**APPROVED RECOMMENDATIONS**

**1.** Cross-Cutting Recommendation #1: **The Council should establish a committee\* to examine and address information sharing barriers across juvenile justice, child welfare and education at the federal level, reduce ambiguity about real and perceived confidentiality barriers, and help tribal governments, state and local systems exchange appropriate information regarding at-risk youth while ensuring privacy protections.** Among other activities, the youth information sharing group should:

* Review and update as appropriate assessments of federal and state barriers to information-sharing identified through the Juvenile Information Sharing Initiative.
* Recommend ways for Council agencies to align their information sharing policies.
* Update and disseminate federal guidelines for sharing youth information at the state and local level consistent with existing federal law, including a revision of the Family Education Rights and Privacy Act (FERPA) guidelines for juvenile justice programs.
* Provide technical assistance to Tribal nations, states, and localities seeking to implement cross-agency information sharing practices.
* Develop tool kits to help Tribal nations, states, and localities navigate information sharing barriers.
* Undertake its work in conjunction with the Global Justice Information Sharing Initiative.
* Explore use of incentives for state and local child welfare systems to track the experience of youth in group care by race, gender and age, and by group facility, in order to determine the correlation between placement in group care and involvement in juvenile justice systems.
* Explore incentives for state and local child welfare systems to decrease use of group care.

Teams repeatedly identified issues related to information sharing and effective use of data as pivotal areas needing attention. Improving the capability of states and localities to collect, analyze, use and share data is essential to insure the effectiveness of federal grant programs and other efforts aimed at bringing about a successful outcome for at-risk youth. For example, greater accuracy in reporting race and ethnicity data will help address the disproportionate presence of minority youth within juvenile justice systems. Information presently available on youth in the justice system at each stage of contact does not provide a meaningful breakout by race but could if it used categories of race and ethnicity based on the U.S. Census Bureau, the Bureau of Justice Statistics, and other federal agencies. The Council might also address the value of developing a centralized system such as the FBI’s National Information Crime Center.

The fiscal implications of establishing a committee and undertaking much of the proposed work would be minimal, though implementation of some activities will be impacted by several factors including future appropriations and agencies’ ability to step beyond present practice and to collectively adopt uniform categories of data.

**Lead Agencies: Departments of Justice and Education**

**2.** Tribal Youth Recommendation #1: **The Council should establish a committee\* to serve as a mechanism for joint planning and problem solving for tribal youth and family issues among federal agencies serving tribes and charge the committee to at minimum:**

***\*****The suggested term for both committees is two years, subject to renewal at Council discretion.*

**(a) recommend use of common terminology and definitions and** develop protocols and common standards including standards for culturally sensitive practice for federal agencies with regard to tribal youth and family policy and programs;

**(b) establish a process for relevant agencies** to jointly develop or review policies affecting tribal youth; share agency data; inventory agency resources; coordinate agency practices to avoid duplication of programs; and regularly assess the consequences of federal policies and practices on tribal youth;

**(c) develop and maintain a consolidated federal online center for tribal youth information,**

**(d) create within two years a single, integrated and comprehensive federal tribal youth action plan built on a youth development framework** that aligns, leverages, and coordinates tribal youth policy and program support along the prenatal-to-adult continuum from prevention to intervention to detention to re-entry; and

**(e) track and monitor implementation of approved recommendations and activities.**

This recommendation addresses a longstanding lack of a unified federal approach to child, youth and family needs in Indian country. Federal agencies’ tribal programs and policies are inconsistent and sometimes incompatible with each other. Gaps in services and supports are particularly visible during times of transition such as returning home from detention, confinement or foster care, moving from elementary to middle school, moving from a home to homeless status and onto or off tribal land. Another example is that in rural areas detention facilities are far apart, and a youth’s placement for a status offence or suicidal ideation could be in a facility located hours away from his reservation. Moreover, placing such youth in an appropriate facility *and* not violating federal mandates or guidelines is difficult, expensive and in some cases, impossible. An overall framework that aligns tribal youth policies across federal agencies in accordance with relevant provisions of the Tribal Law and Order Act of 2010 (TLOA) [[1]](#footnote-1), would include such measures as the following:

* standardized regulations and reporting requirements for federal grant announcements;
* increased flexibility in allowable activities within grant funding;
* improved program sustainability resulting from five- to 10-year funding periods replacing the current three-year terms;
* incentives in grant programs that encourage community and school-based partnerships at the tribal level, without requirements for matching funds;
* funding for case management teams and tribal youth coordinators, in order to shift from a reactive approach to prevention-focused, collaborative approaches;
* guidelines to encourage culturally relevant work to meet specific needs of tribal youth across federal agencies with accountability benchmarks established in consultation with tribes;
* standards for programs and services to reintegrate detained tribal youth back into their communities, with federal resources leveraged in the long-term interest of these youth; and
* opportunities across all relevant federal agencies to develop, fund, and promote effective substance abuse programs for tribal youth.

A Council committee on tribal youth would strategically focus federal efforts directed at this population, improve the impact of federal funding and ensure continuation and expansion of the coordinated work among federal, state, tribal and local law enforcement agencies begun through enactment of the TLOA which establishes a legislative basis for these recommendations. It would extend coordination of tribal youth funding opportunities, training and technical assistance (TTA) and data collection, towards implementing a unified federal strategy that supports a prenatal to adult system of services and addresses the specific needs expressed by the tribes.

The Associate Attorney General and the Deputy Secretary of the Department of the Interior (DOI) have agreed to serve as co-chairs of this committee to provide the necessary high-level support and acceptance. Positions recommended include: DOI’s Assistant Secretary for Indian Affairs; the Director of HHS’s Indian Health Service; the Director of the Office of Indian Alcohol and Substance Abuse; the Deputy Director for State, Local and Tribal Affairs, of the Office of National Drug Control Policy; ED’s Director of the Office of the White House Initiative on Tribal Colleges and Universities; USDA’s Deputy Director for Food and Community Resources; OJJDP’s Tribal Youth Coordinator; DOJ’s Director of the Office of Tribal Justice; OJP’s Senior Advisor to the Assistant Attorney General for Tribal Affairs, or their designees. The committee would be supported by an interagency working group comprised of career staff and sub-executive level leadership with the appropriate authority, scope and expertise to carry out its charge, and would coordinate with other work groups that address tribal youth or related issues.

Development of a single web portal providing information on federal assistance, policies, regulations and legislation would benefit tribal youth and their communities and document the activities of the working group while broadcasting its progress to tribes. Links to announcements of solicitations for federal grants serving tribal youth; a database of best practices and model programs in tribal communities; data collection tools; community mapping of resources; listings of trainings and relevant events and conferences; and links to research, TTA and distance learning opportunities would be available on the portal.

Use of, access to and effectiveness of federal programs and services would be improved. No additional costs would be incurred by joint planning beyond additional staff time. Similarly, creating a one-stop portal that centralizes information on tribal youth will expand the reach of federal investment and help tribes and service providers gain easy access to up-to-date information and resources to serve tribal youth. Estimates of costs to establish a web site range from $200,000 to $1M for a new site to $100,000 to $200,000 for a portal on an existing site.

**Lead Agencies: Departments of Interior and Justice**

**Supporting Agencies: all represented Council agencies**

**3.** Tribal Youth Recommendation #2: **Through the Tribal youth planning committee, the Council should encourage relevant federal agencies to undertake activities that support tribal-led nation building (infrastructure and capacity development) relative to delinquency prevention, intervention, treatment, and juvenile detention and reentry, promoting flexible, coordinated, long-term solutions in place of more restrictive, disconnected and short-term strategies. Activities that do so and that are in accord with the**

**TLOA include the following:**

* Coordinate training and technical assistance among federal agencies.
* Cooperate to fill the data gap regarding the numbers of tribal youth in state and tribal juvenile justice systems.
* Improve access to technology—hardware and software.
* Ensure tribal set-asides[[2]](#footnote-2) where possible to eliminate competition with states for federal aid.

Federal tribal policy has evolved from eradication to assimilation to self-determination, and research has shown that tribes exercising self-determination are often the most prosperous.

**Lead Agencies: Departments of Interior and Justice.**

**Supporting Agencies: all represented Council agencies**

**4.** Education and Youth At-Risk Recommendation #1: **ED and DOJ should develop joint guidance to help ensure that discipline policies and practices comply with the nation’s civil rights laws in education. In addition, ED and DOJ should consider the need for guidance to encourage educators to use discipline practices that preserve instruction time. Such guidance documents could also clarify federal, state, and local roles and responsibilities.**

Numerous groups have expressed concern about the harmful consequences of “zero tolerance policies” and other school discipline policies. Zero tolerance policies often mandate severe punishments for weapons and drug offenses in schools regardless of the circumstances.

School discipline policy is for the most part a matter of state and local law, driven in part by federal law such as Gun Free Schools Act. However, such policies should be administered in a fair and equitable manner, and clearly communicated ahead of time to both parents and students. Further, consequences for violating actions outlined in school discipline policy should be clearly articulated. Research indicates that consequences should be graduated and should fit the violation. There is research that suggests that zero tolerance policies are often ineffective and can accelerate the drop-out process for many students, so any implementation of them should be very carefully and thoroughly reviewed.

Pushing students out of schools via inappropriate disciplinary measures is extremely costly. Those students who lack a connection to either school or the labor market are more likely than other youth to engage in delinquent activities, become incarcerated and rely on public support.[[3]](#footnote-3)

**Lead Agency: Department of Education**

**Supporting Agencies: Department of Justice, Office of National Drug Control Policy**

1. The TLOA, among other goals, seeks to strengthen tribal community infrastructure. The law mandates interagency coordination to facilitate federal assistance to tribes and compliance with the law. Among other goals, such as a requirement for the Bureau of Indian Education and the Indian Health Service to coordinate with tribal and Bureau of Indian Affairs juvenile detention centers in providing services, the law mandates two deliverables by July 29, 2011 requiring coordinated federal efforts to serve tribal youth. These are: (1) an **Inter-Departmental Memorandum of Agreement,** signed by the Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services “to determine and define the scope of the problem of alcohol and substance abuse for Indian tribes…its financial and human costs, and specifically identify such problems affecting Indian youth” and (2) a **Long-Term Detention Plan** to address incarceration in Indian country (including juveniles)**,** submitted by the Secretary of the Interior, in coordination with the Department of Justice and in consultation with tribal leaders, tribal courts, tribal law enforcement officers, and tribal corrections officials. [↑](#footnote-ref-1)
2. Council agencies should explore the possibility that unrestricted funds include a set-aside available to tribes. An example is in the Juvenile Accountability Block Grant Act that states: “Tribal Set-Aside—of the amounts appropriate under subsection (a), 2 percent shall be made available for programs….” [↑](#footnote-ref-2)
3. U.S. Government Accountability Office, “Disconnected Youth: Federal Action Could Address Some of the Challenges Faced by Local Programs that Reconnect Youth to Education and Employment,” Report to the Chairman, Committee on Education and Labor, U.S. House of Representatives (Washington: Government Printing Office, 2008). [↑](#footnote-ref-3)