

### What was the problem the innovation sought to address?

Similar to the challenges juvenile courts and schools have faced around the country, a significant number of young people were referred to the Clayton County juvenile court for behaviors that could have been resolved without formal court involvement. Between 1993 and 2003, annual juvenile delinquency court referrals from Clayton County schools grew from 89 to over 1,100 – more than a 1,000% increase.

Officials were concerned that this trend wasn't helping improve safety or academic outcomes for the county school system and could be harming individual youth. Research<sup>1</sup> showed officials that:

- A student arrested is twice as likely to drop out
- One who appears in court is four times as likely to drop out
- Out of school suspensions of elementary and middle school youth is linked with dropping out
- A loss of school connectedness is a predictor of delinquent behavior while being connected to school makes kids healthier, happier and safer.

By 2003, the county's graduation was at an all-time low of 58%. Clayton County was a shining example of the "Schools to Jail Pipeline."

### What is the innovation?

*"Just because a kid gets into a fight or is disorderly at school doesn't make him or her a delinquent."*

In the early 2000s, under the leadership of Judge Steven Teske, a working group of stakeholders was formed which carefully examined the data on school referrals to court, how these cases were processed and the outcomes of this practice on police, courts, schools, youth and the community. The workgroup then examined various alternative approaches.

The resulting "Cooperative Agreement" established a formal policy and procedures with the goal of curbing misbehavior by youth in schools, more effectively addressing youth misbehavior in the school and reducing formal referrals from schools to the courts.

Under the agreement, misdemeanor-type delinquent acts involving public order offenses do not result in a formal complaint unless the student has committed three or more offenses during the school year. The behaviors include:

- disrupting public school
- disorderly conduct
- obstruction of police (limited to acts of truancy where a student fails to obey an officer's command to stop or not leave campus), and
- criminal trespass (not involving damage to property).

Instead of being referred to the juvenile court, under this agreement, a student who commits one of the described acts must first receive a formal warning. If a second act occurs, a referral is made to the School Conflict Diversion Program. As part of this diversion program a youth may have to attend

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<sup>1</sup> Sweeten, Gary, Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement. 24.4, Justice Quarterly, 462-480 (December 2006).

mediation or a workshop to address his or her behavior. If the youth fails to attend a required workshop or participate in mediation, formal court action may be initiated.

If a third act occurs, the school principal or his or her designee must review the steps that have been taken by school and/or system personnel to address the young person's behavior to ensure that all non-judicial avenues have been tried before a referral to the court can be made. If those steps have been taken then a referral to the court is made.

### Why is this innovative?

The Clayton County Cooperative Agreement – and the graduated sanctions in response to school misbehavior enshrined in the policy – help reduce the number of youth referred to the court and free up court and system resources to serve youth who are of higher risk for delinquency or who have more serious needs.

The agreement is also credited with improving the role of Student Resource Officers so they are more likely to have open communications with youth, less likely to be seen as an adversarial agent and better able to target more serious misbehavior.

### Is there evidence that this innovation works?

Between 1993 and 2003, annual juvenile delinquency court referrals from Clayton County schools grew from 89 to 1,100. After the cooperative agreement was signed and the new policy was put into place in 2004, delinquency referrals from the schools fell by more than 50 percent (including a decline in misdemeanor referrals from 1,100 to under 400 and a decline in felony referrals from 200 to 50).

Comparing the same data from 2002 with 2013, finds:

- 72% fewer petitions filed
- 80% decrease in average daily detention population (ADP)
- 47% reduction in average length of stay
- 72% reduction in commitments to state custody

Meanwhile overall delinquency in the county fell 62 percent between 2002 and 2013 with a 49 percent decline in felony offenses and a 51 percent decline in misdemeanor offenses. While the agreement may not have caused these drops, it certainly can't be said to have increased delinquency in the county.

Academic improvements also followed the signing of the agreement. High school graduation rates also grew from just under 60 percent to nearly 85 percent. After the agreement was signed, Clayton County also experienced a decline in out-of-school suspensions and a decline in the number of guns seized in schools, from 60 to 10.

### Are there issues, limits or unintended outcomes to consider during design and implementation?

Judge Teske stresses that using the core principles of the Juvenile Detention Alternatives Initiative (JDAI) can help prevent many potential stumbling blocks to planning and implement similar agreements. Key among the principles used in Clayton County were data driven decision-making, an intentional focus on eliminating racial/ethnic disparities, and collaboration. In Clayton County judicial leadership was instrumental in brokering the agreement.

In order for an agreement like this to be successful all stakeholders must understand the reality that exists in their jurisdiction, respect the roles of each stakeholder and be committed to collaboratively solving problems.

What began in 2003 to divert minor school offenses from the juvenile court to avoid traumatizing students and reducing their likelihood to graduate has resulted in unintended outcomes of a positive nature. The dramatic decline in referrals created a chain reaction among the School Resource Officers (SROs) when they decided to use the time now spent on campus in lieu of transporting students to court to engage the students using positive strategies. The students responded in kind, now sharing information with SROs that helps keep schools safe, thus resulting in a better school climate.

## Resources

- [Clayton County Georgia School Referral Cooperative Agreement](#)

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## Media

- [Judge Steve Teske seeks to keep kids with minor problems out of court, The Washington Post, October 17th, 2011.](#)
- Steven C. Teske, "A Study of Zero Tolerance Policies in Schools: A Multi-Integrated Systems Approach to Improve Outcomes for Adolescents," *Journal of Child & Adolescent Psychiatric Nursing*, (manuscript accepted for publication in the April, 2011 edition).
- Steven C. Teske & Brian Huff, "When Did Making Adults Mad Become a Crime? The Role of the Court in Dismantling the School-to-Prison Pipeline," *Juvenile Justice & Family Today*, NCJFJ, Winter, 2011.
- Steven C. Teske & Brian Huff, "The Paradox of Education in America: Improving the Outcomes for Youth with Disabilities," *American Bar Journal*, Children's Right Newsletter, Spring, 2010.

- Steven C. Teske & Brian Huff, "The Dichotomy of Judicial Leadership: Working with the Community to Improve Outcomes for Status Youth," *Juvenile & Family Law Journal*, Vol. 61, Issue 2, Spring 2010.
- Steven C. Teske, Brian Huff, & Cora Graves, "Collaborative Role of Courts in Promoting Outcomes for Students: The Relationship Between Arrests, Graduation Rates, and School Safety," *Family Court Review*, Vol. 51, No. 3 (July 2013).
- "Reducing Detention Using Collaborative Strategies: It Takes a Community!" *Juvenile Justice & Family Justice Today*, National Council of Juvenile and Family Court Judges, Winter 2005.