Educational Response Offered by the State of Chile to Young Offenders. A Perspective from the Declared Curriculum and the Educational Practices of a Provisional Internment Center in a Closed Regime

Julio Dominguez[1], Suan Sanhueza[2], Daniela Puentes[3], Fabiola Maldonado[4], Carolina Aroca[5], Gabriel Rodriguez[6], Jaime Mejias[7]

Abstract

The objective of the study was to analyze the educational response offered by the State and binding educational institutions such as SENAME to young offenders in closed regime. A case study, with a qualitative approach, interviewing six young people (2 women and 4 men) between 14 and 20 years old, whose sentences range from 2 to 10 years. The interviews are complemented by stories from families and professionals in charge of the center. The results show an education focused on job skills, and a rigid and technical curriculum not adjusted to the characteristics of the young people. The evaluation represents a critical knot for the professional team, since it focuses on institutional requirements in terms of indicators and results.

Keywords: *Education, Law offenders, Youth, Curriculum.*

Introduction

The data show that a small group begins to commit crimes at early age, but this group increases its criminal career, although 10% of infractions are concentrated at 12 years old, after increases at 15 years old, reaching 25% of offenses. For the characterization of the prison population is interesting that the number of convicted 18-year-old drops to 4,345, representing 9%.

Regarding the main crimes committed by adolescents, the figures indicate that robberies reach 20,979 in the last five years; these are robberies with violence of vehicles, domestic property and in inhabited places. Figure 1 show the ages of young people who have been formalized for crimes between 2016 and 2021.

For a adolescent to be transferred to a closed detention centre with a social reintegration program, there must be a sanction involved. The purpose of this sanction is "to make effective the responsibility of adolescents for the criminal acts they commit, in such a way that the sanction is part of a wide socio-educational intervention aimed to a full social integration" [15] (p.6).

It is important to point out that the law contemplates the full guarantee of the continuity of basic, intermediate and specialized studies, including school reinsertion, in the case of having dropped out of the formal school system, and participation in socio-educational activities, training, preparation for working life and personal development. In addition, it must ensure treatment and rehabilitation from drug use for those who require it and have access to it.

[1] Faculty of Education, Catholic University of Maule, Chile, Email: jdominguez@ucm.cl.
[2] Faculty of Social Sciences, University of Chile, Chile, Email: susan.sanhueza@uchile.cl, (Corresponding Author)
[3] Faculty of Social Sciences, University of Chile, Chile, Email: danielapuentes@uchile.cl.
[4] Faculty of Social Sciences, University of Chile, Chile, Email: fmaldona@uchile.cl.
[5] Faculty of Social Sciences, University of Chile, Chile, Email: carolina.aroca@u.uchile.cl
[6] Faculty of Social Sciences, University of Chile, Chile, Email: gabrierodriguez@ug.uchile.cl
[7] Faculty of Social Sciences, University of Chile, Chile, Email: pr.jaimemejias@gmail.com

One of the countries with the most experience with juvenile incarceration is USA. Research questions are closely linked to racial issues and the ways in which states with differentiating policies establish legal frameworks to make young people objectionable.
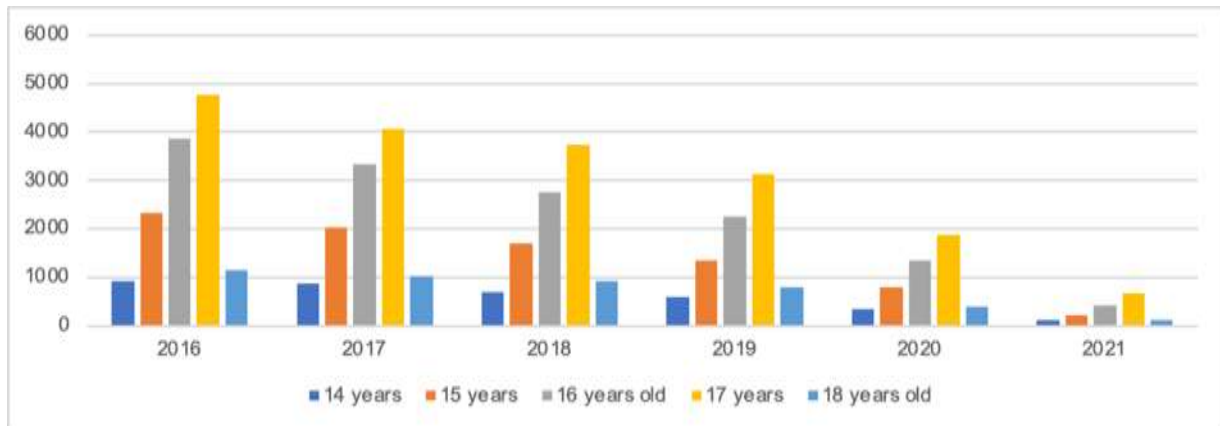

Figure 1. Ages of Young People Formalized for Crimes Between 2016-2021.

Source: biobiochile.cl/especial/reportajes/2021/07/14. Judicial Branch of the Republic of Chile, information provided through Transparency Law to Bíobío, year 2021.

Abrams [1], analyze the overrepresentation of black youth in the justice system, even at very young ages. The authors point out that the policies established by the State of California have failed to curb the increase in crime in the juvenile population coming mostly from black adolescents. The research confirms this overrepresentation and attributes as possible triggering factors the discipline problems within schools and the involvement of youths in petty crimes such as arrests for theft.

In the same line is the research of Hughes, Raines and Malone [12] who point out that school policies have increasingly criminalized black american students for common and often age-appropriate behaviors such as repeating a grade, public displays of affection, educational lags, or learning difficulties. Although their behaviors are no more problematic than those of their white peers, they are punished at a higher rate.

This situation has led to an increase in detentions, with the school often being the main source of referrals to juvenile courts. The findings establish an implicit bias in the actions of the adults in charge of these centers and disparities in the disciplinary measures adopted to punish young people for problematic behavior. Disillusionment and disinterest characterize not only the political and civic participation of young of-fenders, but they also avoid participating in specific programs and activities that are designed with the aim of helping them, providing support, increasing their social skills and, through these, their self-esteem as well, and helping them find education or start a working career [14].

We find this work interesting since the recommendations are oriented towards the strengthening of regular schools and through them guaranteeing the permanence of children and young people in the educational system and preventing them from being transferred to a supervised system. Definitely, the authors suggest preventing and interrupting the transition to the judicial system through a positive school climate.

We have found another study that examines the role of families in the incidence of crime in young people between 12 and 18 years old, highlighting socioemotional aspects that predispose to the development of problematic behaviors. Bautiste and Hein [4] point out that the majority of young people who commit crimes show maturational characteristics that are typical of adolescence, where the response of parents can exacerbate or mitigate the problematic behaviors of young people.

The research identified anxiety and distress behaviors in youth linked to parental response versus decreased problem behaviors. A model of effective parental mediation led to a significant decrease in problem

behaviors, whereas a parental avoidance and/or absence response was associated with an increase in maladaptive behaviors and the generation of high levels of distress in youth.

Evidence has also shown the need to analyze the leadership of management teams in charge of confinement programs for young people deprived of liberty, under the as-sumption that management aspects could make more effective the change of behavior of juveniles and positively impact their reintegration. Calvin [6] evaluated the management of 143 correctional facility directors in areas of (a) differentiated support systems (b) leadership and organizational training, (c) work expectations and consequences, and (d) behavioral monitoring, response, and supervision to youth.

They used a questionnaire as a technique and after analyzing the responses, they concluded that despite the positive behavioral interventions and support for youth de-prived of liberty, there is very little information on the programs provided by the state in terms of juvenile justice safe schools, as well as it shows the need to establish permanent mechanisms for evaluating results.

The most critical point of this work was the lack of strategies from the directors to guide and accompany young people with more severe behavioral needs, resulting in an insufficient model of similar confinement for different groups of students.

On the other hand, more critical studies put on tension the policy models that are on the base of care and welfare programs for young law offenders in the United States [7]. They note that the child welfare system disproportionately harms children and youth through excessive surveillance, vital overexposure from the penal system, and a number of reports reporting adverse outcomes associated with youth care. The authors suggest that the system's weaknesses can only be overcome when forced surveillance is ended and removal of children from their parents is no longer a naturalized form of intervention.

In a separate research paper, Kubek [13] conducted a systematic literature review. For these researchers, the focus was on the school reentry of young people who had completed a custodial sentence in specialized centers. The study sought to understand the barriers faced by young people during the re-entry process and to identify good practices to promote successful school re- entry. Twenty-seven articles were analyzed that reported on school-level barriers; individual, family and environmental risk factors; interinstitutional communication and coordination; comprehensive treatment and school practices and intervention.

From this work, it is important to note that the research reviewed shows high rates of recidivism. Indeed, nearly half of the youth released from justice centers return to confinement within three years of release, leading researchers to examine risk factors associated with relapse in the system. The characteristics that trigger greater criminal recidivism in young people are antisocial peers, age at the start of the incident, dropout, and family criminality. These factors share a common perspective, antisocial behaviors of youth with a high level of recidivism show that they are behaviors accepted by friends and family [17].

On the other hand, in the same research line of this work we have found a doctoral thesis defended at the University of Barcelona during 2017 and that, coincidentally, analyzes the juvenile prison system in Chile. The objective of this thesis was to evaluate the intervention carried out in juvenile justice sentencing centers in Chile and to provide recommendations for planning and intervention with adolescents sentenced by the Chilean justice system.

The research shows the complexity of the protection system for children and youth in Chile, the failure of public policies on juvenile justice and the inconsistencies of current legislation. For Oviedo [18] the axes of the criminal policy, the special positive prevention focused on social reintegration and the theoretical orientation (predominantly from the risk theory) leave in evidence "basic contradictions, theoretical and legal incompatibilities between the spirit of Law 20,084 and the technical guidelines delivered by SENAME to the sentence compliance centers, inconsistencies between the criminal policy and the objective of Law 20,084. All these inconsistencies are causing the complete failure of the policy in juvenile justice in Chile" [18] (p. 319).

The author's doctoral thesis makes recommendations for future research's that should have a gender approach and a regional territorial scope in mind, aspects that we have considered for our study. Indeed, the author suggests that a regional analysis will make it possible to capture and address the particular needs of each area of the country (in our case, located in the Maule Region), since the population is not homogeneous.

We believe that generating new knowledge along these lines will facilitate decision making, illuminate the intervention practices of the multidisciplinary teams in charge of the process and facilitate more inclusive educational practices that support the transition from juvenile justice settings to the school and/or work environment.

Based on the above, we ask ourselves how the State takes charge of the education of young people deprived of liberty, what educational mechanisms and strategies it proposes to the centers as mediating entities, what educational and value-based principles the official curriculum adopts to respond to the educational needs of the young people.

Methods

Approach and Design

For the study we adopted a qualitative approach through a case study design per Rodriguez, [23] with the aim of understanding the way of life of a specific social unit, the behaviors and interactions of the subjects. In particular, this epistemic positioning allows us to study the educational trajectories and opportunities of young people deprived of liberty through interviews and documentary analysis.

Context and Participants

The study was carried out in the city of Talca, where there is a "Centro SENAME- Centro de Internación Provisoria CIP". The young people who are in this place have a sentence and are subject to intervention and socio-educational support in a closed regime.

Based on this definition, participated in the study six young people (2 women and 4 men), five professionals from the Center, a mother and a grandmother of the girls who were hospitalized. Thus, the sample consisted of thirteen participants. Table 1 shows the details of the study sample.

Table 1: Criminal Data of the Sample

Cases	Age			Crime	Sanction
Laura	17	years	11 months	Robbery with violence and intimidation	2 years in a closed regime plus 2 years of special assisted liberty.
Maria	19	years	9 months	Qualified homicide	10 years of internment in a closed regime.
José	20	years	7 months	Burglary in an inhabited place	818 days of internment in a closed regime.
Miguel	14	years	5 months	Simple homicide	4 years in a closed regime.
Pedro	15 years old			Robbery with violence	1 year closed regime 2 years special assisted liberty.
Luis	17	years	2 months	Qualified homicide	5 years of internment in a closed regime.

As can be seen, these are young people between 14 and 20 years, in a closed regime with sentences ranging from 2 to 10 years depending on the type of crime. The characteristics of the professional teams and families are illustrated in Table 2.

Table 2. Sample of Professional Teams and Families

Informant	Genre	Age	Permanence
Socio-educational	H	56 years old	21 years
Social Worker	H	55 years old	15 years
Network Coord.	M	36 years old	4 years
School Coord.	M	38 years old	5 years
Psychologist	M	37 years old	1 year
Mother	M	50 years old	N/A
Grandma	M	65 years old	N/A

Techniques and Data Analysis

We have used interviews of the life trajectories of the young people, as well as the analysis of documents, specifically, the official Plans and Programs (Decree 257), the Center's Institutional Educational Project (PEI) and the Individual Intervention Programs (PII).

Thirteen interviews were conducted between the months of August and September 2021, all of them carried out individually on the SENAME Center dependencies, with an average time of one hour per participant. Permission was requested to record the interview for transcription and analysis purposes.

Documentary analysis is based on reading (textual or visual) as an instrument for gathering information, a reading that, unlike ordinary reading, must be carried out fol-lowing the scientific method, i.e., it must be systematic, objective, replicable and valid [20], Two stages were defined for the analysis:

Stage 1: Data Structuring; in this phase the information was organized and the material from the interviews and documentary analysis was transcribed.

Stage 2: Analysis of the Material; Corresponds to the analytical description of the categories, coding and elaboration of logical-semantic schemes that will later generate theory. At the beginning, coding was open to carry out an initial systematization of the data. Subsequently, the process was oriented towards an analysis of the information according to a more theoretical coding, supported by the Nvivo software for qualitative data.

Results

Characterization of the Life Trajectories of Young People

Case 1: Laura

In terms of scholarship, she studied normally from 1st to 4th grade of primary school, repeating 5th grade where her absences in school began. In 2019 she attended and passed 8th grade of elementary school. In emotional terms, she presents difficulties with the control of his emotions and low tolerance to frustration; at a cognitive level, she presents cognitive impairment associated with drug use. Within the Center she receives therapy for drug use. The significant person for Laura is her three-year-old son and a friend with whom she used to live at home. This is her first experience of deprivation of liberty, although she has a history of theft and robbery to satisfy immediate needs and improve her quality of life. She comes from a two-parent family, she is the younger of two siblings, her parents divorced 10 years ago, and this episode was a determining factor in her behavioral disorders.

Case 2: Maria

She is currently in 4th grade of high school in virtual classes and maintains a good educational response. She is introverted and has been a victim and victimizer in situations of violence within the school, causing aggression to her peers and threats to teachers. She has had two suicide attempts and despite therapies she

is unable to identify positive skills in herself. The significant figure for Maria is her grandmother and she has extended family on her father's side.

Case 3: Jose

He has dropped out of school early, failing to complete his primary education. He presents drug abuse and was motivated to commit crimes by friends with criminal records, unlike the other cases, José has been in adult penitentiary centers. His childhood was marked by a family history of paranoid schizophrenia in his mother, in addition to severe parental neglect due to the consumption of both parents. He has poor social - emotional skills, cognitive impairment and self - and heteroaggressive behaviors due to the need for drug use. Jose's guardianship was left in the hands of his maternal grandmother.

Case 4: Miguel

He is in his first year of secondary school and he does not present school delay. He was inserted early in the labor field through the sale of fruits and vegetables with his grandmother in the Talca market. His evaluations indicate normal intelligence in the areas of language, memory and arithmetic. His family consists of his mother, stepfather and 3 siblings. He avoids giving information or talking about his biological father, who has a long criminal record.

Case 5: Pedro

His history of school failure began early, reaching only 3rd grade of elementary school, this delay is expressed in his inability to read and write. According to the evaluation of the Center, Pedro´s social and communicational skills are diminished, he has cognitive impairment affected by drug use. His family consists of his two parents and 4 siblings. As a result of domestic violence, a protection measure was applied for him and his siblings. His experience has been marked by early institutionalization (1 year and two months), he has been a victim of sexual abuse and has lived on the streets (Homeless).

Case 6: Luis

His schooling was interrupted in 2015 and he only attended until the 6th grade of primary school. His family history is linked to criminal acts and drug trafficking; his mother is incarcerated in a penitentiary. Luis committed his first crime at the age of 12 years old and at the age of 14 he already had an extensive criminal record (three robberies in an inhabited place, one robbery by surprise, one robbery with violence, one crime for receiving stolen goods and one homicide), with some unprosecuted crimes. He is in a drug rehabilitation program.

As can be seen, the youth have spent a large part of their lives in care systems. In relation to the education that the youth have received, five of the six youth have dropped out of school early, repeated grades in primary school and have many learning difficulties (for example, Maria was diagnosed at an early age with dyslalia).

"I didn't like school, they always sent me away, I was untidy, I was always in the inspector's office, I didn't like to do homework and so many boring things, besides, the teachers were bad because all they did was give us orders and punish us" (interview case 3).

The truth is that young people are not interested in an educational system that they consider highly regulated and where discipline plays a central role in the margins of what they are allowed to do. A common characteristic is the high turnover in different schools that young people have had, this situation has led to most of them not having complete primary education.

"I didn't continue in high school because I didn't learn anything, I didn't go anymore, besides I had a better time with friends, in the street, I earned money and I did what I wanted, high school doesn't help you because in the end you will not have a job anyway, why are we with things, people like us are not going to have a job" (interview case 4).

One of the most critical cases is Pedro, who dropped out of school in the third year of primary education and has serious difficulties to reading and writing, which immediately creates a barrier to learning in prison, which is the place where the young people receive education, drastically reducing their opportunities for reintegration into the labor market.

"The difference of a young person from a regular school is very different from the young people we receive here at the center, here most of them arrive with cognitive deficits and significant pedagogical deficits, the differences are quite strong and we see them in the fieldwork, so we have tried to adapt the education to our context, to our reality and according to the specific needs of our young people" (socio-educational professional interview).

Young people's educational gaps affect the continuity of their studies, or at least make it more difficult. Professionals identify these deficits and try to work on them from an interdisciplinary approach.

During the interviews, the young people described the school environment as hos-tile and with a very strict regime that did not allow them to act freely. They have also developed a feeling of devaluation of their abilities, a sense of inferiority and detachment from the rules. One of the professionals working with the young people tells us about the response of one of them when asked to participate in a workshop:

"Damn aunt, but what is the point of learning this or develop such skill if I'm going to go back to the street and I'm not going to have any opportunities. People are going to see my background and they are going to see that I have committed crimes and they are not going to give me a job" (psychologist interview).

Not only young people have low expectations about their educational performance, some of the professionals also lower the demands on their work because they consider that they are not capable of learning:

"We know about the deficiencies they have, we don't even have to point them out, we have to get there and be willing to adapt the programs provided by the Ministry of Education at different levels and teach them, even if it is little, since they have many deficiencies and cognitive needs" (socio-educational professional interview).

Most of the young people have had no work experience, only one of them worked for 3 months in his grandmother's sales business in the market, while another young people worked 3 months in fruit picking, warning that he did so in a period of abstinence from drugs while he was in a rehabilitation program.

"I started to work because I wanted to buy some things and I had no money, but I earned very little and I had to work a lot, so I started to sell cigarettes (drug) and I earned more, so I bought clothes and sneakers, I gave money to the house" (interview case 2).

As it can be seen, criminal experiences tend to be linked to obtaining personal goods. Work is undervalued because it involves time, effort and modest remuneration in sporadic, informal and low-skilled jobs.

Curriculum Mismatches

From the beginning, it is striking that the education of young people must adhere to Decree 257 [24], which promotes a technical approach to the curriculum, emphasizing activities that are developed to transmit already defined content, waiting to be evaluated. Among the methods declared in this regulation, technology-based teaching stands out:

"Students can choose the type of education they want, within a range of different educational options such as distance education, self-learning modules, certification of knowledge, semi-face-to-face and face-to-face modalities, among others [24] (p.10).

How it stands out, teaching is focused on how to deliver information optimizing the learning process through the search and selection of effective technological means to produce learning according to the desired purposes.

Although alternative evaluation methods are contemplated, for example, *"in the case of Adult Education, it is suggested that teachers use evaluation methodologies that consider and contemplate the opinions and voices of the students; that conversations are generated in which they themselves can propose criteria for self-evaluation and co-evaluation; that they are stimulated to express their own performance and how they observe the performance of other classmates; that they develop autonomy and critical and self-critical capacity"* [24] (p.25); the truth is that teachers have very low expectations of student performance and refer to control and learning measures based on punishment and/or reward, typical of behavioral psychological theories.

The logic of curriculum construction under this approach points to the selection and arrangement of content, choice of learning experiences (ideally of repetition) and plans to achieve the optimal conditions for attaining the objectives (based on observable results).

The model demands a certain professional profile, a teacher who engages in dia-logue, who promotes critical thinking and who gathers the students' previous experi-ences. The fundamental transversal objectives of the curriculum state:

"Teachers determine the nature of teaching and learning practices in the classroom, decisively defining the type of personal interaction they establish in the classroom. Particularly in Adult Education, teachers should promote a pedagogical practice that considers the previous experiences of students, that stimulates them to share experiences of their working life; encourage participation in debates and arguments in the daily life situations of adults; stimulate their creativity and reflective capacity; promote a democratic environment in the classroom; encourage respect for differences and the peaceful resolution of conflicts [24] (p.24).

In practice, teachers try to contain emotionally to the students and their main concern is the welfare of young people within the center, many of them try to self-harm, or are decompensated by the processes of detoxification, therefore, the task of stimulating the development of thinking and reflection is complex when there is an urgency to repair the violation of rights to which they have been exposed.

Another element of interest in the analysis of educational opportunities for young people is the relevance of the curriculum. We understand as curriculum relevance the relationship between the curriculum and those aspects of the social environment where the pedagogical relationship is framed. According to Pérez [19], a pertinent curriculum is one that is congruent with social conditions and needs, with the norms that regulate social coexistence and with the specific characteristics of students in their different natural environments.

The reality we have exposed shows us that young people and their families not only undervalue education, but also self-marginalize themselves from school, therefore their life experiences are related to poverty and marginality. The mere condition of deprivation of liberty places restrictions on learning opportunities linked to the experiences of the world around them.

"For the realization of this curricular proposal, it is essential to develop methodological strategies that promote active learning, which gathers the valuable experience of the adults themselves and motivates them to reflect about it within the framework of the issues and problems that the sector addresses. On this basis, students should be invited to develop and channel new knowledge, strengthen skills and develop attitudes that allow them to visualize that learning is an enriching experience and that it is in live contact with the world in which they operate" [24] (p. 84).

The content analysis shows contradictions in this category since on the one hand the official curriculum declares the principle of relevance as central to the education of young people and then incorporates within the official content the social problems of today's world, when it is not necessary to look at the world to recognize in themselves these living conditions:

In this way, the distance between the official discourse emanating from official documents and the reality and life experiences of the young people who enter the centers is expressed.

The contents are strongly framed and organized around concepts, attitudes and procedures. Their priority is to identify skills and knowledge to prepare specific activities consistent with the world of work. The mandatory minimum content corresponds to the set of conceptual knowledge and practical performance skills (knowledge and practice of procedures) that students are required to learn.

A striking element is the explicit incorporation of the content of "conflict resolution" since it places people at the center and shows ways of relating to and dealing with problematic situations.

"Peaceful conflict resolution seeks to train students in a set of social skills and procedures that allow them to face and resolve conflicts peacefully. To this end, they are invited to observe their personal reality and their environment, identifying different conflict situations and ways to resolve them. The orientation of the focus is not aimed at denying or avoiding conflict situations, but rather to guide them through the most appropriate channels and avoid violence" [24] (p.91).

These contents are linked to the ethical formation that aims to defend the equality of essential rights of all people, without distinction of sex, age, physical condition, ethnicity, religion or economic or other status. *"It is about favoring a culture of compliance with the law, justice and respect for the other"* [24] (p.22).

As it can be seen from the institutional framework, there are important contradic-tions, especially with regard to the relevance of the curriculum, the reproduction of a market model, the role of culture in the social matrix, teaching methods, contents and objectives that are related to a technical curriculum.

Principles and Values - The Center's Project

In curricular terms, the center's Educational Project constitutes the second level of curricular concretion. At this level, the ideas shared by the educational community that guide its development are materialized; it is a level prior to the materialization of teaching practices.

The vision of the Center under study is to be an integral referent of Professional Technical Education that generates spaces for the development of a critical conscience that allows students, young people and adults in a prison context, to appreciate their own value and abilities to achieve their life project, with a strong environmental seal, autonomy and citizen participation for the insertion into society and family.

The mission is to serve young students and adults in the context of deprivation of liberty, providing an integral education that dignifies the person, in order to effectively contribute to family-social integration and enhance the development of cultural, social and labor skills, environmental awareness and healthy coexistence.

The intentions of the Center make explicit the insertion in society, as well as the development of cultural, social and labor skills, the latter in the same line of the previous argumentation.

A first element that emerges from the analysis of the Institutional Educational Project [25], is the adoption of a critical educational approach justified in Paulo Freire's school approaches. The pedagogical model states:

"It is necessary to emphasize that the institution is inspired by the ontological and social principles of Paulo Freire's educational project, under the slogan of dignifying those who are educated, understanding that the process is dialogical, reciprocal and inclusive. "No one educates anyone. No one educates alone. Men educate each other, mediated by the world" [11] (pp. 80-88). In this sense, it is vital to understand that we are part of a professional work team where the actions or omissions of any one of us determine the failure or success of all" [25] (p.4).

Paulo Freire [11] was linked to adult education, creating a literacy method that al-lowed him to look critically the education. The context in which this thinker developed his educational model, that is, with excluded

groups, is perhaps the justification used by the Center to try to bring to young people an education where relationships acquire a different value and emphasizes in the teaching practice the tolerance, the universal ethics, coherence, liberation and transformation of education.

The PEI emphasizes the inclusive seal that they give to the educational practice *"rejecting all forms of arbitrary discrimination, thus preventing the inclusion of conditions or rules that affect the dignity of the person or that are contrary to human rights guaranteed by the constitution and international treaties in force ratified by Chile, especially those that deal with the rights of children, youth and adult students"* [25] (p.19).

Currently, the educational offer consists in developing a formal program of studies in basic education with the trades of Ceramic Installer on Floors and Walls, Sanitary Appliance Installer and Computer Maintenance and Repair. Secondary education offers two specialties: *Electricity and Sanitary Installations*. As a "complement" to this service, the high school also offers support for students who want to take the university selection test.

In coherence with the educational model, the Center adopts a concept of dialogic learning that is expressed in:

"The concept of enabling and democratic education that prevails in the school's teachers and also the professional competencies understood as the mastery of teaching strategies relevant to this cultural environment" [25] (p.7).

In this scenario, the concept of learning converges in a multidisciplinary and contextualized approach, where young people transcend the subjects and are at the service of the contemporary.

In comparison with the official programs of the Ministry of Education previously analyzed, the PEI emphasizes the role of relevance and recognizes it in the previous experiences and expectations presented by the students according to the context in which they find themselves, in this sense, it is better adjusted to the reality and characteristics of the environment in which the young people are schooled.

Inclusion appears as a central element in the PEI [25] for which it is indicated:

"This school opens its doors and classrooms to anyone who wishes to participate in its formal and extracurricular activities. It also expressly stipulates that any religious, philosophical, political, ethnic or cultural expressions are welcome. There are no barriers of gender, age, origin or socioeconomic status in the school. The reason for Paulo Freire's project is precisely to emphasize the value of emancipatory and democratic education, which aims to provide everyone with the same tools for development and improvement in the quality of life" [25] (p.10).

The different elements that make up the PEI [25] maintain internal coherence, i.e., the educational model, mission, vision, values and principles are aligned with a dialogical educational approach.

"We understand the educational process as a dialogic, interactive, permanent and participatory instance, where the Minimum Compulsory Content is not the end but an instrument to achieve Meaningful Learning, which allows it to be at the service of the development of opportunities for change in the incarcerated student" [25] (p.11).

Finally, the shift from a traditional to a critical/dialogical approach requires a re-definition of the roles of the educator and the students. Such a model puts people and their ways of living together and transforming the educational space at the Center.

As we have seen in the life trajectories of the young people, the expectations of the professional teams are rather modest, therefore it is striking that in the definition of the role of the educators, the maintenance of high expectations for learning appears explicitly.

Regarding the role of the student, attitudes such as respect, tolerance, self-control, perseverance and responsibility stand out.

"He is an enterprising student who makes himself part of his educational process. He is resilient in the face of academic situations and the different challenges he faces. He maintains an attitude of respect, self- control and tolerance towards others. Strives to be persevering and responsible, because he takes advantage of the opportunities that come his way to improve in life" [25] (p.15).

The PEI [25] maintains internal coherence, adopts a dialogic educational model, places at the center the principles of relevance and inclusion, and is adjusted in a better way to the reality in which young people receive their education.

Educational Practices in the Center

When we inquired about the educational practices of teachers from the voices of support professionals, families and young people, we were impressed by the consensus that the school, as an institution that guarantees rights, is responsible for the dropout rate from the educational system.

The participants believe that the system has failed, which translates into constant punishments, the lack of recognition and appreciation of the identity of young people, the lack of capacity to attract young people and bring them closer to a curriculum linked to their immediate needs and reality. One of the young people points out that her memories of school are very hard, she felt misunderstood and little heard.

"They thought I was stupid because I didn't learn, they always sent me out of the room and it was cold in the yard so I would jump the wall and go outside, I didn't learn anything, I did badly but I liked going because it was better than being at home" (interview case 2).

The center's psychologist points out that the school closes its doors to these young women and holds them responsible for school failure, which is a failure of the system itself, which does not respond to the specific educational needs of these minors. Poverty and abandonment also condition the educational response that they receive from the school, which if it is already questionable in terms of quality for most young people in these cases is even more accentuated.

"The education they receive is not very good because generally the children are destined to enter public schools or high schools where the quality is poor. Since they have behavioral problems, they are not received just anywhere, and since they come with a history of dropout and behavioral conflicts, the doors are. Also closed to them in most schools, in the end they go where they can and not where they would like to be, which is generally in marginalized places" (psychologist interview).

If the teachers placed high expectations on them, the response would surely be different; however, the stories show that they are over-diagnosed young people, most of them with a diagnosis of "possible" cognitive impairment and with significant educational lags. This condition means that their teachers and professional teams do not expect great achievements from them, they perceive that they have nothing to give and thus they consolidate a circle that is difficult to break.

"I have students who come here y tell me in the beginig – Aunt, I come because I have to comply - They know their situation and that they must meet certain objectives in order to leave, but it has happened to me that they end up saying, "Aunt, thank you because I didn't really believe in myself and I was able to do it, I made it and I finally finished my first year of high school - a course that I had failed two or three times outside" (interview with school coordinator).

Young people who are aware of the success of their performances are considering new challenges and begin to think that if they study and finish high school they can get a profession that will allow them to earn a living once they get out of high school. Un-doubtedly, their self-esteem and self-confidence improve.

"There are many children who come out of here, they are of legal age and learn trades, we try to ensure that they are the children who are not very dedicated to study and do not have as many skills as others or their level of intelligence is a little lower. For these children we think it is better for them to have a trade because it will be   a tool that will help them not to reoffend, I think most of them do not like to study and this is the option we give them" (interview with psychologist).

On the other hand, we have a national curriculum characterized by its homogeneity and rigidity, a curriculum that is preset for all young people in the country regardless of their geographic location, culture or language. Despite this, professionals say that they try to break away from these orientations in order to respond to what young people need.

"We have had talks in Santiago where we have met with other centers of the SENAME network and the other centers have the same problem: they are programs that are designed for young people in a context of freedom, they are not designed for young people who are in the context of deprivation and even less to people with the cognitive and pedagogical deficits they have" (socio-educational professional interview).

The professional teams hold systematic meetings to evaluate the progress of the young people and to analyze the margins they have to adjust the program to their needs.

Likewise, the professionals tell us that in the many meetings they have with the central and regional teams (decision makers) they pass on these concerns and propose improvements to the curriculum, emphasizing the need to adapt the program both, primary and secondary education to young people who are deprived of freedom, which at this moment is not considered, It is necessary to generate a curriculum for this type of young people with the particularities that they have" (socio-educational professional interview).

Leveling is also part of the objectives of the curriculum and educational practices. Once the professional teams receive the reports, they jointly design a prioritized work plan. This has been altered by the pandemic situation and it has had to be implemented in a virtual format. The specialists are clear in pointing out that it is up to them to finally level the students and fill the knowledge gaps in the different subjects.

The methodologies are recognized as effective. In fact, the professionals make comparisons on the pedagogical relationship they achieve when it is a personalized work (the plan is individual) versus the education they receive in normalized contexts where the courses are numerous and the young people do not receive specific support for their educational needs.

"What happens is that we work with them individually then I consider that learning is much easier, they tell us with you I learn, but I am sure that I am not a super teacher, what we do is individual work, our time and effort is only for that student" (socio-educational professional interview).

Another difference is in the emphasis given to contents; the professionals work with the official curriculum, but their teaching practices are closely linked to the day-to-day experiences of the young people. In this sense, there is a mandate from the center's coordination that education should be focused on the development of life skills and that leveling is only the first step to guarantee the necessary basis for subsequent learning.

"It is true that we have to go back in the contents, but we always start from the fact that there is a base that they have to have and we have to go back so that they are precisely trained and their learning is as functional as possible, I do not know if you can realize that although we do not have PIE (School Integration Project) we try that the child everything he learns is for life beyond the contents, we try that everything is useful for his life" (interview with school coordinator).

It seems important to us to discuss the predominance of a psychologized educa-tional model where students are diagnosed and labeled as "possible cognitive impair-ment" (in all cases). The relativization of the concept "possible" is striking since it is dif-ficult to see its implications.

This not only generates low expectations, but also guides practices under a defi-cit-centered model, which is manifested in concepts such as diagnosis, intervention, learning difficulties, leveling, among others.

Evaluation is another central aspect in educational practice, since it shows us the progress of young people in educational terms. Moreover, it is the instrument par excellence to assess performance against the sentence. Specialists point out that their hands are tied in the face of the measurement that is recurrently requested by central management. Performance indicators are of interest to endorse public policies and

justify the resources used. For this reason, the instruments are standardized and do not present great innovations, which is perhaps the divergent point of the declared dialogic model.

"The evaluation is exactly the same as outside schools, that is, there is an evaluation that obviously has to do with the student's grade, but there is also an evaluation of the young person's process, and this is the biggest challenge. It is exactly the same as outside, we have the class book where attendance is evaluated, the contents are evaluated and the formative process is closed at the end of the year on a semester basis, exactly the same as in a regular educational establishment. Now, although we are asked to do this, we have tried to put more emphasis on socio emotional evaluation and this is fabulous because you will understand that if we do not address emotional aspects of children who are very damaged, it will be difficult to achieve learning" (interview with school coordinator).

The evaluation lacks alternative mechanisms that allow for a more holistic assessment of the process and not only of the young person's performance, predominating the measure as a final result. This situation presents complexities since it is on the basis of this measure that decisions are made regarding the young people and their expected progress.

Finally, when asked about the strengths and weaknesses of the program, the latter are reiterated by all the professional teams: the lack of external support to lead and ac-company the reintegration process of the young people in the external environment. The teams point out that the effort made inside the center it´s no use if when they leave they cannot access a school, are discriminated against by their peers and do not have the mechanisms to guarantee an education adjusted to their needs. This leads to repeated failure of the young people; they return to the streets and repeat their crimes.

In addition, the professional teams point out as a limitation the time they spend with the young people depending on the different sentences and their mitigating circumstances, which interfere with the education of them since in many occasions the processes are interrupted by external causes. Since it is not a regular process (academic year), many objectives must be omitted or, on the contrary, deepened depending on the time spent in the center.

Regarding the strengths of the program, the response is also consistent: the inter-disciplinary teams are highly valued by the internal community.

Discussion

The results presented here are part of a wider study; however, they allow us to put in the center of the discussion several aspects of educational interest. In the study we were able to observe that the Center seeks to achieve the institutional objectives captured in the PEI [25] under an intervention model that places the sanction received by the young person at the center; however, the stories do not express the interests of the young people, the intentions of generating desistance behaviors, nor do the stories of the young people project their motivations in the future, but rather responses to the immediate.

The results show us that there are still gaps that have an impact on the response that the Centers offer to young people, being the most complex the absence of an external support that promotes the circulation of intersectional information and guarantees a follow-up and evaluation of the young people once they have completed their sentence. Montejano [16], highlights the role of follow-up of young people indicating that the process of post-prison reintegration consists of deinstitutionalizing the person in key areas such as work, family, and personal planning, among others, and this must be done with support and resources from the State. It is then a responsibility that involves justice institutions and society in general, highlighting the active participation of groups such as the family and the community to which the young people belong, promoting their development under quality interventions in areas such as education, job training, among others.

If we take the approaches of Ander-Egg [2], who organizes the educational system into three levels of curricular concretion. The first level would be formed by the legal and normative order emanating from the

Government in institutions such as the Ministry of Education. Its guidelines are materialized in curricular frameworks and decrees of action to respond to the educational demands of the population.

A second level is circumscribed to the operation of the Educational Center, espe-cially to the management of the centers and their management teams. The guidelines are specified in the Institutional Educational Project, as well as in the Center's regulations and protocols for action.

The third level of concretion refers to the practical dimension and, consequently, deals with aspects such as contents, methodologies, evaluation, interactions and roles of the educational community.

One of the main difficulties revealed by the results of the research is the lack of articulation in these three levels of curricular concretion, essentially in the understanding of the purposes of education.

The study plans and programs establish criteria and guidelines for adults; however, they are implemented with children and adolescents. For Sandoval [21], these are plans that promote a dominant school culture and are drawn in a highly exclusive hegemonic plan, hence we should not be surprised by the failure of the school has in the face of the expulsion of young people and school dropout.

Given this adverse scenario for an adolescent offender, adapting to school becomes a source of constant tension and conflict and, on the other hand, the school fails to adapt to the diverse characteristics of this type of young people, precipitating, in some way, to school dropout, which "the earlier the dropout, the more likely it is that the adolescent will engage in delinquent behavior" [9] (p.5).

Conclusions

Our analysis of the school curriculum shows us a series of subjects and courses that come from classical knowledge and leave little or no room for innovation. In this line Ferrada [10], points out those schools tend to legitimize certain forms of knowledge, ways of speaking and relating to the world, which are taken advantage of by those subjects who enjoy greater cultural and family capital.

From this perspective, students in poverty can only acquire such elements with great effort, competing with the knowledge promoted by the dominant school culture without considering their own cultural capital.

On the other hand, in the study we have confirmed a strong orientation of education towards the world of work, Bowles and Gintis [5], develop an explanatory framework about the link between education and work based on the correspondence theory, affirming that the values, norms and skills that characterize the world of work are clearly reflected in the social dynamics existing in the classroom. Therefore, education would serve to inculcate in students the attitudes and behaviors necessary to perform competitively in the capitalist economy, providing different skills and values according to the social class, race, or sex of the student.

Control is also at the basis of the educational model developed by prisons; there is a constant disciplinary correction of "undesired" behaviors, a mechanical and asymmetrical transmission of the curriculum and the predominance of a model focused on the qualification of minors.

An aspect of interest for the study was the predominance of a highly psychologized tutorial model, which was expressed in discourses such as diagnosis, intervention, deficit, among others. Zambrano [22], point out that the understanding of deviance (delinquent behavior) is made from the perspective of the social structure, the prevailing social system and its specific demands. Breaking the rules represents a dysfunctional act for the system to the extent that it alters normal behavior, hence the emphasis is placed on clinical intervention and the responsibility for the acts is referred solely to the young people.

This has led to education being organized around a pedagogy of deficit where young people are seen as "incomplete" or "victims" and therefore lacking the potential for transformation. This produces what Barudy [3], calls a process of early victimization, where the child is unable to resolve his or her needs, often becoming an "object" for adults.

The Center's professional teams are committed to the young people, but clearly do not have the necessary autonomy to generate experiences that could have a greater im-pact.

In summary, education is intimately linked to the world of work through training in trades. The curriculum for young people presents important contradictions from the central level, where there is a legal system that promotes access to education, equal op-portunities and educational inclusion; however, official plans and programs adhere to a technical approach characterized by highly structured and rigid contents, objectives and methodologies, justified by behaviorist learning theories that place young people as objects and not as relevant actors in their educational process.

Although the curriculum proposes memoristic strategies, the professional teams promote a critical curriculum inspired by Paulo Freire's social pedagogy, which takes the form of humanistic, pertinent, inclusive and reflective educational strategies. Evaluation represents a critical knot for the professional team since they must comply with the requirements of the central level in terms of indicators and results not only for academic promotion but also for the maintenance of young people within the same Center. The fact that the admission of young people to the Center does not follow a regular academic calendar hinders their educational processes, either by interruption (change of measure) or by timeless admissions. One of the strengths of the educational system widely recognized by the different stakeholders is the multidisciplinary team that has been increasing in recent years.

References

Abrams, L., Mizel, M., & Barnet, E. The Criminalization of Young Children and Overrepresentation of Black Youth in the Ju-venile Justice System. https://doi.org/10.1007/s12552-021-09314-7. Race and Social Problems, 13, 73-84 (2021).

Ander-Egg, E. Educational planning. Concepts, methods, strategies and techniques for educators. Lumen, Argentina, (2013).

Barudy, J. The treatment of families where child abuse and maltreatment occurs [Conference]. First working sessions on: Family treatment in situations of child abuse and maltreatment. Mallorca, Spain. Retrieved from http://www.buentrato.cl/pdf/est_inv/violen/vp_barudy.pdf (2001, November 22-23).

Bautiste, B., and Hein, S. Distension and Identity, parental response, and problem behaviors in juvenile justice children. Criminal Justice and Behavior, ISSN 0719-9228, 20(10),1-18, (2020).

Bowles, S., and Gintis, H. School instruction in capitalist America. Siglo XXI Editores, Spain, (1985).

Calvin, J., Barber, B., and Soyturk, L. Positive Behavior Interventions and Supports Implementation in Secure Care Juvenile Justice Schools: Results of a National Survey of School Administrators. https://doi.org/10.1177/0198742918763946. Behavioral Disorders, 44(1), 3-19, (2018).

Dettlaff, A., Weber, K., Pendleton, M., Boyd, R., Bettencourt, B., and Burton, L. It is not a broken system; it is a system that needs to be broken: The upEND movement to abolish the child welfare system. https://doi.org/10.1080/15548732.2020.1814542. Journal of Public Child Welfare, 14(5), 500-517, (2020).

Domes, G., Hollerbach, P., Vohs, K., Mokros, A., Habermeyer, E. Emotional empathy and psychopathy in offenders: an ex-perimental study. https://doi.org/10.1521/pedi.2013.27.1.67. Journal of Personality Disorders, 27, 67-84, (2013).

Fernández, P. Emotional intelligence in the educational context: scientific findings of its effects in the classroom. Revista de educación, ISSN 0034-8082, 332, 97-116, (2003).

Ferrada, D. The transformative curriculum of initial training for teachers in context of social vulnerability. https://doi.org/10.1590/S0100-15742013000200013. Cuadernos de Pesquisa, 43(1), 642-661, (2013).

Freire, P. Pedagogy of the Oppressed. 1-192, Editorial Siglo XXI, Mexico, (1978).

Hughes, T., Raines, T., and Malone, C. School pathways to the juvenile justice system. https://doi.org/10.1177/2372732219897093. Policy Insights from the Behavioral and Brain Sciences, 7(1), 72-79, (2020).

Kubek, J. B., Tindall-Biggins, C., Reed, K., Carr, L. E., & Fenning, P. A. (2020). A systematic literature review of school reentry practices among youth impacted by juvenile justice. Children and Youth Services Review, 110, 104773.

Markina, A. Problemos, susijusios su jaunų buvusių pažeidėjų reintegracija Estijoje. https://doi.org/10.15388/CrimLithuan.2019.7.3. Kriminologijos Studijos, 7, 56-74, (2019).

Ministry of Justice. Congress of the Republic. Official Gazette No. 38.331. https://www.diariooficial.interior.gob.cl/media/2005/12/07/do-20051207.pdf (2005).

Montejano, L., Galán, J., and De la Rosa, P. Social reintegration of adolescents in conflict with the law. A conceptual study. https://doi.org/10.12804/revistas.urosario.edu.co/sociojuridicos/a.7606. Socio-legal Studies, 22(1), 233-262, (2019).

Ortega-Campos, E., García-García, J., Gil-Fenoy, M. J., & Zaldívar-Basurto, F. Identifying Risk and Protective Factors in Recidivist Juvenile Offenders: A Decision Tree Approach. https://doi.org/10.1371/journal.pone.0160423. PloS one, 11(9), e0160423, (2016).

Oviedo, P. Intervention with juvenile offenders in Chile. Institutional analysis and optimization proposals for the juvenile justice policy in Chile. [Doctoral Thesis, University of Barcelona]. http://hdl.handle.net/10803/457576. (2017).

Pérez, T. The Educational Ideal of the New Century. Periódico al Tablero N° 52, September-October 2009 Digital newspaper. https://www.mineducacion.gov.co/1621/article-209856.html. (2009).

Sandín, B. Transdiagnosis: New frontier in clinical psychology. https://doi.org/10.5944/rppc.vol.17.num.3.2012.11839. Journal of Psychopathology and Clinical Psychology, 17(3), 185-203, (2012).

Sandoval, E. Propensity to learn of adolescent offenders: Reflections from the biographical approach. http://dx.doi.org/10.4067/S0718-65682014000100015. Polis, 37, 1-20, (2014).

Zambrano, A., Muñoz, J. and Andrade, C. The challenge of incorporating institutional and community networks in intervention with adolescent offenders: an action-research in three regions of southern Chile. http://dx.doi.org/10.11144/Javeriana.up14-4.diri. Universitas Psychologica, 14(4), 1371-1386, (2015).

Rodríguez Gómez, Gregorio. Qualitative research methodology 2nd Edition. https://granatensis.ugr.es/permalink/34CBUA_UGR/1egp27c/alma991005009449704990 (1999).

National Library of Congress, Chilean Law, Decree 257. https://www.bcn.cl/leychile/navegar?i=1005224&f=2024-06-07 (2009).

Institutional Educational Project (PEI). Nueva Esperanza School, Talca, Chile. Talca Penitentiary Compliance Center, National Service for Minors. (2020).