

March 23, 2021

The Honorable Josh Shapiro
Attorney General of Pennsylvania
Pennsylvania Office of Attorney General
Strawberry Square
Harrisburg, PA 17120

RE: Request for Investigation of Educational Deprivations and Civil Rights Violations
at Delaware County Juvenile Detention Center

Dear Attorney General Shapiro:

On March 12th, 2021, the Delaware County Office of the Public Defender sent a letter to Pennsylvania Department of Human Services and the Delaware County District Attorney's Office containing allegations of abuse against children detained at the Delaware County Juvenile Detention Center ("DCJDC"). That letter contains serious allegations of criminal activity. Our understanding is that the Delaware County District Attorney then referred the criminal investigation to your office, and we hope that your office will undertake a comprehensive investigation.

As part of such an investigation, we urge the Attorney General's Civil Rights Enforcement Section to also investigate systemic deprivations of education and civil rights violations. As described below, the Education Law Center and other child serving organizations have learned that children placed at the DCJDC were deprived of their constitutional and civil right to an education and discriminated against based on their disabilities. Our organizations are involved in representing and advocating for the educational rights of children in the juvenile justice system across Pennsylvania, including youth who were placed at DCJDC.

Specifically, we are aware that some students were deprived of *any* education, while others received only two hours. The facility had a practice of imposing unit restrictions as discipline, which limited all access to the classroom, in some cases for weeks, without any clear path for return. Students with disabilities were denied access to the classroom for behaviors that were disability related. While on these restrictions, students were provided with one-size-fits-all packets of worksheets that could not address their individual educational needs as students with disabilities, in violation of state and federal laws. The facility also failed to obtain records and was unaware of significant disability diagnoses that would have impacted all aspects of the students' detention activities, including participation in school. ELC is further aware of a practice of youth receiving work far below grade level and while at the DCJDC earning no credits for coursework. Thus, we urge a comprehensive investigation into these educational deprivations, including abuses that may have occurred in the context of a school setting. We fear that the educational deprivations of which we are aware are only a tip of the iceberg.

As you are aware, the Delaware County Juvenile Detention Center is not the first facility in the state, or even in Delaware County, to face allegations of horrendous abuses against youth

residents as well as deprivation of educational rights. Professionals who worked at the Delaware County Juvenile Detention Center describe in affidavits to the complaint to DHS specific acts of abuse and a culture of complicity that are disturbingly similar to concerns raised with Glen Mills and Devereux. Delaware County deserves and needs a comprehensive investigation by your office—**independent** from any review conducted by the Department of Human Services in its capacity as the licensing authority for that facility—to ensure that not one more child is harmed in this, or any detention or placement facility.

Thank you for your attention to this very urgent and concerning matter. Our state is charged with protecting and educating the youth in its care and under its control, and we continue to fail to live up to those standards. We hope that your office will investigate these serious allegations and take action to address the abovementioned concerns, and others.

Sincerely,

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Cc: Jon Rubin, Deputy Secretary, Pennsylvania Department of Human Services,
Office of Children, Youth, & Families
Noe Ortega, Acting Secretary, Pennsylvania Department of Education
Matthew Stem, Deputy Secretary, Office of Elementary and Secondary Education