other crucial information.

Students will achieve an understanding of the various phases involved in a delinquency case such as the detention hearing, the investigation and non-judicial disposition, a plea hearing, a contested adjudicatory hearing (trial), a transfer hearing, probations, investigations, a dispositional hearing and other terms like enforcement of orders, appeals, confidentiality of records, and circumstances under which the erasure of police and court records can take place. For a comprehensive and complete source for a step by step explanation of a delinquency case, the classroom teacher might want to use the book entitled Step by Step Through the Juvenile Justice System: A Handbook for Connecticut published by The Hartford Institute of Criminal and Social Justice.

Most of the constitutional rights afforded to minors categorized as delinquents also apply to children and youth that fall into the other categories such as serious juvenile offenders, children in a family with service needs, dependent, neglected and uncared for children and youth, children involved in termination of parental rights and others. However, the steps and procedures for a neglect case and for an emancipated youth case have different characteristics and ramifications. For example, in order for a judge to issue an order that terminates parental rights, there must be clear and convincing evidence that, “after no less than one year of commitment to the Department of Children and Youth Services,” one more of the following scenarios is prevalent in the child’s life:

1. The child has been denied the care required for his holistic well-being as a direct cause of the guardian or parent actions;
2. The minor has been abandoned by the parent’s failure to maintain a reasonable degree of concern and interest in the welfare of the child;
3. There has been physical abuse which is sufficient evidence of the termination of parental rights;
4. The parents of a child previously found by the court to be neglected have failed to achieve a degree of rehabilitation that would lead the court to believe they could (within a reasonable time) be responsible for taking adequate care of the child;
5. There is an absence of a current healthy relationship between child and parent, and it would be injurious and detrimental to the child to wait the length of time required to begin or reestablish such a parent-child relationship or bonding.

In any case involving the termination of parental rights, the judge must consider any efforts made to reunify the family, the child's age in emotional ties and must find that the termination is in the best interests of the child or youth.

After the teacher and presenter take the students step by step through a delinquent case, they will continue the same process with step by step lessons through a neglect case and step by step through an emancipated minor case example. The matter needed for this part of the lesson will be found at the end of this unit in the reference materials.

Assuming that the students have been taught the background information in the form of seminar and question and answer sessions, they are now ready to read and learn the following list of concepts and vocabulary, as defined by The Hartford Institute For Criminal and Social Justice and other authorities on the Juvenile Justice System:

Glossary of Terms

ABUSED Physical injury inflicted upon a child or youth which is not the result of an accident, conflicts with the explanations of the injury, or is the result of maltreatment such as sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment.

ADJUDICATORY HEARING Juvenile court proceeding to determine whether the allegations on a **petition** are true and whether the child/youth should be adjudicated and subject to orders of the court. (similar to a trial)

ADMISSION Plea entered by the **respondent** in juvenile court agreeing that the charge in a petition is true. (similar to a guilty plea in criminal court)

ADVOCATE See “ **State’s Advocate.**”

APPEAL Request that a higher court review a case.

ALLEGATION A statement made by the petitioner in a legal action which will attempt to be proven. (similar to a “charge” in criminal court)

BAIL An amount of money set by the court in order to insure the appearance of the **respondent** in court. The **respondent** will be released for **custody** once the bail is deposited with the court.

BEYOND A REASONABLE DOUBT The degree of certainty required for a finding of delinquency; proof must be so conclusive and complete that all reasonable doubts are removed from the mind. This is the highest standard of proof.

CHILD Any person under the age of sixteen (16) years.

CLEAR AND CONVINCING EVIDENCE A lesser standard of proof; the degree of certainty required for a **finding of Family With Service Needs** of the termination of parental rights; proof must establish a firm belief in the facts alleged in the **petition** .

COMMITMENT Placement of a child/youth in the **custody** (children in a family with service needs and delinquent children) or guardianship (neglected, dependent, uncared for children/youth) of the **Department of Children and Youth Services** by an order of the court.

COMMUNITY SERVICE Work in public buildings or on public property performed by an offender as required by the court or its representatives.

CUSTODY See “ **Legal Custody.**”

DELINQUENT a child who is found to have violated any federal or state law, municipal or local ordinance (other than one regulating behavior of a child in a Family With Service Needs), or order of the Superior Court.

DENIAL Plea entered by a **respondent** in juvenile court disagreeing with the allegations in a petition. (similar to a not guilty plea in criminal court)

DEPARTMENT OF CHILDREN AND YOUTH SERVICES (D.C.Y.S.) State agency responsible for the care and treatment of children and youth who are mentally ill; **dependent, uncared for** , or **neglected** ; from **Families With Service Needs** ; or **delinquent**.

DEPENDENT MINOR child or youth living in a home that is suitable except for the financial inability of the parents, guardian or other person maintaining the home to provide for the specialized care his/her conditions requires.

DETENTION State-operated or state-designated facility to provide for the temporary care of a child who is alleged to be delinquent and who requires a physically restricted, secure environment.

DETENTION HEARING Court proceeding to determine if the child needs to remain in secure custody for the protection of the community or the juvenile.

DISPOSITION Orders of the court following **adjudication** relating to the most appropriate type of care and treatment of a child/youth. (similar to sentencing in criminal court)

DISPOSITIONAL HEARING Court proceeding following **adjudication** which provides the court with information necessary to determine the best possible type of care and treatment to be provided to the child/youth and or his or her family.

EMANCIPATION The release of a youth from the legal authority and control of his/her parents and the corresponding release of the parents from their obligation to the youth.

FAMILY WITH SERVICE NEEDS A family which includes a child who a) runs away without just cause, b) is beyond the control of his/her parents or guardian, c) has engaged in indecent or immoral conduct, and/or d) is habitually truant or continuously and overtly defiant of school rules and regulations.

FINDING Decision made by the judge at an **adjudicatory hearing** . (similar to a verdict in criminal court)

HEARSAY EVIDENCE Evidence based on reports of others rather than on a witness’s own personal knowledge.

JUVENILE Any person who is not of legal age; in Connecticut any person under eighteen(18) years of age.

(same as **minor**)

JUVENILE COURT Court designated to hear all proceedings concerning **uncared for, neglected, dependent children** and **youth** and **delinquent children** within the state; superior court for Juvenile Matters.

LEGAL CUSTODY Relationship created by court order which gives the custodian the responsibility for the physical possession of a minor and the duty to protect, train, and discipline him/her, as well as providing for his/her basic needs.

MINOR Any person who is not of legal age. (see **juvenile**)

MIRANDA RIGHTS The requirement that a person receive certain warnings relating to his/her privilege against self-incrimination (right to remain silent) and the right to have the presence and advice of an attorney before being questioned by law enforcement authorities.

MULTIPLE PETITIONS Two or more petitions filed in juvenile court against the same person.

NEGLECTED MINOR A child or youth who has a) been abandoned, b) is being denied proper care and attention, physically, emotionally, educationally, or morally, c) is being permitted to live under conditions, circumstances, or associations injurious to him/her well-being, or d) has been abused.

NOLLE PROSEQUI (“NOLLE”) An acknowledgment by the **State’s Advocate** that a pending case may not be prosecuted. A case which has been “nolled” may be reopened within 13 months; if it is not reopened by then it is automatically dismissed.

ORDERS OF TEMPORARY CUSTODY (O.T.C.) Court order placing a child or youth in the short-term legal custody of an individual or agency authorized for the care of juveniles.

PETITION Legal document which specifies the complaint against the juvenile and/or family; it includes the name, age, and address of the minor and his/ her guardian, as well as the statutory grounds and factual **allegations** upon which the request for court intervention is based.

PREPONDERANCE OF EVIDENCE General standard of proof in civil cases; where the evidence and the facts are more convincing than not. Used in neglect proceedings.

PROBABLE CAUSE See “ **Reasonable Cause.**”

PROBATION Placement of an adjudicated delinquent under the supervision of a state probation officer and the rules set forth by the court.

PROBATION INVESTIGATION Inquiry into the social, educational, physical, emotional, and work history of a child adjudicated delinquent. This report to the court can include any relevant information about the juvenile and his/her parents’ habits, surroundings, and character.

PROBATION OFFICER State employee who is responsible for making investigations and reports required by the court, executing orders of the court, maintaining files and providing supervision to persons placed on probation by the court.

PUBLIC DEFENDER court-appointed attorney responsible for representing the juvenile and/or the family at no cost to them. The family/juvenile needs to show that they cannot afford to pay for an attorney.

REASONABLE CAUSE The lowest standard of proof; the level of certainty required for the issuance of an arrest or search warrant or the grounds for detention or *ex parte* Orders of Temporary custody; facts that would enable a reasonable person to form a conclusion. Also called **Probable Cause**.

RESPONDENT Juvenile court word referring to the person or persons named in a petition. (similar to a defendant in criminal court)

SERIOUS JUVENILE OFFENDER A **child** who has been **adjudicated** by the **juvenile court** for a **serious juvenile offense** .

SERIOUS JUVENILE OFFENSE A violation of any one of several specific grievous criminal actions by a child; including: murder, manslaughter, rape, kidnapping, arson, armed robbery, 1st and 2nd degree assault, and other acts designated in C.G.S. Section 46b-120.

SOCIAL HISTORY INVESTIGATION See “ **Probation Investigation.**”

STATE’S ADVOCATE Prosecuting attorney who presents the state’s case in **Delinquency** and **Family With Service Needs** cases.

SUBPOENA A written notice issued by the court or a lawyer commanding a person to appear in court to testify as a witness.

SUMMONS A written notice issued by the court commanding a person to appear in court at a given date and time. A summons is issued to an individual charged or other party on a petition or complaint.

SUPERVISION Process similar to **probation** in that the juvenile is returned to the community, but not as serious or formal in nature. Supervision is given with the understanding that the court will take further action if the juvenile or parents do not follow court-recommended plans. Supervision is usually used in **Family with Service Needs** cases or **delinquency** cases handled non-judicially by a **probation officer**.

TEMPORARY CUSTODY Court-approved placement of a child or youth outside of his/her home for a short period of time before an **adjudicatory or dispositional** hearing is held.

TRANSFER HEARING (to Criminal Court) Juvenile court hearing to determine whether a child, 14 years or older, charged with a serious crime should have his/her case transferred to criminal court, and be subject to the same processes and penalties as an adult charged with the same offense.

UNCARED FOR A **child or youth** who is homeless or whose home cannot provide the specialized care which his/her physical, emotional or mental condition requires.

VALID COURT ORDER a formal statement by the court which regulates future conduct of a child after a **finding of delinquency** or after his/her family has been **adjudicated as a family with service needs**; any order of the court which is made in accordance to the laws of the state. may also apply to specific conditions of the delinquent’s **probation**.

YOUTH Any person sixteen (16) to eighteen (18) years of age.

Words in **bold type** are defined in the glossary.

Each student will be asked to give oral presentations of what they heard and saw in the lessons conducted by the presenter and the teacher. Each oral presentation would be two to five minutes and the students will be allowed to use index cards with cues that will help them remember their ideas and sentences. The oral presentations take at least two class sessions. While each individual student does his oral presentation the students in the classroom take notes on what they hear or understand. After each student presentation, the rest of the class gives feedback by asking questions of the student presenter or adding any points or details that were left out. If a definition or concept is not completely defined, the teacher will be a facilitator for the group. The classroom will use his individual evaluation system to grade each student presenter.

After the classroom teacher gives each student an opportunity to orally read each definition of each term in the glossary list, the students then write down as many definitions as they can in the form of a complete thought or sentence. Before the actual writing activity, the teacher will assist any student that needs help pronouncing any glossary term. Here, again, the classroom teacher evaluates each student individually and holistically.

Next, after all of the above steps have been followed, the teacher and the volunteer judge or attorney will present a mock case for each of the possible categories of cases that go before the juvenile court. At the end of these mock presentations the students will have a very comprehensive knowledge of cases where the behavior of the juvenile is cause for court intervention (delinquent child and child in a family with service needs), cases where the care of the child is cause for court intervention (dependent, neglected and uncared for child, termination of parental rights, and emancipated minor), delinquent children and their constitutional rights.

Finally the classroom instructor will use his or her own evaluation and testing instruments to insure that each student has achieved adequate oral, reading, and writing skills pertinent to the topics and issues presented here.

Notes

1. U.S. Congress, *Office of Technology Assessment. Adolescent Health. Volume III: Crosscutting Issues in the Delivery of Health and Related Services*, OTA-H-467 (Washington, D.C.: U.S. Government Printing Office, June 1991), p. 40.
2. Hechinger, Fred, *Fateful Choices Healthy Youth for the 21st Century*, (New York: Hill and Wang, 1988), p. 4.
3. Morres, Arval, A., *The Constitution and American Public Education*, (Durham, N.C.: Carolina Academic Press, 1989), p. 596.

Teacher Bibliography

Lynch, Eleanor. *Developing Cross-Cultural Competencies: A Guide For Working With Young Children and Their Families* . Baltimore: Paul H. Brookes Publishing Co. 1991.

This is an excellent source intended to keep anyone interested in becoming more effective in cross-cultural interactions in working with youth and their families. It considers crucial issues relevant to adolescents and bilingual education.

Fitzpatrick, Joseph. *Puerto Rican Americans* . Englewood Cliffs, Prentice Hall, Inc., 1971.

This book is an excellent analysis of Puerto Ricans once they have settled in New York. It discusses various aspects of bilingual education as seen by adolescents.

Wills, C. Wright, and Rose Kahn Godsen. *The Puerto Rican Journal New York's Newest Migrants* . New York: Russell & Russell, 1967.

Explicates the lives of Puerto Ricans in the Bronx and Spanish Harlem, their relationship to immigrant groups, reasons for migrations and struggles for adaptation including educational experiences. This book is appropriate for parts of the unit on bilingual education because many of the students in bilingual education are of Puerto Rican heritage.

The Regional Laboratory for Educational Improvements of the Northeast and Islands. *Building Bridges of Learning and Understanding: A Collection of Classroom Activities on Puerto Rican Culture* . The Regional Laboratory for Educational Improvement of the Northeast and Islands, Andover (MA), 1990.

Benson, P., Williams. *The Quicksilver Years: The Hopes and Fears of Early Adolescence* . San Francisco: Harper and Rowe, Publishers, 1987.

A concise and readable work on the traits, fears and aspirations that confront adolescents of all races, colors, economic backgrounds and cultures. Good reference for students also.

Crandall, J., Spanos, G., Christian, and Simick-Dudgeon, C. *Integrating Language and Content Instruction for Language Minority Students* . Silver Spring, MD: National Clearinghouse for Bilingual Education, 1987.

Krashen, Stephen. *Bilingual Education: A Focus On Current Research* , Washington, D.C.: National Clearinghouse for Bilingual Education, 1991.

Furby, Lita. *Risk Taking in Adolescence: A Decision Making Perspective*. Eugene, Oregon: Eugene Research Institute, 1990.

The author writes an excellent portrayal of the word adolescent and examines many risk-taking adolescent behaviors. This book has good illustrations for students.

Movisey, J.M. *Consent and Confidentiality: A Legal Guide*. Boston: Little, Brown, 1978.

The author examines with great clarity and detail the principle of parental consent, including its history, exceptions to court rulings and ramifications for adolescents.

Keeton, W.P., Dobbs, D.B., Keeton, R.E. (eds.), *Prosser and Keeton on the Law of Torts. 5th ed.* St. Paul, Minn.: West Publishing Co., 1984.

Gittler, Josephine. *Adolescent Health Care Decision Making: The Law and Public Policy.* Iowa City: National Maternal and Child Health Resource Center, 1990.

Student Bibliography

Angelou, Maya. *I Know Why the Caged Bird Sings* . New York: Random House, Inc., 1969. A well detailed story about a brother and sister who grew up in Arkansas under the guidance and tutelage of a loving grandmother. Good example of an elderly person as a role model in adolescents' lives.

Kurtis, Arlene Harris. *Puerto Ricans From Island to Mainland* . New York: Julian Messner, 1969.

Good source of contemporary biographies of prominent Puerto Rican figures.

Stewner-Manzanares, Gloria. *The Bilingual Education Act: Twenty Years Later* . Washington, D.C.: National Clearinghouse For Bilingual Education, 1988.

This is a lucid introduction to readings on bilingual education.

Overholt, Kenneth. *Voces de Puerto Rico: Contemporary Puerto Rico As Seen Through Actual Interviews* . Skokie, Ill.: National Textbook Co., 1981.

Good basic reader for students on bilingual education from the student's and family's point of view.

Robbins, Anthony. *Awaken the Giant Within* . New York: Summit Books, 1991.

With a highly motivated teacher-facilitator, students can learn to use Robbins' inspirational anecdotes, case studies, personalized self-help tests, and the entire program that will teach them to take more control over their lives.

Robbins, Anthony. *Unlimited Power* . New York: Summit Books, 1988.

Another excellent source for assisting students to become aware of themselves as powerful human beings and aware of their rights. This book comes with a complete program of tapes and videos.

Sample Lesson for Presenting an Introduction to Bilingual Education

These short writing sessions reflect assumptions underlying the current and innovative approaches to teaching and writing with holistic natural approaches. The most relevant assumptions are that writing should be taught for meaning rather than form, that writing should be taught as part of whole language, writing should be part of content area acquisition, and that writing should be practiced as a self-generated and self-actualizing activity. A few of the most commonly utilized holistic natural approaches include routine activities

for writing purpose, the Language Experience Approach, storybooks or student written summaries as a source for intensive writing activities, journal writing, and creative writing.

The following strategies and activities assume that the students have already experienced a cognitive presentation of background information on the bilingual education movement and that they have had adequate oral instruction on this material. One main resource for this presentation is *The Bilingual Education Act: 1988 Legislation*, written and compiled by Enrique M. Cubillos. This treatise contains a full text of the Bilingual Education Act of 1988 and it describes in detail the length of student participation in a program, the new provisions for funding, service activities and other changes. The 1988 Bilingual Education Act, which is part of P.L. 100-297 (The Hawkins/Stafford Elementary and Secondary School Improvement Amendments), is good reading and orientation for Hispanic students since this legislation reauthorizes bilingual education through September 30, 1993. The teacher should review this treatise with the students.

The target group for these activities could be Hispanic middle school students or other high school students. After the teacher has prepared the classroom with a bilingual education ambiance (writes key terms of the 1988 Act on large bright pieces of paper and hangs them on the walls, writes the names of famous bilingual persons such as the judges or other role models that have made the background presentations, puts soft Hispanic music on for a mellow background . . .), verbal summaries are elicited from the students. The teacher should also give a short summary of what was discussed and presented in the previous classroom sessions.

Contacts and Sources for Role Models and Community Volunteers

The following are a few of the many sources that are available to assist the teacher in presenting seminar-like lessons for the students. These individuals have either responded affirmatively that they are willing to assist or are in the process of being contacted. The organizations or institutions have also been contacted by phone. It is hoped that one or two other units will follow this attempt and that an ongoing program can be established or even funded to establish a perpetual flow of role models and communication between our adolescents and other member of the community at large.

The following Connecticut judges will be available as presenters themselves, or their assistants, for presentations on bilingual education history, legislation, and background information of the juvenile court system and students constitutional rights. These distinguished judges are: Judge Carmen Espinosa of Southington, Judge Eddie Rodriguez of Easton and Judge Jose A. Cabranes.

The following ethnic organizations at Yale University are premier sources for getting freshman and sophomore role models for middle school adolescents. Various students in these groups have indicated they are willing to contribute three to five hours a week beginning in the fall. The Black Student Alliance and the Afro-American Cultural Center are excellent sources for role models who are willing to work with any student. A good contact person here is Melvin Wade, Dean of African-American Affairs or his assistant. Movimiento Estudiante Chicano de Aztlan (MECHA) is the Chicano student group at Yale. A good beginning contact is to call Chicano Dean Sara Salvide (this is the name I was given). La Casa Cultural Julia De Burgos and Despierta Boricua are groups of Puerto Ricans at Yale and have always been an excellent resource for the schools. I will have to contact these sources in the fall to set up a specific program with these people and the middle school students at Sheridan Middle School.

The Hartford Institute of Criminal and Social Justice has published various booklets on the Juvenile Justice System in Connecticut. One of their booklets in particular, *Step by Step Through the Juvenile Justice System* is very germane here because it is very lucid, easy to read and gives good details. Copies can be obtained at 190 New Britain Avenue, Hartford, Connecticut 06106.

Another excellent source for speakers on the New Haven Juvenile Court are the various Juvenile Probation Supervisors. These names were given when contact was made at the New Haven Juvenile court: Robert Johnson, Sherman Malone and Richard Aldridge.

There are a myriad of resources for church and community role models like retired teachers, attorneys, doctors, aldermen, store owners, pastors, students from other universities, and many other professionals that would be very willing to share time and their life experiences with adolescents.

Middle School Student Issues: An Introduction to Bilingual Education and The Juvenile Court System in Connecticut

During my experience as an educator of middle school adolescents, especially during the past few years, there has been an emergence of an increasing number of Hispanic students who have sought a forum for examination or study of a myriad of issues such as a better understanding of bilingual education, their rights as juveniles in cases of arrests, parental involvement in adolescent health care decision making and the principle of confidentiality. It is not within the scope of this paper to examine all these issues and concerns. It is imperative to begin the foundations for a comprehensive set of related units for which this paper is the precursor. Two topics will be presented in this unit: bilingual education (origin, meaning, history) and an introduction of the juvenile justice system in Connecticut. This unit will be of particular interest for teachers that work directly with Hispanic students who have been in bilingual programs previous to entering the middle school grades. It can also be used in culture classes, History or Social Studies classes, and Foreign Language classes. The general objectives are to provide historical and factual information on the two topics delineated here and to create classroom ambiances that will facilitate the students' development of oral, reading and writing skills. The sections of this unit can be used together or separately.

Queries about the origin and history of bilingual education have been presented by students who feel that it is a form of separatism and isolation for many of them. Many of these students stated that they feel they have spent too much time in bilingual classes which have left them with poor oral, reading and writing skills. The number of Hispanic students in the public schools is growing at an alarming rate. According to various sources, Hispanics make up more than 40 percent of the limited English proficiency population and more than 64 percent of the school-aged population with a non-English speaking background. Some statistics indicate that Hispanics are the fastest growing ethnic group in our society, with an increase of 39 percent from 1980 to 1989, more than five times that of the United States as a whole. This is according to the United States Chapter of the World Council for Curriculum and Instruction.

The need to be informed about issues and programs that impact their lives is more prevalent among those adolescents that live in poor or near poor families. According to one report of the U.S. Government, about 27 percent (8.27 million) of American adolescents (Ages 10-18) lived in poor or near poor families in 1988. Other very alarming statistics are found in the comprehensive study funded by the Carnegie Council on Adolescent Development and written by Fred M. Hechinger. In the report, *Fateful Choices Healthy Youth for the 21st*

Century , it is reported that certain racial and ethnic minority adolescents are far more likely than white adolescents to be in poverty or even under poverty levels. Half of Black, Hispanic, American Indian and Alaska Natives lived in poor or near poor families in 1988. Fifty percent of Black and thirty percent of Hispanic adolescents live in one-parent families, most of them in the poverty or below the poverty lines. In our urban communities in New Haven we have our share of these adolescents that predictably make some of the fateful choices mentioned by Hechinger because, as he explains, they often do not have the necessary factual information on many issues that confront them or because they have not been exposed to good role models in preadolescent years.

Besides presenting factual and historical information about knowledge for the students, an underlying objective of this unit is to have the students experience an ongoing interaction with role models in the community. Various professionals and organizations have already been contacted or will have been contacted by the end of the summer. A list of these resources are summarized in the bibliography section of this unit. Three of the most valuable resources are three practicing Hispanic judges in Connecticut. These three distinguished, contemporary Hispanic role models are: Judge Carmen Elisa Espinosa of Southington, the first Puerto Rican female to be named to the Superior Court, Judge Eddie Rodriguez of Easton, and Judge Jose A. Cabranes. These meritorious professionals will hopefully lead meaningful sessions with the teachers and students in understanding the genesis and need for bilingual programs, Hispanic role modeling and a working knowledge of the juvenile justice system in Connecticut.

The following synthesis on bilingual education and the juvenile justice system will provide the necessary historical and factual background for students to talk, read, and write about these topics with ease and in a well-informed and literate delivery. Each section of background information is followed by suggested lessons that can be implemented along with the group sessions that will be conducted by the volunteer judges and other resource persons.

BACKGROUND INFORMATION: BILINGUAL EDUCATION

The genesis of bilingual education in the United States began in the 1960's immediately after the arrival of many Cuban refugees into the United States and the introduction of the Bilingual Act of 1968 which has been cited as the first official federal recognition of the needs of students with limited English speaking ability (LESA). Since 1968 the Act has been rewritten at least four times with various added amendments in 1974, 1978, 1984, and 1988. It is crucial to highlight the societal and economic ambiances within which the legislative changes were enacted. This background is important both for the students whose lives have been affected but also for those educators who have direct and indirect contact with limited English proficient students and those students who have successfully completed a bilingual education program.

One of the most salient events relevant to the bilingual education movement was a bill proposed by Senator Ralph Yarborough of Texas in 1967. The central purpose of this bill was to provide assistance to school districts in establishing educational programs specifically for students with limited English speaking ability. It also proposed the teaching of Spanish as a native language, the teaching of English as a second language and a curriculum that afforded Spanish-speaking students an appreciation for their natal language and culture. This bill helped pave the way for other bills which later were merged into Title VII of the Elementary and Secondary Education Act or the bilingual Education Act of 1968. Even though initially Title VII was interpreted as a remedy for civil rights violations it was a catalyst for the new awareness that ethnic minorities could seek

differentiated services for reasons other than racial prejudice or segregation. The social ambiance in the United States was such that a myriad of events were bursting with explosive social, economical and racial concerns.

The Brown Supreme Court Case of 1954 generated a new era in American civil rights and helped initiate later legislation that helped with the beginnings of other programs for the disadvantaged and sometimes silenced minorities. The ruling in the Brown Case did not refer directly to Hispanics but it indicated that it had impact on others in similar predicaments. Many of these other similarly situated minorities, along with Blacks, protested against lack of employment, poor representation in government, and lack of housing and educational opportunities.

The 1964 passage of the Civil Rights Act forged the concept of equality in federal law. Various sections of this legislation provided that any program receiving federal financial monies could not discriminate on the basis of race or national origin. One other important provision that impacted language minority students was that the Attorney General could initiate school desegregation suits if private individuals were unable to do so. Subsequent legislations such as the Elementary and Secondary Education Act of 1965 and the Title VII of 1968 did not directly require bilingual instruction or the use of the students' native language for instruction. Much of the emphasis was on innovative programs to teach students English. School districts had to invent their own English as a Second language classes and by putting minority students in segregated classes these schools in turn seemed to be violating desegregation laws and the law of some states that had English-only laws, some of which were "violated" with the commencement of bilingual education programs. How could either side win?

Needless to say, the guidelines to the Bilingual Education Act stimulated a plenitude of civil rights suits claiming that equal opportunities were being denied to limited English ability students. The participation in the guidelines was voluntary. There was a lot of confusion about the design and intent of programs for limited English speaking students. In 1974, the amendments to the Bilingual Education Act of 1968 attempted to elucidate the real intent and design of the educational programs and their purposes.

There were two peremptory legal events that impacted the 1974 amendments: the Equal Educational Opportunity Act of 1974 and *Lau v. Nichols* of the Supreme court of the United States in 1974. *Lau v. Nichols* was initiated by a San Francisco lawyer when he was informed that the son of one of his clients was failing school because he did not speak English. This was a class action brought against the San Francisco school district:

This class suit brought by non-English speaking Chinese students against officials responsible for the operation of the San Francisco Unified School district seeks relief against the unequal educational opportunities which are alleged to violate the Fourteenth Amendment. No specific remedy is urged upon us. . . .Petitioner asks only that the Board of Education be directed to apply its expertise to the problem and rectify the situation. The District denied relief. The Court of Appeals affirmed. . . .³

To help districts comply with the *Lau v. Nichols* ruling that, "a meaningful opportunity to participate in the school programs" be implemented and guaranteed, in 1975, the Health, Education and Welfare Office for Civil Rights established the guidelines known as the Lau Remedies. The main objectives of these guidelines were to study whether school districts were in compliance with the law (and therefore in observance of the civil rights of students with limited English speaking ability) and to assist in the development of appropriate educational plans for correcting civil rights violations.

The specifications of the 1974 Amendments had delineated the definition of a bilingual education program,

program goals, regional support centers and other requirements. A bilingual program was defined as one that provided instruction in English and in the native language of the students. The student was to be permitted to progress through the educational system and any program that had only English as a second language was found to be inadequate and had to be remedied. The main goal was to prepare the students to participate in the regular classroom as quickly as possible. After the Lau Remedies the programs for students with limited English speaking ability increased but a series of problems emerged as a result of the effort to implement the Lau Remedies. Many school districts consolidated their students thus creating segregated classes and even segregated schools. Some of the school districts consolidated in an effort to provide cost-effective bilingual education as mandated by the Lau Remedies guidelines. As long as the long term goal was to improve English language skills, the guidelines allowed up to 40 percent of the students in any given classroom to be English-speaking. The Lau Remedies also required the use of the native language in many cases. Many people objected because they argued that federal funds were being used for promoting language maintenance. The expansion and implementation of more bilingual programs also meant that more federal and local funds were being used at a time when school budgets were being cut because of the recession.

In 1978, the Bilingual Education Act was amended in an effort to broaden the definition of eligible students. Just like today, passions ran high in the debate on bilingual education. There exists a plenitude of confusions over both the phenomenon of bilingualism itself and the goals and methods of bilingual education. Unfortunately, until the terms of this important debate are clarified, the arena will be dominated by political rhetoric and folk notions. Even though the 1978 legislation did not end the debate over bilingual education, among other things, it amplified the definition of limited English speaking students to those with a limited English proficiency. This deficiency had to be a lack of reading, speaking, writing, and understanding that impede the students from the opportunity to learn in classes where English was the medium of instruction. What about now? We have too many LEP students that have already been through various years of bilingual education programs. These are those kids that have been entering the middle schools without a strong preparation and foundation in speaking, reading and writing of English that is crucial to be a successful academic in high school and later on in the adult life stream. Some of these students are also victims of the part of the 1978 amendments which dictated that students with limited proficiency in English were to be moved into regular classrooms as soon as possible. Some of these students were retained in classes where the native language was to be used only to the extent necessary for students to achieve the necessary proficiency level in English. Unfortunately, many of the well-intentioned teachers continue to instruct in Spanish.

The bilingual Act of 1984 permitted more funds to be used for special alternative instructional programs which did not require that the native language be used as has been previously mandated. For example, transitional programs in which structured English teaching was combined with native language component were allowed, and up to 40 percent of the enrollment in that class could be non-LEP students. The 1984 Bilingual Act also stipulated that parents become more involved in their children's education. The schools were to inform the parents that they had a right to decline their children's enrollment in any bilingual program, that they could request their children's entering mainstream classes and the parents were also to be informed of the many alternative programs available for their children. Another great emphasis of this new Act was that state and local school districts had to start assuming more responsibility for the financial burdens of bilingual education.

The 1988 Bilingual Act is part of P.L. 100-297, or, the Hawkins Stafford Elementary and Secondary Improvement Amendments that reauthorized general bilingual education through September 30, 1993. In his book, *The Bilingual Education Act: 1988 Legislation*, Enrique Cubillos explicates the following highlights of this new Act: 1) 75 percent of total monies to school is to go towards transitional bilingual programs; 2) placed

great emphasis on training and retraining of personnel; 3) information to parents or guardians on the nature of Title VII programs and on their right to decline enrollment for their children in bilingual education must be in simple language that they, the parents, can understand; 4) a three-year limit was placed on a student's participation in special alternative or transitional bilingual education programs.

The provisions of the 1988 Education Act clearly delineated various guidelines for students and parents like the emphasis on the clarity of the language for parents and the limit on the number of years that students had to be enrolled in these special programs. Various students and parents have voiced their concerns on these two issues: there have been cases of students that were kept in transitional programs more than three years and some parents have said that they thought their kids had to attend bilingual education classes.

The 1988 Bilingual Education Act will be presented by the teacher, a volunteer student and Judge Jose A. Cabranes during the presentation of this unit. The teacher will have to contact Judge Cabranes and schedule an appointment with him.

By this point the students have participated in classes presented by the teacher and the volunteer judge or an assistant on the bilingual education movement. They have had opportunities to ask questions. The students are permitted to interview any of the volunteers or presenters. The teacher then follows the following stages in an attempt to generate relevant writings generated by student interaction and group activities.

1. *Choose a topic or concept* . The topic here happens to be bilingual education, but it can be related to other content areas such as social studies, history or a culture class. The theme or topic here would be "My Experience in the Bilingual Program" or "What I learned about the Bilingual Program".

2. *Identify an activity* . The activity chosen should be sufficiently meaningful and stimulating to engage students' attention and generate debate and discussion. The students and the teacher decide what strategies are to be used in generating ideas and summaries. Oral summaries, mini-stories and personal anecdotes are suggested. Students are grouped with two or three persons in each group. The teacher assigns one peer tutor to take notes on what is said in each group. Students might decide to begin generating ideas for writing their own autobiography. In one group that I conducted fourth marking period in a Hispanic culture course, one of the end products were autobiographies which revealed discontent with the academic development of students and good writing details about the students' personal experiences as students in the New Haven Public School in general.

3. *Plan the activity* . At this point the teacher along with the students will list all the materials, persons or props needed. Also, at this point the teacher makes up a list of vocabulary words and phrases that students can use in their writing. The teacher should be sure that each student has a role in the activities planned. By now students have a list of necessary words and phrases written on the blackboard and on bright colored paper pinned on the walls. Each student is in an assigned group and each group has a recorder-observer. Students are prewarned that they are being recorded.

4. *Conduct the activities* . Begin the session by introducing the components or stages involved. Make all students understand what is expected of them. Have volunteer students paraphrase the instructions. Oral language has to accompany this part of the activity as much as possible. Each student paraphrases any ideas, concepts or phrases that he has read about the 1988 Bilingual Education Act. Then each student gives a mini-autobiographical sketch. As the students develop

more and more skill and confidence in the oral production, the teacher's role shifts from that of generator of language to mediator of language production for the students. Eventually, each student's oral summary and paraphrasing presentation will have been recorded.

5. *Cleaning time* . Everyone in the group assists in cleaning up. This affords opportunity for continued language enrichment and responsibility building. Students return the room to normal seating arrangement, erase the blackboards, put away tape recorders, pick up papers off floor and so on.

6. *Debrief the students on the activity* . Debriefing includes summarizing the activity to prepare for the actual writing of the first draft. During ten minutes of debriefing the teacher asks students to recount the steps of the previous activity and reemphasize the core vocabulary and ideas.

7. *Writing of the story, autobiography or whatever the student and teachers have decided to write* . At this point the teacher elicits ideas from individual students and writes them on the board or on a flip-chart. One of the things recommended here is that the teacher writes his or her autobiography as an illustration of one of the many ways it could be done. The teacher can also have a student volunteer to give an oral presentation. The teacher writes whatever the student says without correction or the teacher can correct the sentences as they are written on the board. Writing whatever the students say on the board without changes sometimes makes students feel that they can contribute since they know anything they say will be acceptable. After the students write their first draft, the teacher has a person to person session with each student with suggestions on how the autobiography can be polished or extended.

8. *Follow-up activities* . These can include the following. Alphabetization of a group of ten or twenty words taken from students' writing. This list might include any misspelled word. In a story extension, the students are instructed to write a new ending or sequel to their autobiographies. They could be asked to pretend they lived the lives of the judges or other role models that they might have encountered in one or the presentations on bilingual education or the juvenile justice system. In a close exercise the teacher makes various paragraphs out of some of the compositions or from the materials on bilingual education or the juvenile justice system that the students have learned. The students fill in the blanks. Usually in a close task there is a "correct" answer but in this activity the students are allowed to use inexact but appropriate answers, provided it makes sense with the rest of the writing piece.

After students have done a variety of close activities with each others' autobiographies, the written work is compiled together as a book with authors and so on. The Art teacher can help the students do illustrations on their papers and the school yearbook advisor will be of great assistance in getting these autobiographies finalized in the form of a book. Under the aegis of these various teachers, the students can produce a very literate expression of themselves.

During the weeks that this unit is being presented another worthwhile activity is to require that each student keeps a dialogue journal; in which he or she writes to the teacher about the topic being discussed or about topics of personal interest or concern of the writer. The teacher responds to each written entry and the exchange is confined to the teacher. The writing in these dialogue journals is student-generated and is non-threatening. The teacher responds to each entry according to the student's language proficiency level. Here one must remember that the focus of dialogue journal interaction is on communication rather than form. The motivation that the student has to read the teacher's responses forces him or her to automatically read at a higher level of writing and understanding.

There are two other world language approaches to the teaching of writing that can be used with the material in this unit. A diary, unlike a dialogue journal, gives the students an opportunity to write to themselves. The students decide whether the teacher will respond to each entry. In a personal diary, the student writes about anything that is of personal significance. In a content area diary, the focus is on the material or related topics being studied by the class. In creative writing situations that will come up, the teacher should model the process of creative writing for the students by telling them a story that the teacher likes to write about. The teacher sits down and writes the story, anecdote or reaction, in this case it could be the reaction to the seminar on bilingual education or on the juvenile justice system. Again, students are given a chance to tell their stories to each other, then they set aside time for writing. The teacher should give feedback immediately. As the students write, the teacher circulates and confers with them on their writing. Finally, the students' works would be completed in published book form on computers or typewriters.

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