
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair
2019 - 2020 Regular

Bill No: SB 716 **Hearing Date:** April 9, 2019
Author: Mitchell
Version: February 22, 2019
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Juveniles: Postsecondary and Career Technical Education*

HISTORY

Source: Youth Law Center

Prior Legislation: AB 2448 (Gipson), Ch. 997, Stats. of 2018
AB 811 (Gipson), vetoed in 2017
AB 1058 (Gipson), died Assembly Appropriations in 2017

Support: American Civil Liberties Union of California; Associated Builders and Contractors of Northern California Chapter; California Alliance of Child and Family Services; California Catholic Conference; California Police Chiefs Association; California Public Defenders Association; Center on Juvenile and Criminal Justice; Children Now; Initiate Justice; John Burton Advocates for Youth; Juvenile Court Judges of California; Kids in Common; Pacific Juvenile Defense Center

Opposition: None known

PURPOSE

The purpose of this bill is to require each county probation department as well as the California Department of Corrections and Rehabilitation, Department of Juvenile Justice (DJJ), in collaboration with the California Community Colleges, the California State University, and the University of California, to ensure that youths with a high school diploma or California high school equivalency certificate who are detained in, or committed to, their respective facilities, have access to a full array of postsecondary academic and career technical education programs of their choice.

Existing law, the Arnold-Kennick Juvenile Court Law, states its purpose is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court, and require minors under the jurisdiction of the juvenile court to receive care, treatment, and guidance consistent with their best interests. (Welf. & Inst. Code, § 200 et seq.)

Existing law provides for the placement of juveniles under the jurisdiction of the juvenile court into a county juvenile hall, ranch, camp, or forestry camp. (Welf. & Inst. Code, §§ 850 & 881.)

Existing law requires county boards of education to provide for the administration and operation of public schools in juvenile halls, juvenile ranches, and juvenile camps, among others, known as juvenile court schools. (Ed. Code, § 48645 *et seq.*)

Existing law governs the commitment of juvenile offenders to DJJ. (Welf. & Inst. Code, § 1700 *et seq.*)

Existing law prescribes the purpose of DJJ to provide comprehensive education, training, treatment, and rehabilitative services to youthful offenders under the jurisdiction of the department, that are designed to, among other things, produce youth who become law-abiding and productive members of society. (Welf. & Inst. Code, § 1710.)

This bill provides that it is the intent of the Legislature that juveniles with a high school diploma or California high school equivalency certificate who are detained in, or committed to, a juvenile hall, juvenile ranch, camp, or forestry camp shall have access to rigorous postsecondary academic and career technical education programs that fulfill the requirements for transfer to the University of California and the California State University and prepare them for career entry, respectively.

This bill requires a county probation department, in collaboration with the California Community Colleges, the California State University, and the University of California, to ensure that juveniles with a high school diploma or California high school equivalency certificate who are detained in, or committed to, a juvenile hall, juvenile ranch, camp, or forestry camp have access to a full array of postsecondary academic and career technical education programs of their choice.

This bill provides that these programs shall be considered part of the current responsibilities of the county probation department to provide and coordinate services for juveniles that enable the juveniles to be law-abiding and productive members of their families and communities.

This bill defines “juvenile” as any person detained in, or committed to, a juvenile hall, juvenile ranch, camp, or forestry camp.

This bill provides that the above language does not preclude juvenile court school pupils who have not yet completed their high school graduation requirements from concurrently participating in postsecondary academic and career technical education programs.

This bill provides that it is the intent of the Legislature that youth with a high school diploma or California high school equivalency certificate who are detained in, or committed to, a DJJ facility shall have access to rigorous postsecondary academic and career technical education programs that fulfill the requirements for transfer to the University of California and the California State University and prepare them for career entry, respectively.

This bill requires DJJ, in collaboration with the California Community Colleges, the California State University, and the University of California, to ensure that youth with a high school diploma or California high school equivalency certificate who are detained in, or committed to, a Division of Juvenile Facilities facility have access to a full array of postsecondary academic and career technical education programs of their choice.

This bill provides that these programs shall be considered part of current responsibilities of the Division of Juvenile Facilities to provide and coordinate services for youth that enable the youth to be law-abiding and productive members of their families and communities.

This bill defines “youth” as any person detained in, or committed to, a DJJ facility.

This bill provides that the above language does not preclude youth who have not yet completed their high school graduation requirements from concurrently participating in postsecondary academic and career technical education programs.

COMMENTS

1. Need for This Bill

According to the author:

Programming is not currently available to the youth in juvenile facilities who have completed a high school diploma or California equivalency. Youth with high school diplomas or equivalency certificates are particularly motivated to succeed in education programs. Yet, California law does not require juvenile facilities to provide post-secondary programs for these youth. Without an education program, these youth have nothing to do, while in custody, to move their education and career goals forward.

Although California law does not require post-secondary programs for youth, the Juvenile Title XV regulations require county probation to ensure that all youth in their facilities are treated equally with regard to education programs. Additionally, the Youth Bill of Rights, Welfare and Institution Code (WIC) section 224.71 (n) states that youth in DJF facilities have the right to receive a quality education.

State statutes only require county offices of education (COEs) and the Division of Juvenile Facilities (DJF) to provide a full high school curriculum to youth in custody who have not completed high school. Nevertheless, there is no statutory obligation for COEs to provide post-secondary education programs to high school graduates in custody in county probation facilities.

Rehabilitation is a key goal of California’s juvenile justice system. Vital to rehabilitation is access to educational opportunities, particularly for the tens of thousands of youth who are detained in or committed to juvenile facilities each year. Quality education for these youth leads to positive skills development and productive career paths and significantly reduces the likelihood of recidivism to the juvenile justice system or future involvement with the adult criminal justice system.

2. Education in Juvenile Correctional Facilities

One of the primary focuses of the education system within both county and state juvenile correctional facilities is aiding students in completing the coursework required to obtain a high school diploma or GED.

County juvenile facilities

Existing law establishes juvenile court schools—public schools in juvenile halls, juvenile camps, and juvenile ranches. Under current law, the county board of education is required to provide for the administration and operation of juvenile court schools. In doing so, the county board of education determines the manner in which the county’s juvenile court schools will best accomplish the goals of providing a quality education and training, and adopts and enforces a course of study. Existing law further provides that “[i]t is the intent of the Legislature that pupils in juvenile court schools have a rigorous curriculum that includes a course of study preparing them for high school graduation and career entry and fulfilling the requirements for admission to the University of California and the California State University.” (Ed. Code, § 48645.3, subd. (d).)

The transition of youth in juvenile court schools to district public schools is facilitated under state law by requiring each public school district and the county office of education to accept credit for juvenile court school coursework, and to issue a diploma in the case of a youth who has completed the required coursework. In addition, each county superintendent of schools is encouraged to enter into a memorandum of understanding or mutual agreement to support and develop a collaborative process for meeting the needs of the youth, including the youth’s educational needs. Finally, the county office of education and county probation department are required to have a joint transition planning policy to coordinate the continuation of the youth’s education.

The state regulations that govern the education program in county juvenile facilities underscore the focus on assisting students in obtaining their high school diploma or GED. (Cal. Code of Regs., tit. 15, § 1370, subd. (b).) However, the regulations also provide that “[y]outh shall be provided a rigorous, quality educational program that responds to the different learning styles and abilities of students and prepares them for high school graduation, career entry, and post-secondary education.” (Id.) The regulations further provide: “The school and facility administrator should, whenever possible, collaborate with local post-secondary education providers to facilitate access to educational and vocational opportunities for youth that considers the use of technology to implement these programs.” (Cal. Code of Regs., tit. 15, § 1370, subd. (h)(1).)

State juvenile facilities

Existing law provides that DJJ wards are encouraged to participate in programs that will facilitate the ward’s education. (Welf. & Inst. Code, § 1712.1, subd. (a).) Existing law also provides that the director of DJJ may require a ward to participate in vocational, physical, educational and corrective training and activities and may provide useful work projects or work assignments. (Welf. & Inst. Code, § 1768, subs. (a) & (d).)

Similar to the regulations that govern the education program in county juvenile facilities, the regulations governing the education in DJJ facilities also focus on aiding students in obtaining their high school diploma or GED. Specifically, the regulations state that curricula must be developed that will provide “meaningful learning experiences commensurate with and related to a ward’s age, capabilities, educational needs, goals and interests” as well as the ward’s individual needs. (Cal. Code of Regs., tit. 15, § 4760, subd. (a).) The regulations also require that academic programs be designed to meet requirements for high school graduation, or its equivalent, and that the remedial, vocational, and academic programs offered at DJJ facilities meet the standards established for department by the State Department of Education. (Cal. Code of Regs., tit. 15, § 4760, subds. (b) & (c).)

This bill would require DJJ and each county probation department, in collaboration with the various public college and university systems in the state, to ensure that youths with a high school diploma or GED who are detained in, or committed to, their respective facilities, have access to a full array of postsecondary academic and career technical education programs of their choice. This bill also states that these programs are to be considered part of the current responsibilities of the county probation department and DJJ to provide and coordinate services for their respective populations that enable them to be law-abiding and productive members of their families and communities.

This bill does not define the scope of “full array” of programs or “programs of their choice.” This language is fairly broad and presents questions regarding whether the county probation departments and DJJ will be able to satisfy the requirements of the bill. What steps would DJJ and the county probation departments need to take to ensure that the requirements of the bill are satisfied? What role should the county offices of education have in facilitating or providing access to postsecondary academic and career technical education programs?

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