

# Narrowing The Gap



## Justice Inequality

### Many States Do Not Comply With Federal Standards Separating Youth from Adult Offenders

An estimated 200,000 youth (under age 18) enter the criminal justice system each year according to the [Campaign For Youth Justice](#). The federal government [sets standards](#) for how juvenile offenders are treated at the state and local level, but there are [great variances](#) between states and local jurisdictions in adopting the standards through legislation.

Bi-partisan passage of the [Prison Rape Elimination Act \(PREA\)](#) in 2003, provided federal funds for implementing rape prevention mechanisms, namely not housing juveniles with adults in prisons and correctional facilities. But [not all states](#) have taken the necessary measures to change their practices to meet this standard. For instance, New Hampshire, New Jersey, Utah, and Oklahoma have no official policies for separating or protecting those under 18 years of age who enter prison.

Individual states' definition of "age of adulthood" determine how juveniles will be treated in the criminal justice system. Currently, nine states (NC, NY, MO, TX, SC, GA, MI, LA, WI) have defined the age of juvenile court jurisdiction as below the generally accepted age of 18 years old, subjecting them to being housed with adults.

### New York Prosecutes All Youth as Adults When They Turn Sixteen

New York and North Carolina are [the only two states](#) in the country that prosecute and place all adolescents at or above the age of sixteen in the adult criminal justice system. While other states have acted on federal recommendations and [expert research](#) that argue the developing adolescent brain is malleable, prone to impulsivity and poor decision-making, but also receptive to interventions that can change this behavior, these two states remain hold-outs.

In New York, over 100 non-profit groups have come together to raise awareness about the long-term, adverse effects on adolescents who are treated as adults in the criminal justice system. The "Raise The Age" campaign is the culmination of their efforts to raise the age for criminal responsibility.

Raise The Age is supported by data from the [National Campaign To Reform State Juvenile Justice Systems](#) which has found recidivism rates are higher among adolescents prosecuted in the adult criminal justice system; these youth are 34% more likely to be re-arrested for violent or other crime than youth who were retained in the juvenile justice system.

## Services Inequality

### National Disparities in Arts Education Across Educational Levels

According to the National Center for Education Statistics, [educational policies](#) on art instruction at the elementary, middle school, and high school level vary state by state.

- 45 states require districts or schools to offer arts instruction at the *elementary level*
- 45 states require districts or schools to offer arts instruction at the *middle school level*
- 44 states require districts or schools to offer arts instruction at the *high school level*

Reauthorization of the Elementary and Secondary Education Act in 2015 has put the arts on par with core academic subjects like Math and English by including them in defining a well-rounded education, according to [Americans for the Arts](#). The act increases the availability of federal funds for states to use on art programs. The authorization begins in the 2017 school year. By that time, every state should offer arts instruction at all educational levels.

### NYC Equality Indicators Finds Parental Education Affects Children's Art Attendance

In NYC, children of parents with less than a high school diploma were considerably more likely not to participate in arts activities in or out of school (41.9%) than those of parents with a professional/graduate degree (25.3%). Interestingly, the highest rate of arts participation was among children of parents who attended technical or vocational school: only 16.3% did not participate in arts activities; non-participation rates were 27.3% among children of parents with a high school diploma and 25% among those of parents with a bachelor's degree.

Non-participation rates were similar for children living with one parent (25.8%) as with two parents (26.3%). Arts programs and education can enhance children's academic, intellectual, social, behavioral, and emotional development. Across the U.S., higher educational attainment may lead to more participation in the arts, and children whose parents had arts education are more likely to participate in these activities.

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In this issue of *Narrowing The Gap*, we focus on one of the groups adversely affected by inequality: **Children**. Other issues will describe inequalities faced by immigrants, individuals currently in jail or on probation, individuals living in poverty, individuals with a physical or intellectual disability, individuals with less than a high school diploma, lesbian/gay/bisexual/transgender/queer, racial and ethnic minorities, religious minorities, seniors, single parents, and women.

### National Strides Made to Improve Policy around Educating Homeless Students

According to the [National Association for the Education of Homeless Children and Youth](#), an estimated 1.3 million children and youth were homeless and attending school in the 2013-2014 school year. This was a 7% increase in number over 2012-2013 school year (see “The McKinney-Vento Act,” PPT in the link above).

In 2015 the [Every Student Succeeds Act \(ESSA\)](#) was passed. This act reauthorized the [McKinney-Vento Homeless Act](#), passed in 1987, which created a grant program specifically designed to help homeless children. ESSA’s passage stemmed from increasing rates of homeless youth and criticism from the Government Accountability Office (GAO) that more oversight was needed to ensure homeless children were receiving additional resources to help them succeed in school.

ESSA’s provisions are intended to directly improve the experience and attendance rates of homeless youth. Training staff to identify and support homeless children, with an eye towards improving their high school graduation rates and college-readiness, are the goals. School districts are given an additional 20% in federal funds to support programs aimed at improving their educational outcomes.

States must apply ESSA funds to resources for homeless children no later than the start of the [2017-2018 school year](#). At that time states will be expected to disaggregate graduation rates and academic performance of homeless children when reporting.



**“If we don’t stand up for children...then we don’t stand for much.”**

**Marian Wright Edelman**

### NYC Equality Indicators Finds Children Residing in Homeless Shelters Have Higher Rates of School Absenteeism

The Equality Indicators found the average daily absenteeism rates among children residing in Department of Homeless Services’ shelters (14.6%) was more than 1.5x higher than that of children in the general population (8.7%), based on data from the Department of Homeless Services in the Mayor’s Management Report for the 2014 Fiscal Year.

However, this was an improvement over the previous year, when the general population absenteeism rate was the same (8.7%), but the rate among homeless children was higher (16.4%).

Homeless families may have greater difficulty in accessing schools. In total, only 65.4% of families were placed in shelter services based on the address of their youngest school-aged child’s school. This rate has been steadily decreasing over time. Compounding this problem is that the average length of stay in the families with children shelter system was more than one year (427 days).

### NYC Equality Indicators Finds Many Foster Care Children Not Enrolled In Pre-K Or On Track To Graduate High School

Educators agree skills learned in early childhood education programs can make a big difference in later grades. In the U.S., an estimated 400,000 children are in foster care and thus at greater risk of below-average educational outcomes and dropping out of school. High-quality pre-kindergarten (pre-K) programs contribute to students’ readiness for and success in school and may help to reduce later achievement gaps.

In our analysis of foster care children’s enrollment in NYC pre-K we found 49.1% of 4-year-old foster care children were not enrolled in public pre-K. While this percentage was only slightly higher than our estimate of the percentage of 4-year-olds in the general population who were not enrolled during the same time period (46.7%), we note that almost half of both the foster care and the general populations were not enrolled, despite the clear benefits pre-K provides.

The gap in pre-K enrollment may be contributing to another indicator we studied: the percentage of children in foster care who were not on track to graduate high school, 75.4% according to the [Administration for Children’s Services High School Graduation Rates of Youth in Foster Care Report, 2014](#). In this cohort, we noticed considerable differences by race and ethnicity; rates were highest among black (76.7%) and lowest among Asian (65.7%) students, while rates among Hispanic (73.9%) and white (72.7%) students were quite similar and fell between the two.

Youth in foster care often face a number of educational, behavioral, emotional, and other challenges that can keep them from thriving in school. Children in foster care are more likely to be a grade or more behind, score lower on standardized tests, and drop out of school than other students their age.

The Equality Indicators is a project of the [Institute for State and Local Governance \(ISLG\)](#) of the City University of New York.

The project measures progress towards greater equality across six themes related to **Economy, Education, Health, Housing, Justice, and Services** using 96 indicators. Each indicator is scored from 1 to 100, where 1 represents the most inequality and 100 the least inequality. For more information please visit our website at [equalityindicators.org](http://equalityindicators.org) and follow us on twitter [@equalityISLG](https://twitter.com/equalityISLG)