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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair  
2019 - 2020 Regular

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**Bill No:** AB 1354                      **Hearing Date:** July 9, 2019  
**Author:** Gipson  
**Version:** May 20, 2019  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** SJ

**Subject:** *Juvenile Court School Pupils: Joint Transition Planning Policy:  
Individualized Transition Plan*

### HISTORY

**Source:** Youth Law Center

**Prior Legislation:** SB 304 (Portantino), vetoed in 2017  
AB 2306 (Frazier) Ch. 464, Stats. 2016  
AB 2276 (Bocanegra) Ch. 901, Stats. 2014  
SB 1088 (Price) Ch. 381, Stats. 2012

**Support:** ACLU of California; Association of California School Administrators; California Alliance of Child and Family; California Catholic Conference; Children's Law Center of California; Children Now; Initiate Justice; Kids in Common; Legal Services for Children; National Association of Social Workers, California Chapter; National Center for Youth Law; Pacific Juvenile Defense Center

**Opposition:** None known

**Assembly Floor Vote:** 64 - 8

### PURPOSE

*The purpose of this bill is to specify responsibilities for a county office of education with respect to a student transitioning from a juvenile court school to a district school, and to require that each student detained for more than 20 consecutive schooldays has an individualized transition plan, as specified.*

*Existing law* defines juvenile court schools as public schools 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. (Ed. Code, § 48645.1.)

*Existing law* 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. (Ed. Code, § 48645.2.)

*Existing law* requires each public school district and county office of education (COE) to accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. Requires that the coursework be transferred by a standard state transcript. (Ed. Code, § 48645.5, subd. (a).)

*Existing law* requires the school district of residence while a pupil is detained to issue a diploma from the school the pupil last attended before detention if the pupil completes the graduation requirements of the school district. Alternatively provides that the county superintendent of schools may issue the diploma. (Ed. Code, § 48645.5, subd. (a).)

*Existing law* prohibits a pupil 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, including, but not limited to arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, or detention for any length of time in a juvenile facility or enrollment in a juvenile court school. (Ed. Code, § 48645.5, subd. (b).)

*Existing law* requires the COE to issue a diploma of graduation to a pupil who completes the statewide coursework requirements for graduation while attending a juvenile court school. Prohibits the COE from requiring the pupil to complete coursework or other requirements that are in addition to the statewide coursework requirements. (Ed. Code, § 48645.5, subd. (d).)

*Existing law* encourages local educational agencies 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 pupils transferring from juvenile court schools. (Ed. Code, § 48647, subd. (a).)

*Existing law* requires the COE and county probation department to have a joint transition planning policy that includes collaboration with local educational agencies to:

- Improve communication regarding dates of release and the educational needs of students who have had contact with the juvenile justice system.
- Coordinate immediate school placement and enrollment.
- 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. (Ed. Code § 48647, subd. (b).)

*This bill* requires a COE, as part of the existing joint transition planning policy requirement, to assign transition oversight responsibilities to existing COE personnel to work with the county probation department, as needed, and relevant local educational agencies to ensure all of the following:

- The transfer of complete and accurate education records, including the pupil's individualized education program and 504 plan, if applicable, within 72 hours of the pupil's release from the juvenile detention facility.
- Access to information about postsecondary academic and vocational opportunities, including college financial aid programs.
- The implementation of the pupil's transition plan, if one exists.

*This bill* requires a COE, as part of the existing joint transition planning policy requirement, to assign transition oversight responsibilities to existing COE personnel to work with the county probation department, as needed, and relevant local educational agencies to facilitate all of the following:

- The immediate enrollment in an appropriate public school in their community when a pupil is transferred from the juvenile court school.
- The acceptance, upon enrollment by the pupil in a public school, of course credits, including partial credits, for coursework completed in the juvenile court school.
- The immediate placement in appropriate courses, based on coursework completed by the pupil.
- The transfer of complete and accurate education records, including the pupil's individualized education program and 504 plan, if applicable, when a pupil enters the juvenile court school.

*This bill* requires each pupil detained for more than 20 consecutive schooldays to have an individualized transition plan developed by the COE in collaboration with the county probation department, as needed. Requires the transition plan to be developed before the pupil's release and reviewed and revised as needed, and to address at least all of the following:

- The academic, behavioral, social-emotional, and career needs of the pupil.
- The identification and engagement of programs, including higher education programs, services, and individuals to support a pupil's successful transition into and out of the juvenile detention facility.

*This bill* requires each pupil detained for more than 20 consecutive schooldays to have all of the following accessible to the holder of the educational rights for that pupil upon the pupil's release from the juvenile detention facility:

- School transcripts.
- The pupil's individualized learning plan, if applicable.
- The pupil's individualized education program, if applicable.
- The pupil's 504 plan, if applicable.
- Any academic and vocational assessments.
- An analysis of credits completed and needed.
- Any certificates or diplomas earned by the pupil.

*This bill* requires a COE, for each pupil detained for 20 consecutive school days or fewer, to make available to the pupil upon the pupil's release, if possible, a copy of the pupil's individualized learning plan, if applicable.

*This bill* requires the COE to, 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.

*This bill* specifies that the bill's provisions apply to juvenile court schools that are operated as or by charter schools.

## COMMENTS

### 1. Need for This Bill

According to the author:

Education is central to the rehabilitative mission of the juvenile justice system. Yet, the tens of thousands of California youth who attend court schools because of detention in juvenile halls or camps are far more likely to drop out of high school and enter the adult criminal justice system than they are to enroll in college or be gainfully employed as young adults. Moreover, youth who attend court schools have significantly lower rates of post-secondary enrollment and completion than do other students.

The transition from court school back to a traditional school is a critical time when youth are vulnerable to dropping out of school altogether. . . . Current law does not go far enough to ensure that these youth receive the supports they need during this critical time.

Upon release from detention, these youth encounter a number of barriers to successful reentry and to the pursuit of further education. These young people often face significant difficulty in getting their academic records transferred to their next educational placement, and in securing transferable academic credits while attending court schools. Additionally, once released, these youth are often deterred from reenrolling in traditional comprehensive schools, and instead are funneled into alternative education programs with few opportunities to excel academically and prepare for post-secondary education. Youth in court schools need support to transition smoothly to a comprehensive high school that prepares them to reach their educational goals.

Under current law, Section 48647(b) of the California Education Code, county offices of education and probation are required to have a joint transition planning policy governing student transitions from court schools to community schools and to collaborate with local education agencies.

AB 1354 seeks to require that the county office of education, in collaboration with probation, develop and implement an individualized transition plan to meet the academic, behavioral, social-emotional, and career needs of each court school pupil detained for more than 20 consecutive school days. The bill also requires the county office of education to designate personnel to ensure that the transition plan is implemented and that re-enrollment and record and credit transfers occur effectively.

This bill seeks to ensure consistent educational opportunities for youth with juvenile justice system involvement and to support their highest possible academic attainment by strengthening supports as these youth transition from juvenile court school back to a traditional school setting.

## 2. Juvenile Court Schools

Existing law requires COEs to ensure that incarcerated students and those detained while awaiting trial receive an education. COEs may directly educate students at juvenile court schools or arrange for another provider to educate the students. In 2014-2015, 47 COEs (and one school district) operated court schools. (Legislative Analyst's Office, *Re-Envisioning County Offices of Education: A Study of Their Mission and Funding*, p. 9 <<https://lao.ca.gov/reports/2017/3547/reenvision-coes-020617.pdf>>.) Of these COEs, 39 operated one court school, five operated two court schools, and three operated more than two courts schools. (*Ibid.*) In total, these schools served an average of 8,116 students per day (as measured by average daily attendance), and on average, each court school served 103 students per day. (*Ibid.*) The cumulative number of students served in court schools throughout the year is much higher given that students often stay at these schools for short periods of time.

According to the California Department of Education, there were 65 juvenile court schools reporting an enrollment of 6,548 students during the 2017-2018 year. (<https://www.cde.ca.gov/sp/eo/jc/cefjuvenilecourt.asp>) However, many students attend juvenile court schools for a short period of time, so this "point in time" number does not reflect the total number of students served on an annual basis. CDE states that its demographic reports for prior school years indicate that the total number of students served by these schools over the entire year averaged over 24,914. (*Id.*)

A number of studies have found that these students often have poor educational outcomes and difficulty transitioning back to school districts. One report observed that "[r]eenrollment of youth in schools following discharge from a juvenile correctional facility has been a perennial challenge as schools and school districts have resisted reenrollment of formerly incarcerated youth." (Center for Juvenile Justice Reform, *Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems*, p. 19 <[http://cjjr.georgetown.edu/wp-content/uploads/2015/03/EducationalNeedsOfChildrenandYouth\\_May2010.pdf](http://cjjr.georgetown.edu/wp-content/uploads/2015/03/EducationalNeedsOfChildrenandYouth_May2010.pdf)>.) A report published in 2014 found that incarcerated juveniles were less likely to receive a high school diploma. (Southern Education Foundation, *Just Learning: The Imperative to Transform Juvenile Justice Systems Into Effective Educational Systems*, p. 4 <<https://www.southerneducation.org/wp-content/uploads/2019/02/Just-Learning-Final.pdf>>.) Finally, a 2016 report found that many students do not re-enroll in school after leaving a juvenile court school. (Youth Law Center, *Educational Injustice: Barriers to Achievement and Higher Education for Youth in California Juvenile Court Schools* <<http://www.ylc.org/wp/wp-content/uploads/EDUCATIONAL%20INJUSTICE.pdf>>.) The report notes that in the 2013-2014 school year, juvenile court schools students had a dropout rate of 37.7%, compared to the statewide adjusted dropout rate of 11.6%. The report noted that ten counties had court school dropout rates of 60% or higher and that another five had dropout rates ranging from 40% to 59%.

## 3. Average Length of Stay in Juvenile Hall

It is unclear how many juvenile court school students are enrolled for 20 or more consecutive schooldays and would be provided an individualized transition plan pursuant to this bill. Data from the Board of State and Community Corrections' 2015 fourth quarter report shows a statewide *average* length of stay of 29.7 days. According to this report, the statewide average daily population is 3,284 for juvenile halls and 1,868 for juvenile camps and ranches.

#### 4. Report on Transition of Students from Juvenile Court Schools to District Schools

The Superintendent of Public Instruction is required 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. A report was submitted to the Legislature in March 2017 which made the following recommendations relative to transition planning:

- A student transition team shall 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 shall be prepared for each student.
- Accurate student records shall be available for all students transitioning into and out of a juvenile court facility.
- A transitioning student from a juvenile court school shall be immediately enrolled regardless of the availability of academic records, among other things.
- Each school district shall identify one or more persons responsible for ensuring the immediate enrollment of a student transitioning from a juvenile court facility.
- County offices of education and school districts should adopt and comply with the California Model Policy, which provides a partial credit calculation formula, explanations of the policy's provisions, and implementation tools for use by school personnel and social workers.

#### 5. Governor's Veto

In 2017, this committee heard a similar bill, SB 304 (Portantino), which 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. In his 2017 veto message, Governor Brown wrote:

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.