

Date of Hearing: June 21, 2017

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
SB 304 (Portantino) – As Amended June 13, 2017

SENATE VOTE: 29-9

SUBJECT: Juvenile court school pupils: joint transitions planning policy

SUMMARY: Requires 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. Specifically, **this bill:**

- 1) Requires that the joint transition policy required to be developed by county offices of education (COE) and the county probation department include an individualized transition plan for each student detained for more than 20 consecutive school days. Requires that the plan address academic, behavioral, social-emotional, and career needs of the student.
- 2) Requires that the individualized transition plan include:
 - a) a transition portfolio developed by the COE and the county probation department, as necessary, prior to the student's release and accessible to each student upon exiting a juvenile detention facility, that contains:
 - i. school transcripts
 - ii. the pupil's individualized learning plan and individualized education program, if applicable
 - iii. any academic and vocational assessments
 - iv. an analysis of credits completed and needed
 - v. any certificates or diplomas earned by the pupil
 - b) the identification and engagement of programs, such as higher education programs, services, and individuals to support a pupil's successful transition in to and out of the juvenile detention facility.
- 3) Requires that the joint transition policy provide that, for each student detained 20 consecutive school days or less, a copy of the student's individualized learning plan be made available to the student upon his or her release, when possible.
- 4) Requires that the joint transition policy include a procedure created by the COE, in collaboration, as needed, with the county probation department, for the timely, accurate, complete, and confidential transfer of 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 pupils 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 local educational agencies (LEAs) to enter into memoranda of understanding and create joint policies, system, including data sharing systems, transition centers, and other joint structures that will allow for the immediate transfer or 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 pupils who are being transferred from juvenile court schools to public schools in their communities

FISCAL EFFECT: According to the Senate Appropriations Committee's analysis of a prior version of the bill, potentially significant reimbursable state mandate on COEs and county probation departments, likely in the low millions in Proposition 98 General Fund, for the expanded joint transition planning policy requirements.

COMMENTS:

Need for the bill. According to the author, "In 2014, 47,655 California youth attended a court school in a juvenile hall or camp. These young people often face significant difficulty in securing transferable academic credits while in court schools and in getting academic credit recognized when they exit and seek to reenroll in their local districts. Additionally, once released, these youth are often deterred from rejoining traditional comprehensive schools but instead are sent to continuation schools with few opportunities to prepare for post-secondary education.

The transition from court school to a community school, when youth are released from detention, is a critical time when youth are vulnerable to dropping out of school altogether. The goal of the bill is to ensure continued and consistent educational opportunities for youth involved in the juvenile justice system and to support their highest possible educational attainment.”

How many students would receive a plan under this bill? According to the California Department of Education (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 10th 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.

Juvenile court school transition. Research has documented problems 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 California Department of Education 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 individual transition plans. Existing law requires the Superintendent of Public Instruction 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 pupils.” Specifically, the report noted, “mental health and other support services provided to a pupil enrolled in juvenile court school often cease when a pupil transitions to a comprehensive public school environment—even when school staff are aware of the pupil’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) A student transition team should be established for each student.
- b) 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.
- c) Identified staff shall be accountable for providing necessary assistance and effective case management to each transitioning student.
- d) A transition plan shall be prepared for each student.
- e) Accurate student records should be available for all students transitioning into and out of a juvenile court facility.
- f) A transitioning student from a juvenile court school should be immediately enrolled regardless of the availability of academic records, among other things.
- g) Each school district should identify one or more persons responsible for ensuring the immediate enrollment of a student transitioning from a juvenile court facility.
- h) COEs and school districts should adopt and comply with the California’s Partial Credit Model Policy, which provides a partial credit calculation formula.

Arguments in opposition. The Chief Probation Officers of California writes, “We support the intent to assist youth transitioning from court schools to schools in the community, and existing law already requires probation departments and county education offices to create a joint transition policy toward this end. SB 304 takes away the discretion of the entities involved, both from an educational and reentry perspective, to choose which information is relevant in a youth’s transitional planning policy, and adds a prescribed set of requirements that may not be pertinent to every child we serve.”

Recommended amendments. *Staff recommends* that this bill be amended to:

- 1) Move the requirements of the measure from the existing requirements to develop a joint transition policy, into separate sections.
- 2) Clarify that the portfolio requirement is the responsibility of the COE.
- 3) Clarify that the portfolio is to include an individualized learning plan only if applicable, and add 504 plans to the list of documents to be included, if applicable.
- 4) Other technical and conforming changes.

Related and prior legislation. AB 1124 (Cervantes) of this Session 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 1124 is pending in the Senate.

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.

AB 167 (Adams) Chapter 224, Statutes of 2009 grants students in foster care an exemption from coursework adopted by a school district in addition to statewide requirements while the student is in grades 11 and 12.

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 he/she 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)
American Academy of Pediatrics
Anti-Recidivism Coalition
California Alliance for Youth and Community Justice
California Association of School Social Workers
California Catholic Conference
Children Now
Children's Defense Fund - California
Healing Dialogue and Action
John Burton Advocates for Youth
Legal Services for Children
National Association of Social Workers – California Chapter
National Center for Youth Law
Public Counsel
Young Women's Freedom Center
Youth Justice Coalition

Opposition

Chief Probation Officers of California

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