

Date of Hearing: March 27, 2019

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 1354 (Gipson) – As Introduced February 22, 2019

**SUBJECT:** Juvenile court school students: joint transition planning policy: individualized transition plan

**SUMMARY:** Requires county offices of education (COEs) to ensure that a student enrolled in a juvenile court school for more than 20 school days has an individualized transition plan and access to specified educational records upon release, and requires COEs to assign personnel to ensure that certain educational procedures are implemented. Requires COEs to track transition outcomes and report them to the California Department of Education (CDE). Specifically, **this bill:**

- 1) Requires, as part of the joint transition planning policy required under current law, a COE to assign transition oversight responsibilities to existing COE personnel who will work in collaboration with the county probation department and relevant local educational agencies (LEAs) to ensure all of the following:
  - a) the immediate transfer of complete and accurate education records, including special needs reports, when a student enters the juvenile court school and when a student is transferred from the juvenile court school to a public school in their community
  - b) the immediate enrollment in an appropriate public school in their community when a student is transferred from the juvenile court school
  - c) the acceptance, upon enrollment by the student in a public school, of course credits, including partial credits, for coursework completed in the juvenile court school
  - d) the immediate placement in appropriate courses, based on coursework completed by the student
  - e) access to information about postsecondary academic and vocational opportunities, including college financial aid programs
  - f) the implementation of the student's transition plan, if one exists
  - g) the tracking, and reporting to the CDE, of the transition outcomes for students who have transferred from juvenile court schools, including the successful completion of the requirements listed above.
- 2) Requires that each student detained for more than 20 consecutive schooldays has an individualized transition plan developed by the COE, in collaboration with the county probation department, as needed.
- 3) Requires that the individualized transition plan be developed before the student's release and reviewed and revised as needed, and address, but not be limited to, both of the following:

- a) the academic, behavioral, social-emotional, and career needs of the student
  - b) the identification and engagement of programs, including higher education programs, services, and individuals to support a student's successful transition into and out of the juvenile detention facility
- 4) Requires that each student detained for more than 20 consecutive schooldays has all of the following accessible to the student upon the student's release from the juvenile detention facility:
- a) school transcripts
  - b) the student's individualized learning plan, if one exists, defined as a plan developed collaboratively by a student and school personnel that identifies academic and career goals and how the student will progress toward meeting those goals
  - c) the student's individualized education program (IEP), if applicable
  - d) the student's 504 plan, if applicable
  - e) any academic and vocational assessments
  - f) an analysis of credits completed and needed
  - g) any certificates or diplomas earned by the student
- 5) Requires that, for each student detained for 20 consecutive schooldays or fewer, a copy of the student's individualized learning plan, if one exists, be made available by the COE to the student upon the student's release, if possible.
- 6) Requires the COE, in collaboration, as needed, with the county probation department, to establish procedures for the timely, accurate, complete, and confidential transfer of educational records in compliance with state and federal law.

**EXISTING LAW:**

- 1) Provides that public school or classes in any juvenile hall or home, day center, juvenile ranch or camp, regional youth educational facility, or Orange County youth correctional center, or in any group home housing 25 or more children and operating one or more additional sites under a central administration, with acceptable school structures at one or more centrally located sites to serve the single or composite populations of juvenile court school students shall be known as juvenile court schools.
- 2) Requires the county board of education to provide for the administration and operation of juvenile court schools by the county superintendent of schools or by contract with the respective governing boards of the elementary, high school, or unified school district in which the juvenile court school is located.

- 3) Prohibits a student from being denied enrollment or readmission to a public school solely on the basis that he or she has had contact with the juvenile justice system.
- 4) Strongly encourages LEAs to enter into memoranda of understanding and create joint policies, systems (including data sharing systems), transition centers, and other joint structures that will allow for the immediate transfer of educational records, create uniform systems for calculating and awarding course credit, and allow for the immediate enrollment of students transferring from juvenile court schools.
- 5) Requires the COE and probation department to have a joint transition planning policy that includes collaboration with LEAs to:
  - a) improve communication regarding dates of release and the educational needs of students who have had contact with the juvenile justice system
  - b) coordinate immediate school placement and enrollment
  - c) ensure that probation officers in the community have the information they need to support the return of students who are being transferred from juvenile court schools to public schools in their communities
- 6) Requires the Superintendent of Public Instruction (SPI) to convene a statewide group with stakeholders from the community, advocacy organizations, and education and probation department leaders to develop a model and study existing successful county programs and policies for the immediate transfer of educational records, uniform systems for calculating and awarding credits, transition planning, and the immediate enrollment of students who are being transferred from juvenile court schools.

**FISCAL EFFECT:** This bill has been keyed a possible state-mandated local program by the Office of Legislative Counsel.

**COMMENTS:**

*Need for the bill.* According to the author, “Education outcomes for youth with juvenile justice system involvement are poor, and yet research shows that education is a key component in reducing recidivism and paving the way for these youth to become productive citizens. Youth in juvenile facilities are particularly vulnerable to losing academic ground or even dropping out of school altogether when they are released from juvenile facilities back to their communities. During that vulnerable transition period, these youth need a plan for supports and services to ensure that they transition successfully. County offices of education in collaboration with probation and local school districts must also make sure that the youth have the school records they need, get credit for the work they have done in the court school, and return to appropriate academic programming in their communities. AB 1354 will provide the necessary oversight to the transition process and require that a transition plan is developed and implemented to help these youth continue their education when they are released so they can develop the skills and knowledge they need to succeed in life.”

***Juvenile court school transition.*** Research has documented high dropout rates and low graduation rates among juvenile court school students, as well as high rates of students not returning to school district programs upon release.

- A report by the CDE found that only 21% of juvenile court school students were enrolled at their local school within 30 days after being released.
- A 2016 report published by the Youth Law Center found that many students do not re-enroll in school after leaving a juvenile court school. The report notes that in the 2013-2014 school year, juvenile court school students had a dropout rate of 38%, compared to the statewide adjusted dropout rate of 12%. The report noted that ten counties had court school dropout rates of 60% or higher and that five had dropout rates ranging from 40%-59%.
- A 2013 analysis by the National Bureau for Economic Research found that, compared to students who were charged with a crime but not incarcerated, juvenile incarceration is estimated to decrease the chances of high school graduation by 13 percentage points and increase the chances of adult incarceration by 22 percentage points.

***Report on juvenile court school transition recommends individualized transition plans.***

Existing law requires the SPI to convene a statewide group with stakeholders from the community, advocacy organizations, and education and probation department leaders to develop a model and study existing successful county programs and policies for the immediate transfer of educational records, uniform systems for calculating and awarding credits, transition planning, and the immediate enrollment of students who are being transferred from juvenile court schools. Existing law requires the statewide group to report its findings and provide recommendations for state action to the Legislature and appropriate policy committees by January 1, 2016. This report was submitted to the Legislature on March 7, 2017.

One of the findings of the stakeholder group was that “support services are often inappropriately discontinued for transitioning juvenile court students.” Specifically, the report noted, “mental health and other support services provided to a student enrolled in juvenile court school often cease when a student transitions to a comprehensive public school environment—even when school staff are aware of the student’s prior care. For example, this is often the case for young women who are pregnant, lactating, or caring for a child. Continuity of necessary support services is a critical component affecting recidivism and drop-out rates among at-risk students.” In response to this finding the report recommended:

- A student transition team should be established for each student.
- The student transition team should provide each student with a plan that includes the requisite academic and behavioral actions necessary to establish a clear pathway back to a comprehensive public school in their community.
- Identified staff shall be accountable for providing necessary assistance and effective case management to each transitioning student.
- A transition plan should be prepared for each student.

- Accurate student records should be available for all students transitioning into and out of a juvenile court facility.
- A transitioning student from a juvenile court school should be immediately enrolled, regardless of the availability of academic records, among other things.
- Each school district should identify one or more persons responsible for ensuring the immediate enrollment of a student transitioning from a juvenile court facility.
- COEs and school districts should adopt and comply with the California's Partial Credit Model Policy, which provides a partial credit calculation formula.

***To how many students would this bill apply?*** According to the CDE, cumulative enrollment of students in juvenile court schools in 2014-15 totaled 36,378 students, enrolled at 75 juvenile court schools in 48 counties. According to the Board of State and Community Corrections' 2015 fourth quarter report, the statewide average daily population is 3,284 for juvenile halls and 1,868 for juvenile camps and ranches.

It is unclear how many juvenile court school students are enrolled for 20 or more consecutive schooldays and would therefore be provided a plan and portfolio as required by this bill. Data from the same Board of State and Community Corrections report shows a statewide average length of detention of 29.7 days, which might translate to 20 days of school enrollment.

Data from two Los Angeles County Office of Education (LACOE) juvenile court schools shows an average continuous enrollment for 10<sup>th</sup> grade boys of 13-14 days. LACOE holds an initial multidisciplinary team meeting and prepares an initial individual learning plan within the first ten days of enrollment.

***Individualized learning plans.*** A 2012 practice guide written by the National Evaluation and Technical Assistance Center for Children and Youth Who Are Neglected, Delinquent, or At-Risk (with funding from the U.S. Department of Education) identifies the development of individualized learning plans as a strategy in meeting the individual academic and behavioral support needs of incarcerated students. The report notes:

To be effective, a [personalized learning plan] PLP needs to include appropriate academic and nonacademic data, notes from meetings, goals, course credits accumulated, and any interventions in place along with any realized outcomes of the interventions. For PLPs to successfully meet the needs of youth, they must be based on current, accurate information about the youth's educational competencies and skills, including the possibilities of educational and other disabilities. Although school records can help to inform staff about needs for interventions, remediation, and/or specialized programs, school administrative staff should be prepared and trained to screen for educational disabilities. It is important in developing PLPs to engage the students and family members (and/or other caring adults) so they can inform and set goals for the student's future. In an effort to help youth involved with the juvenile justice and child welfare systems either keep up with or catch up to their peers, the educational plan should also include provisions for helping youth develop study and learning skills.

...PLPs take time to implement and to keep up to date, especially if students are highly mobile across settings. Personnel may have difficulty determining who should enter information in the plan, who should be responsible for its accuracy, and where the plan should be housed. Therefore, it is valuable to establish a systematic process for implementing PLPs across agencies and settings. This process can include defining objectives, identifying the target student audience, determining what information will be documented in the plans, identifying who will update the plans, and deciding how and with whom the plans will be used. As students get older and progress in education level, they can take more ownership of their plan and use it to set their own future goals. To help students with this, it is important for schools and systems to create tools and templates for completing the plan, setting goals, and conducting conferences.

This bill defines an individualized learning plan as a plan developed collaboratively by a student and school personnel that identifies academic and career goals and how the student will progress toward meeting those goals. The bill does not require that COEs develop individualized learning plans, but requires COEs to make any such plans accessible to students upon their release.

It is unclear how many COEs currently develop individualized learning plans for students enrolled in juvenile court schools. A number of COE Local Control and Accountability Plans or other documents indicate that this is their practice, including those of San Mateo COE, Sacramento COE, Riverside COE, Yolo COE, and Santa Barbara COE.

***Recommended amendments.*** *Staff recommends that the bill be amended* as follows:

- 1) Clarify that LEAs are to collaborate with county probation “as needed.”
- 2) Clarify that “special needs reports” means individualized education programs (IEPs) or 504 plans, as applicable.
- 3) Clarify that any educational records should be released to the education rights holder for the student.
- 4) Delete the requirement that COE personnel track and report to the CDE, on the transition outcomes for students who have transferred from juvenile court schools.
- 5) Apply the requirements of the bill to any juvenile court schools operated by or as charter schools.
- 6) Add code references for educational rights established under current law, and make other technical changes.

***Related and prior legislation.*** SB 304 (Portantino) of the 2017-18 Session would have required that joint transition policies for students leaving juvenile court schools provide for a transition plan, including a transition portfolio, for students detained for 20 or more consecutive school days. This bill was vetoed by Governor Brown, who stated:

I signed Assembly Bill 2276 in 2014, which requires a county office of education and probation department to develop a joint transition planning policy to assist students transitioning from juvenile court schools to other schools. I believe this provides sufficient guidance to get the job done.

AB 1124 (Cervantes), Chapter 754, Statutes of 2017 permits the education rights holders of students enrolled in juvenile court schools to voluntarily defer the issuance of a diploma for

meeting state graduation requirements so that a student may take additional coursework at the juvenile court school or, once released, at a school operated by a local educational agency.

AB 2306 (Frazier) Chapter 464, Statutes of 2016 requires school districts to exempt former juvenile court school students who transfer into school districts after their second year in high school from local graduation requirements that exceed those of the state, and requires a county office of education to issue a diploma of graduation to a student who completes state coursework requirements for graduation while attending a juvenile court school.

SB 1088 (Price) Chapter 381, Statutes of 2012 prohibits a school district from denying enrollment or readmission of a student solely on the basis that the student had contact with the juvenile justice system.

AB 2276 (Bocanegra) Chapter 901, Statutes of 2014 requires a student who has had contact with the juvenile justice system to be immediately enrolled in a public school, and requires the SPI to convene a statewide group of stakeholders to study and report on juvenile court school transition.

**REGISTERED SUPPORT / OPPOSITION:****Support**

Youth Law Center (sponsor)  
California Catholic Conference  
Children Now  
Children's Law Center of California  
Initiate Justice  
Kids In Common  
National Center for Youth Law

**Opposition**

None on file

**Analysis Prepared by:** Tanya Lieberman / ED. / (916) 319-2087