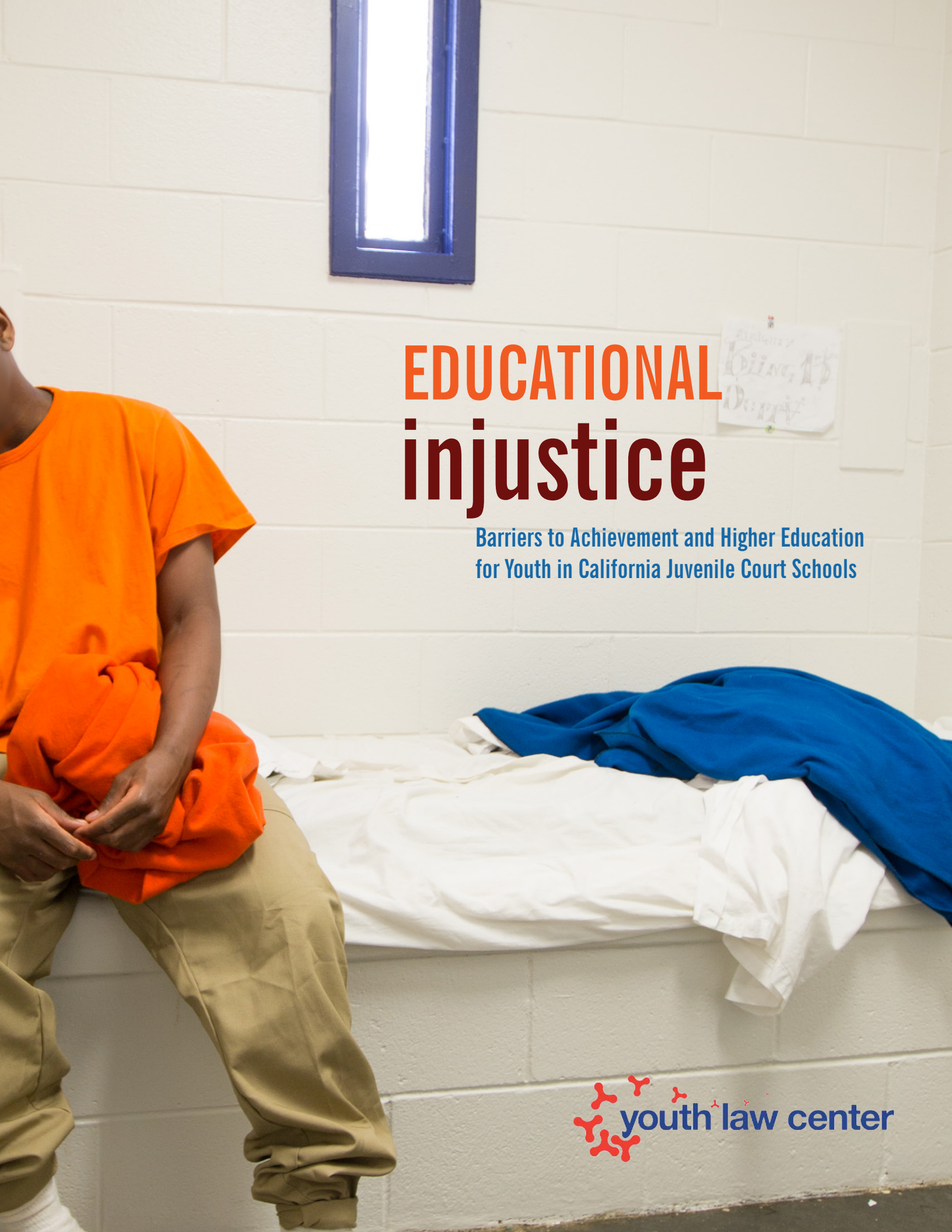

EDUCATIONAL injustice

Barriers to Achievement and Higher Education for Youth in California Juvenile Court Schools

youth law center

The Youth Law Center (YLC), established in 1978, is a national public interest law firm that works to protect children in the nation's foster care and justice systems from abuse and neglect, and to ensure that they receive the necessary parenting, support, and services to thrive. Our core belief is that every child and youth has the potential to live a healthy and productive life. Our mission is to ensure justice for every system-involved child and youth through ensuring effective, developmentally appropriate parenting, strong family and community relationships, freedom from abuse or neglect, appropriate educational support and opportunities, effective health and mental health care, and the ability to become thriving adults.

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EXECUTIVE SUMMARY

It is often said that California schools are failing their students in one way or another. Nowhere is the failure more spectacular than in the state's juvenile justice system. This system takes in some of the most challenged youth in our communities and promises to provide them treatment, care, guidance, rehabilitation, and a better path forward. Education is central to the mission. It is also compulsory for those under the age of 19. But rather than lifting youth up, the juvenile justice system's "court schools" provide a fast-track to dismal outcomes. Where they should be pushing youth toward a diploma and higher education or career training, many court schools are not providing even the most basic level of education to the youth in their charge. This report examines those schools, operated by County Offices of Education to serve students detained in juvenile halls or other local juvenile justice placements, and explores key facets of their problems and impacts. The report also offers avenues for improvement that build on existing laws and the successes of model programs in California and beyond.

What effective programs teach is that California's court schools can and should do better. The failures of the juvenile justice system and the County Offices of Education operating court schools have lifelong repercussions for young people and their families and communities. The impact cannot be understated – in 2014 alone, 47,655 youth spent some portion of their school year in a California court school. The racial injustice of the system's failures also cannot be understated. While the causative factors of the imbalance are beyond this report's scope, the fact remains that more than 85% of juvenile court school enrollees are youth of color. Thus, to talk about the juvenile justice system's educational failures and missed opportunities is to talk about a systemic neglect of a largely Black and Latino community and a perpetuation and exacerbation of the inequality that beget such disparities.

Without question, court schools are charged with educating students who enter with disadvantages and challenges that predate involvement in the juvenile justice system. Youth in court schools typically come into the system from under-performing schools and test at levels that are years behind their age-equivalent peers. Two out of five come from homes where English is not the primary language, and 27.5% are classified as English Learners. Nationally, between 30% and 50% qualify for special education services. Perhaps most importantly, the vast majority have experienced one or more forms of trauma, which can seriously interfere with concentration and other aspects of learning.

These challenges need not be daunting. Indeed, they are part of the fabric of all public schools. And certainly they provide no excuse for a system that is specifically intended to set youth on a better course. Court-involved youth are a captive audience and one with enormous untapped potential. To realize that potential, however, California's court schools need a better understanding of their students, including more systematic collection and analysis of data, high-quality educational programming and supports that are modernized and matched to student needs, improved policies and coordination between detention facility and school staffs, commitment to proven positive behavioral interventions, partnerships with community education providers, and effective case management and resources to facilitate the transition to community schools, higher education, job training, and employment.

Too Many Court Schools Are Failing At The Basics

As a first step, California's juvenile justice system must do a better job of getting its youth to class and keeping them there. At the same time, court schools must raise the quality of their educational programming, so that every student advances. For the school year this report examines, the statistics in these areas are alarming.

Truancy. Chronic truancy increases the likelihood that court-involved youth will fall further behind academically, fail to reenroll in their local schools upon release, and ultimately drop out. Given that youth in secure facilities are under constant supervision and statutes require school attendance, one would expect truancy to be non-existent in court schools, but surprisingly, truancy has been a serious problem for some. Indeed, six court schools reported truancy rates ranging from 28.89% to 68.55% in the 2013-14 school year. With 27 County Offices of Education reporting 0% truancy rates for the same period, we know that those with higher rates can and should do better. Zero truancies should be the norm.

Suspensions. Like truancies, suspensions mean more than time out of school. Students excluded from school are more likely to drop out of school and end up in the adult prison system. Yet court schools – part of a system that is specifically intended to manage and improve adolescent behavioral issues

– in 2013-14 had an average suspension rate more than 2.5 times the state's overall suspension rate of 4.4%. Twenty-eight of 76 court schools (36.84%) had suspension rates above 10%. Among these, 21 suspended at a rate more than 4 times the state average, and 13 had even more astonishingly high suspension rates, ranging from 40% to 74%.

Equally troubling, court schools employed the controversial, ill-defined, non-violent "willful defiance" ground as the most serious charge for approximately 44.3% of their suspensions. Willful defiance, a ground used disproportionately against youth of color, can include behavior such as rolling one's eyes, refusing to follow instructions, or cursing in class. Eleven of 76 court schools had willful defiance account for their suspensions at a rate more than 50% higher than the overall state average, and seven of those schools had "willful defiance" suspension rates as high as 70% to 88.4%. For any school, but especially one that is part of a program to rehabilitate and encourage positive behaviors, these rates are shockingly and unacceptably high. Both the high overall suspension rates and the excessive use of the "willful defiance" ground raise additional serious questions about whether the court schools involved are complying with due process and related statutory requirements.

Again we know court schools can do better. Twenty-eight of 76 court schools – more than a third (36.84%) – had zero suspensions in the same period, and another six had suspension rates below 1%.

Poor Academic Outcomes, Low Reenrollment & High Drop-Out Rates. While the aim is to get youth back on track, the juvenile justice system has been failing at assessing and responding to special needs, failing at providing a high-quality comprehensive education, failing at getting exiting youth back to their community schools, and failing at giving them the tools they need to graduate.

Assessments of educational advancement is sorely lacking for the youth in court schools, but the available data shows that, among long-term students, less than two-thirds made gains in reading (57.7%) and math (59%) proficiency; slightly more than 10% and 12%, respectively, made no improvements in reading and math; and a disturbing high percentage actually lost ground, with over 29% showing a loss of reading ability and 27.7% exhibiting diminished math skills.

When court schools neglect to engage their students, there is little cause for hope that educational outcomes will improve from there. Indeed, the juvenile justice system fails miserably in ensuring that youth reenroll upon transitioning out of the system. For the 2011-12 school year, only 56% of court school students enrolled in their local school district within 30 to 90 days of exiting court school. A mere 7.4% were enrolled in a job training program, 1.1% were accepted to or enrolled in post-secondary education, and a striking 0.01% had secured employment within 30 days of leaving a facility.

The failures within the court school system unsurprisingly translate into staggering drop-out rates. California's court schools had a drop-out rate of 37.7% for 2013-14, compared to an adjusted statewide rate of 11.6%. Ten counties had court schools with drop-out rates of 60% or higher, and another five had rates between 40% and 59%. These numbers speak of a system that has given up on its essential purpose and the vulnerable youth in its care.

Prescriptions for Success: Eliminate Barriers, Scale Up Effective Models & Raise Expectations

Before and after their exit, youth in the juvenile justice system encounter myriad barriers to reentry and pursuit of further education. These young people often face significant difficulty in securing transferable academic credit while in court schools and in getting credits recognized when they exit and seek to reenroll in their local districts. Additionally, once out of detention, these youth are often deterred from rejoining traditional comprehensive schools and are instead pushed, if at all, to lesser alternatives such as county community schools, continuation high schools, and independent study. Perhaps most despairingly, low expectations permeate the current system. For those who dare to dream of college, there is a dearth of opportunities for advanced coursework within the juvenile justice system and, with a handful of exceptions, little to no guidance or support in the application process for admission, financial aid, and enrollment.

While there is reason for great concern about the state of education in California's juvenile justice system, there is also reason for hope and a meaningful commitment to a better future. As the report lays out, there are straightforward, viable solutions for a number of problems that have been unnecessarily entrenched to this point. Better enforcement of existing protections can be had, and recent program expansions like AB 12 offer expanded opportunities. Innovating and proven programs for improving educational engagement and advancement – from positive behavioral interventions and elevated expectations for students to partnerships with community colleges and job training programs – can be replicated and adapted as needed to meet students' needs. With thought and care, court schools up and down the state can be held to the test and can earn the grades their students deserve.

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I. INTRODUCTION

California will provide a world-class education for all students, from early childhood to adulthood. The Department of Education serves our state by innovating and collaborating with educators, schools, parents, and community partners. Together, as a team, we prepare students to live, work, and thrive in a multicultural, multilingual, and highly connected world.

California Department of Education Mission Statement[1]

California is failing to live up to the Department of Education's mission for students involved in the juvenile justice system. Children in California's juvenile justice system are among the most academically at-risk student groups enrolled in our public schools. They have lower rates of academic achievement, higher suspension and dropout rates, and lower rates of post-secondary enrollment and completion than the average public school student. Court-involved youth are far more likely to drop out of high school or enter the adult criminal justice system than to enroll in college or be gainfully employed in early adulthood. We cannot fulfill the promise of the juvenile justice system to provide care, treatment, and guidance if we fail to ensure that youth have adequate educational opportunities.

The court school system is failing to meet the educational needs of its students in a profound way. Dropout, reentry, truancy, achievement, and discipline data sadly confirm that youth who enter juvenile facilities are struggling academically and exit continuing on a path of educational failure. A lack of public investment, oversight, and quality educational options have made many court schools the final stop in the educational careers of most court-involved youth.

California can do more to ensure that students served by the juvenile court school system have access to educational guidance, quality academic options, transition services, and educational supports to increase academic success. For too long juvenile justice and education systems have focused on preventing negative outcomes rather than adopting policies and practices that support juvenile court-involved youths' academic potential. Youth under juvenile justice system control are a captive audience and prime for interventions to get back on track educationally. The juvenile court school system should provide access to programs, services, and opportunities for youth to seek post-secondary options for a brighter future. Juvenile court involvement can be the first stop on the path to school success rather than the next stop in the pipeline to prison.

This report provides an assessment of the court school education system using data available from the California Department of Education (CDE), Public Records Act requests to County Offices of Education (COEs), and reports required as a condition of funding under federal law.[2] As this report is focused on available data, we do not propose solutions to each and every barrier to the

[1] California Department of Education (CDE) website http://www.cde.ca.gov/.

[2] The CDE data was compiled from downloadable Student and School Data Files http://www.cde.ca.gov/ds/sd/sd/#d and reports from DataQuest http://dq.cde.ca.gov/dataquest/dataquest.asp collectively referenced herein as "CDE DataQuest." The COE data is from Public Records Act requests to all COEs operating juvenile court schools in California and includes data reported in the Consolidated Applications for federal Title I, Part D (20 U.S.C. § 6421, *et seq.*) of the Elementary and Secondary Education Act that provides funding to state and local education agencies for neglected, delinquent and at-risk student programs (referenced herein as "COE PRA data").

educational achievement of youth in detention settings. Instead, we generally have limited our analysis and recommendations to those issues borne out by the data examined. To supplement our quantitative data review, we also gathered information through on-site visits, interviews with court school staff, interviews with formerly incarcerated youth, and the review of previous reports.[3] We identify promising practices and provide recommendations for removing barriers to educational achievement and for creating and supporting pathways to post-secondary education for youth in the juvenile justice system.

II. Equity for Youth in Detention: A Right to Education

Whether incarcerated or under the jurisdiction of the juvenile court in the community, youth in the juvenile justice system have the same rights to education as all students in California. Their right to be enrolled in school is fundamental under California's constitution,[4] and court schools must comply with the California Education Code and all other applicable state and federal laws.[5] One of the underlying purposes of these schools is to "provide juvenile court school pupils . . . with quality education and training."[6] However, pervasive inadequacies exist in California's juvenile court school system.

Similarly, detained youth with special education needs are entitled to the same protections afforded to all other students with disabilities under applicable federal laws, including the Individuals with Disabilities Education Act.[7] As the U.S. Department of Education made clear in recent litigation against a county for failure to provide special education in juvenile detention, both county probation departments and County Offices of Education have responsibility for the provision of special education to students in juvenile court schools.[8] Neither entity can pass responsibility for the failure to provide special education onto the other. Also, counties are "prohibited by State law from depriving youth of education when imposing discipline."[9]

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[3] This report does not include detained youth or schools in state facilities operated by the Division of Juvenile Justice.
[4] *Butt v. State of California* (1992) 4 Cal.4th 668, 15 Cal. Rptr.2nd 480.
[5] Educ. Code § 48645, *et seq.*; 15 Cal. Code Reg. § 1370(b).
[6] Educ. Code § 48645.
[7] Dear Colleague Letter from the U.S. Department of Education, Office of Special Education and Rehabilitative Services on "The Educational Needs of Students with Disabilities Who Are in Correctional Facilities," dated 12-05-14, http://www2.ed.gov/policy/gen/guid/correctional-education/idea-letter.pdf.
[8] Statement of Interest of the United States of America in *G.F. v. Contra Costa* at p. 9, citing 15 Cal. Code Reg. § 1370(a), 15 Cal. Code Reg. § 1370(d), http://www.justice.gov/sites/default/files/crt/legacy/2014/02/14/contracosta_soi_2-13-14.pdf.
[9] 15 Cal. Code Reg.§ 1390(j).

III. Juvenile Justice Youth at Risk: Demographics

Most youth in the juvenile justice system in California, particularly those who are detained out-of-home, come into contact with the juvenile court school system. Youth may attend court schools while detained in a juvenile hall awaiting adjudication or disposition, after commitment to a local juvenile hall, camp or ranch facility, or while placed under the supervision of probation in the community in a group home or other placement.[10] In 2014, California recorded 86,823 juvenile arrests, 51,645 juvenile court dispositions and 47,655 students enrolled in juvenile court schools.[11] Juvenile court schools are operated by County Offices of Education (COEs) in juvenile halls, camps, ranches, large group homes and other settings to provide an educational placement for

students in the juvenile court system. The average length of stay in 2014 for all youth in camps was 127.6 days, 26.7 days in juvenile hall, and 383.5 days in juvenile hall for youth who were found by a judge to be unfit to be tried as juveniles.[12]

Court-involved youth are one of the most vulnerable student populations in the United States. Youth typically enter the justice system from under-performing schools where they struggled academically. The "academic achievement levels of adolescent-aged delinquents rarely exceeds elementary grade levels," and "youth in the justice system often perform four years behind their age-equivalent peers on standardized tests."[13] These youth are "more frequently retained in grade at the end of the year."[14] Nationally, between 30% and 50% of incarcerated youth have been identified as qualifying for special education services, and their average reading ability is projected to be at a fourth-grade level.[15] Most juvenile justice involved youth come from single-parent homes, suffer from emotional issues, and have experienced trauma in one form or another.[16] In California, over 87% of court school students come from low socioeconomic backgrounds.[17]

A 2014 report issued by the Southern Education Foundation concluded the following concerning the educational status of juvenile justice youth at the national level:

> [M]ost juvenile justice schools have had little positive, enduring impact on the educational achievement of most children and youth in state custody. In 2009, for example, most "longer-term" students . . . whose progress was documented failed to make any significant improvement in learning and academic achievement. . . . Less than half of these students in the age range for attending high school in 2009 earned one or more course credits attending state juvenile justice schools across the nation. Twenty five percent of all longer-term students were enrolled in a local school district. Nine percent of these students between the ages of 16 and 21 earned a GED certificate or a high school diploma, and two percent of them were accepted and enrolled at a two or four-year college. Most of these indicators of student achievement in 2009 showed little or no improvement from the prior two reported years, 2007 and 2008.[18]

IV. Educational Status of Court-Involved Youth: Cause for Alarm

The transient nature of the juvenile court school population makes it somewhat difficult to get a good sense of the impact court schools have on academic achievement. What we do know is that juvenile court schools have low academic

[10] DataQuest, "Enrollment in Juvenile Court Schools, 2013-14."
[11] "Juvenile Justice in California" (California Department of Justice, 2014) page iv; DataQuest, "Enrollment in Juvenile Court Schools, 2013-14."
[12] "Juvenile Detention Profile Survey, 4th Quarter Calendar Year 2014," California Board of State and Community Corrections, http://www.bscc.ca.gov/s_fsojuveniledetentionprofile.php.
[13] "Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems" (2012) Leone, P. and Weinberg, L.
[14] *Ibid.*
[15] "How Effective Is Correctional Education, and Where Do We Go from Here?: The Results of a Comprehensive Evaluation" (RAND Corporation, 2014) Davis, L.M., Steele, J. L., Bozick, R., Williams, M.V., Turner, S., Miles, J.N.V., Saunders, J. and Steinberg, P.S.
[16] "Just Learning – The Imperative to Transform Juvenile Justice Systems Into Effective Educational Systems" (Southern Education Foundation, 2014) Suitts, S., Dunn, K. and Sabree, N. (hereinafter "Just Learning Report").
[17] Dataquest, California Department of Education, 2013-2014 School Year, Socioeconomic Status.
[18] Just Learning Report, *supra,* note 16.


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achievement outcomes, high suspension and dropout rates, and high rates of students transitioning to low preforming alternative school settings. All of these indicators demonstrate that California court schools are not getting students on track educationally and strongly suggest that the quality of education in California court schools is overwhelmingly poor. In the following sections we will summarize what the available data reveals concerning the status of juvenile court schools in California.

V. The Truancy Conundrum: Skipping School While Incarcerated

One would expect truancy rates[19] for court schools to be fairly low given that youth are secured in the facility under the direct supervision of detention facility staff at all times and school attendance is statutorily mandated. Commensurate with this reasonable expectation, the vast majority of juvenile court schools in California report no truant students. However, truancy is a significant issue for several court schools. For example, during the 2013-2014 school year, the Fresno County Court had a truancy rate of 68.55%, well above the state average of 31.14%. In 2013-14, Alameda COE's truancy rate jumped to 58.12% from 0.96% for the prior year. Two of San Mateo's court school sites recorded truancy rates of over 50% in 2013-14. (See Table 1.)

In a traditional school, there are severe consequences for truant youth and their parents. "Habitually truant" students may be referred to a School Attendance Review Board (SARB) where they may be involuntarily transferred to an alternative school and/or, hopefully, receive helpful interventions. The SARB or school district may ask the District Attorney's Office to file a petition in juvenile court on behalf of a truant youth. The failure of parents to compel their child to attend school may lead to a criminal complaint being filed against them which could result in fines imposed by a court. No such consequences exist for the failure of the probation department or detention staff to ensure the attendance of detained youth under their care and supervision.

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[19] Under the Education Code a truant is defined as, "a pupil subject to compulsory full-time education . . . who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30 minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. . . ." Educ. Code § 48260.

Detained youth experience unexcused absences, missed classes, and tardiness for a variety of reasons. In addition to youth refusing to attend school and illegal facility disciplinary practices, youth in detention may be truant because of ineffective facility procedures and inappropriate oversight. Lack of coordination between facility and school staff can cause youth to miss school or be brought from their units to a school site well past the beginning of the school day. Unnecessary administrative policies and practices often delay enrollment in school after admission to a detention facility, prevent timely daily class attendance, and exclude students from school.

The data available does not provide explanations for the wide disparities in truancy rates across institutions. At the very least, a high truancy rate indicates that a facility has not made school attendance a priority. Given the fact that 27 COEs report 0% truancies in their schools, it is clearly possible to eliminate truancy in juvenile court schools. Detention facilities control every aspect of these youth's lives and can institute incentives to ensure attendance. Attendance is the responsibility of both the detention facility and the school, and these entities must work together to make 100% attendance an institutional goal.

We do know that some institutions use incentives to encourage attendance, some use more coercive means to compel attendance, and the institutions with high truancy rates appear to have little to no effective means of addressing truancy. On the coercive end of the spectrum, probation departments often have policies requiring solitary confinement as a consequence of school refusal and some use punitive means as the only intervention.[20] Using punitive measures to decrease truancy is unlikely to be effective given the growing body of evidence that reliance on punitive behavioral management practices, particularly isolation, is ineffective in juvenile detention settings.[21] However, there is evidence to support the effectiveness of using positive interventions such as Positive Behavioral Interventions and Supports (PBIS) to engage youth and incentivize school attendance.[22]

No detained youth should ever be truant. The juvenile justice system removes youth from society and keeps them a captive population ostensibly to habilitate and to provide the care and guidance expected of a parent.[23] Ironically, some of the youth in detention are there because of chronic truancy. It is not only a waste of an opportunity to help these youth but it is a waste of taxpayer money to lock up young people and then fail to get them to school on time. Truancy will increase the likelihood that juvenile justice involved youth, who are

[20] Punitive school refusal policies and practices were common in our reviews of facility policies, site visits, interviews and reviews of reports from juvenile conditions of confinement advocacy in California.
[21] Reforming Juvenile Justice: An Adolescent Development Approach, Bonnie, R.A. *et al*., National Research Council (2013).
[22] "Youth Outcomes Following Implementation of Universal SWPBIS Strategies in a Texas Secure Juvenile Facility," Johnson, L., Wang, E.W., Gilinsky, N., He, Z., Carpenter, C., Nelson, C.M. and Scheuermann, B.K., Education and Treatment of Children, vol. 36, No. 3 (2013) at p. 141; recognized in the 1997 reauthorization of the Individuals with Disabilities Education Act, PBIS is an approach for helping schools to use an integrated continuum of evidence-based positive behavioral management strategies that enhance academic and social behavior outcomes for all students; https://www.pbis.org/school/swpbis-for-beginners/pbis-faqs.
[23] *See* Welfare & Institutions Code § 202 for purposes of juvenile court intervention.

already at risk for academic failure, will fall farther behind and never reenroll once they leave a facility.

School and facility staff should collaborate to support school attendance and ensure students have access to classroom instruction while they are in custody. Detention facilities have an affirmative obligation to ensure school attendance and are not authorized to exclude youth from school for disciplinary reasons. Youth should be enrolled in and attend school on the first school day following admission to the facility. Facility staff should ensure youth are transported from their residential units to school and between classes in a timely manner that does not cut into class time. Facilities should also collaborate with schools to employ positive behavioral interventions that encourage school attendance and eliminate policies that simply allow detained youth to refuse to go to school. These are basic educational responsibilities that would be required of any custodial parent.

Recommendation:

Eliminate truancies by holding detention facilities and juvenile court schools accountable for ensuring that detained youth attend school and arrive on time.

Table 1. 2013-2014 Juvenile Court School Truancy Rates

SCHOOLS WITH HIGH TRUANCY RATES
Alameda COE Juvenile Hall/Court - 58.12%
Fresno COE Fresno County Court - 68.55%
Mariposa COE Juvenile Hall/Community - 28.89%
Merced COE Merced County Juvenile Hall/Community - 39.18%
San Mateo COE Camp Glenwood - 53.57% Margaret J. Kemp - 56.0%
COEs REPORTING A 0.0% TRUANCY RATE
Butte COE **Del Norte COE** **Glenn COE** **Humboldt COE** **Kings COE** **Lake COE** **Lassen COE** **Los Angeles COE** **Marin COE** **Mendocino COE** **Modoc COE** **Napa COE** **Nevada COE** **Placer COE** **Riverside COE** **San Bernardino COE** **San Francisco COE** **San Luis Obispo COE** **Santa Clara COE** **Shasta COE** **Siskiyou COE** **Solano COE** **Sonoma COE** **Stanislaus COE** **Tehama COE** **Trinity COE** **Tulare COE**

VI. Too Many Court Schools Have Shamefully High Suspension Rates

Suspensions have significant consequences beyond removing students from the classroom. Studies confirm that youth subjected to exclusionary discipline policies are more likely to drop out of school and eventually end up in the juvenile justice system.[24] Frustrated and discouraged, these students experience higher truancy rates and are more likely to be imprisoned as adults. Therefore, even before entering the system, court-involved youth are more likely to have prior suspensions, school attendance issues, and greater rates of retention than their non-adjudicated peers.[25] One study of 555 youth entering detention found that more than 80% of the youth had been suspended from school and more than 50% had been expelled prior to incarceration.[26]

For incarcerated youth who are already at high risk for poor educational outcomes and who have likely already experienced suspension and/or expulsion, the consequences of being suspended from court schools are even more severe and contradict the system's rehabilitative purpose. Nonetheless, too many juvenile court schools in California are suspending students at alarming rates and far above the state average. Students who are suspended in facility court schools often remain confined to the four corners of their residential unit or cell. These youth are likely to fall even further behind academically, increasing the likelihood that they will not reenroll in school once they leave detention.

During the 2013-2014 school year, court schools in California recorded an aggregate suspension rate of 10.2%, more than 2.5 times the state suspension rate of 4.4%. (See Table 2.) Unfortunately, some schools report exceptionally high suspension rates. Twenty-one court schools had suspension rates over 18% and 13 suspended over 40% of the youth they enrolled. Eight court schools, all of which are administered by the Los Angeles County Office of Education (LACOE), had suspension rates at or above 50%. In fact, LACOE court schools suspended youth at an average rate of 40.3% during the 2013-2014 school year, a slight decrease from 45.9% from the previous year. Two camps within the LACOE court school system recorded the highest suspension rates, with John Munz Camp reporting a 61.4% rate and Glenn Rockey Camp reporting an astonishing suspension rate of 74%.

We know that it is possible to run a juvenile court school without suspending any students. Of 76 juvenile court schools, 28 reported zero suspensions in 2013-2014. (See Column 1, Table 2.) Interestingly, some schools that reported negligible suspension rates, such as Alameda Juvenile Hall, had high levels of truancy (58% in the case of Alameda).

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[24] "Suspended Education in California" (The Civil Rights Project, 2012) Loren, D., *et al.* (citing to "Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement" (Council of State Governments Justice Center, 2011)): "[F]or students with similar demographic, achievement, and socioeconomic profiles, those with one or more suspensions or expulsions were 5 times more likely to drop out—and 6 times more likely to repeat a grade level—than those students with no disciplinary actions . . . even students with minimal disciplinary troubles . . . were nearly 3 times more likely to have contact with the juvenile justice system within a year."

[25] Youth's Characteristics and Backgrounds: Findings from the Survey of Youth in Residential Placement, Office of Juvenile Justice and Delinquency Prevention (December 2010).

[26] "Detained and Committed Youth: Examining Differences in Achievement, Mental Health Needs, and Special Education Status," Krezmien, M. P., Mulcahy, C. A. and Leone, P. E., Education and Treatment of Children, vol. 31 (4):445–64 (2008).

The reasons for juvenile court school suspensions are even more troubling than the number of suspensions. One would assume that, because court schools serve youth labeled as "delinquents," students are more likely to be suspended for more serious violations, especially those related to physical harm. Surprisingly, that is not the case. Of the over 20 grounds upon which school personnel can base a suspension, "willful defiance" is the most prevalent reason for juvenile court school suspensions.[27] Willful defiance, the focus of three years of California statewide discipline reform efforts by advocates and community groups, allows suspensions for "disrupting school activities or otherwise willfully defying the valid authority of school staff."[28] Neither "willfully defying" nor "disrupting school activities" is defined anywhere in the Education Code, leaving interpretation to the subjective judgment of school personnel. Unfortunately, this highly subjective category allows schools to suspend students for typical adolescent behavior, such as students rolling their eyes, not paying attention, refusing to follow instructions, swearing in class or "having attitude."

While it is not surprising that detained youth would willfully defy authority, it is surprising that court schools have not been leaders in developing and utilizing non-punitive interventions that prevent and respond to these behaviors. The prevalence of this suspension ground is both shocking and alarming. During the 2013-2014 school year, court schools cited "willful defiance" as the most serious grounds for approximately 44.3% of all suspensions, in contrast to the statewide rate of 37%. (See Table 3.) Many court schools far surpass these rates. In Los Angeles County, several court schools cited "willful defiance" as the most serious grounds for over 50% of all suspensions. Santa Clara County court schools cited "willful defiance" as the most serious grounds for 70% of all suspensions. Sacramento County's Morgan Jr./Sr. and El Centro Jr./Sr. High Schools cited "willful defiance" as the most serious grounds for 88.5% and 48% of all suspensions respectively. Juvenile court schools located in Santa Barbara and Fresno counties cited "willful defiance" as the most serious grounds for 71% of all suspensions and Riverside COE for approximately 84% of all court school suspensions.

Whether attending a court school or traditional school, students have statutory rights that should protect them from the overuse of suspensions.[29] Students must be informed of the reason for their suspension, the evidence against them, and be provided with an opportunity to dispute the allegations. Except in emergency situations, suspensions must be preceded with a conference between the student, principal (or designee), and whenever possible, the referring school employee. School employees must make reasonable efforts to contact the parent at the time of the suspension, and parents or guardians must be given written notice of the suspension in a language they understand.

For less severe infractions, including willful defiance, a student may only be suspended if "other means of correction" have failed to bring about proper conduct.[30] Recent California

[27] CDE DataQuest, 2013-2014 student misconduct data; Educ. Code § 48900(k).

[28] Educ. Code § 48900(k); AB 420 (2015) amends Section 48900(k) to prohibit expulsion for willful defiance and willful defiance suspensions of students in Kindergarten through 3rd grade but will have little impact if any on court schools which generally do not enroll K-3 students or expel students.

[29] Educ. Code § 48911.

[30] Educ. Code 48900.5. The exceptions to the other means of correction requirement include: attempted, threatened or caused physical injury to another person; willful use of force or violence against another person, unless in self-defense; possessed, sold or furnished a firearm, knife, explosive or other dangerous object, unless possession of object was obtained with permission; possessed, used, sold or furnished controlled substance; offered or arranged for the sale of a controlled substance; or attempted or committed robbery or extortion.

legislation has stressed the importance of relying on alternatives to exclusion from the classroom with respect to school discipline, as noted by Legislative intent language expressed in AB 1720:

> The overuse of school suspension and expulsion undermines the public policy of this state and does not result in safer school environments or improved pupil behavior. Moreover, such highly punitive, exclusionary practices are associated with lower academic achievement, lower graduation rates, and a worse overall school climate. . . . Research has found that nonpunitive classroom discipline and in-school discipline strategies are more effective and efficient than suspension and expulsion for addressing the majority of pupil misconduct...The public policy of this state is to provide effective interventions for pupils who engage in acts of problematic behavior to help them change their behavior and avoid exclusion from school.

The bill further provided a comprehensive list of programs or services that fall within the rubric of "other means of correction," including restorative justice programs and PBIS.

Discipline reform efforts can work in a juvenile detention facility. Whether using in-school suspensions or positive behavior management techniques, court schools in conjunction with the detention facility should make every effort to keep detained youth in school programing. The United States Department of Education's Technical Assistance Center on PBIS notes:

> A range of secure care facilities is available for youth who have been arrested or adjudicated, and who are being diverted from juvenile correctional programs or placed in them....In a growing number of these programs, positive behavior support is being tried as an alternative to traditional disciplinary practices with the same beneficial effects that have been observed in public schools. Teaching youth what behaviors are expected and acknowledging them for displaying these is proving to be an effective alternative to traditional approaches to discipline in these facilities.[31]

Recommendation:

Eliminate suspensions in juvenile court schools.

[31] The Technical Assistance Center on Positive Behavioral Interventions and Supports, U.S. Department of Education's Office of Special Education Programs (OSEP) - Positive Behavior Support Youth at Risk and Involved in Juvenile Corrections, http://www.pbis.org/community/juvenile_justice/default.aspx.

TABLE 2. 2013-2014 Juvenile Court Suspension Rates

COURT SCHOOLS WITH 0.0% SUSPENSION RATE	COURT SCHOOLS WITH 0.0%-5.0%SUSPENSION RATES	COURT SCHOOLS WITH HIGHEST SUSPENSION RATES
Bishop Unified Keith B. Bright High (Juvenile Hall)	**Alameda COE** Alameda County Juvenile Hall - 0.1%	**Fresno COE** Fresno County Court -11.9%
Butte COE Table Mountain	**Contra Costa COE** Delta Vista High - 0.4% Mt. McKinley - 4.8%	**Humboldt COE** Humboldt COE Court - 5.9% Humboldt COE Juvenile Hall Court - 18.2%
Del Norte COE Bar-O Elk Creek	**El Dorado COE** Blue Ridge - 3.7% Golden Ridge - 2.7%	**Imperial COE** Imperial County Juvenile Hall/Community - 9.9%%
El Dorado COE Rite of Passage	**Los Angeles COE** Afflerbaugh-Paige Camp - 0.4% Central Juvenile Hall - 0.1%	**Los Angeles COE** Gonzales, David Camp - 27.3% Jarvis Camp - 52.9% Kilpatrick, Vernon Camp - 55.2% Kirby, Dorothy Camp - 57.1% Los Padrinos Juvenile Hall - 16.4% McNair Camp - 38.9% Mendenhall, William Camp - 45.9% Miller, Fred C. Camp - 43.9% Munz, John Camp - 61.4% Nidorf, Barry J. Juvenile Hall - 19.9% Onizuka Camp - 51.5% Pacific Lodge - 49.8% Phoenix Academy - 42.9% Rockey, Glenn Camp - 74.0% Scott, Joseph Camp - 50.9% Scudder, Kenyon Camp - 38.5% Smith Camp - 26.0%
Glenn COE Glenn County Juvenile Court	**Placer COE** Placer County Court Schools- 4.1%	
Kern COE Kern County Juvenile Court	**San Diego COE** San Diego County Court - 4.9%	
Kings COE J.C. Montgomery	**Santa Barbara COE** Santa Barbara County Juvenile Court - 4.1%	
Lake COE Renaissance Court	**Santa Clara COE** Santa Clara County Court - 4.0%	
Lassen COE Lassen County Juvenile Court	**Sonoma COE** Sonoma County Court - 0.4%	
Marin COE Marin County Juvenile Court	**Ventura COE** Providence - 0.8%	
Mendocino COE West Hills Juvenile Hall Court		**Madera COE** Juvenile Hall (Endeavor/Voyager Secondary) - 6.6%
Monterey COE Wellington M. Smith, Jr.		**Mariposa COE** Juvenile Hall/Community - 40.0%
Nevada COE Sugarloaf Mountain Juvenile Hall Program		**Merced COE** Merced County Juvenile Hall/Community - 19.7%
Orange COE Access Juvenile Hall		**Modoc COE** Modoc County Juvenile Court - 44.4%
San Benito COE San Benito County Juvenile Hall/Community		**Napa COE** Napa County Juvenile Court - 10.7%
San Francisco COE S.F. County Court Woodside Learning Center		**Riverside COE** Riverside County Juvenile Court - 14.7%
San Luis Obispo COE San Luis Obispo County Juvenile Court		**Sacramento COE** El Centro Jr./Sr. High - 14.8% Morgan Jr./Sr. High - 24.7%
San Mateo COE Camp Glenwood Hillcrest at Youth Services Center Margaret J. Kemp		**San Bernardino COE** High Desert Juvenile Detention - 11.5% San Bernardino County Juvenile Detention and Assessment Center - 9.7%

TABLE 2. 2013-2014 Juvenile Court Suspension Rates

Santa Cruz COE
Santa Cruz County Court

Shasta COE
Shasta County Juvenile Court

Siskiyou COE
J. Everett Barr Court

Solano COE
Solano Juvenile Detention Facility

Stanislaus COE
Stanislaus Community

Tehama COE
Tehama County Juvenile Justice Center

Trinity COE
Trinity County Juvenile Hall

San Joaquin COE
John F. Cruikshank, Jr. - 11.3%

Tulare COE
Tulare County Court - 8.8%

Yolo COE
Dan Jacobs - 9.7%

Yuba COE
Harry PB Carden - 6.1%

TABLE 3. Juvenile Court Schools with the Highest Percentage of Willful Defiance Suspensions

Fresno COE
Fresno County Court - 70.8%

Imperial COE
Imperial County Juvenile Hall/Community - 47.7%

Los Angeles COE
Gonzales, David Camp - 56%
Kilpatrick, Vernon Camp - 25%
Kirby, Dorothy Camp - 67.9%%
Miller, Fred C. Camp - 60%
Nidorf, Barry J. Juvenile Hall - 50%
Onizuka Camp - 34%
Pacific Lodge Residential Education Center - 76%
Phoenix Academy Residential Education Center - 57%
Rockey, Glenn Camp - 45%
Scott, Joseph Camp - 39%
Scudder, Kenyon Camp - 35%

Mariposa COE
Juvenile Hall/Community – 70.5%

Modoc COE
Modoc County Juvenile Court – 41.6%

Riverside COE
Riverside County Juvenile Court - 84%

Sacramento COE
Morgan Jr./Sr. High - 88.4%
El Centro Jr./Sr. High - 47.7%

San Joaquin COE
John F. Cruikshank, Jr. - 54%

Santa Barbara COE
Santa Barbara County Juvenile Court - 71%

Santa Clara COE
Santa Clara County Juvenile Hall - 70.2%

VII. Juvenile Court Schools Have the Highest Dropout Rates in the State

Far too many students who exit a court school in California do not reenroll in another school. For the 2013-2014 school year, juvenile court schools had a dropout rate of 37.7% as compared to the statewide adjusted dropout rate of 11.6%.[32] Juvenile court school dropout rates vary broadly among counties. Ten counties had court school dropout rates of 60% or higher. Another five had dropout rates ranging from 40% to 59%. Only eight COEs had court school dropout rates below 20%. (See Table 4.)

One should not assume that high dropout rates mean youth exiting the court school system are not trying to reenroll in school. Youth in the justice system frequently face challenges when attempting to reenroll. California school districts are statutorily prohibited from denying enrollment based solely on a youth's involvement in the juvenile justice system.[33] Yet involvement in the juvenile justice system carries a stigma, and too often schools simply do not want these youth to return. A recent report documents the reenrollment barriers faced by juvenile justice youth in Los Angeles County:

> Several professionals shared stories about schools preventing students on probation from reenrolling. One individual working at a Los Angeles juvenile hall explained that schools "won't verbally tell me [that they won't take the kid back]. They say, 'You can go,' but when you get there, they recognize the kid and say, 'No, they can't go.'" Similarly, an individual working in the L.A. County juvenile justice system said: "The transitional counselor for the on-site [juvenile justice] school calls and asks if the minor is welcome back [to the traditional school]. They'll often say, 'No' or 'We're full' . . . . Interviewees ranging from legal advocates to affected youth provided further examples of schools barring enrollment of system-involved youth. For example, one student, upon release from the juvenile justice system, tried to reenroll in her local traditional school. The school told her, "No, you can't reenroll here."[34]

Recommendation:

Provide support and assistance to youth transitioning into the community after release, including assistance with enrolling in school.

[32] CDE DataQuest, 2013-2014 Dropouts Data. See Table 4 for explanation of dropout rates.
[33] Educ. Code § 48645.5 (b).
[34] "Kept Out – Barriers to Meaningful Education in the School to Prison Pipeline" (Georgetown Law Human Rights Institute, April 2012).

TABLE 4. 2013-2014 Juvenile Court School Dropout Rates

SCHOOLS WITH HIGHEST DROPOUT RATES

Alameda COE
Alameda County Juvenile Hall/Court - 59.7%

Butte COE
Table Mountain - 34.4%

Fresno COE
Fresno County Court - 64.0%

Kern COE
Kern County Juvenile Court - 36.8%

Kings COE
JC Montgomery - 54.2%

Lake COE
Renaissance Court - 28.6%

Lassen COE
Juvenile Court - 33.3%

Los Angeles COE
Juvenile Court - 29.8%

Marin COE
Marin County Juvenile Hall - 60.0%

Mendocino COE
West Hills Juvenile Hall Court - 33.3%

Merced COE
Merced County Juvenile Hall/ Community - 49.3%

Napa COE
Juvenile Court - 33.3%

Nevada COE
Juvenile Court - 63.6%

Orange COE
Access Juvenile Hall - 56.8%

Placer COE
Juvenile Court - 34.6%

Riverside COE
Riverside County Juvenile Court - 43.5%

Sacramento COE
Juvenile Court - 62.8%

San Benito COE
Juvenile Court - 34.8%

San Bernardino COE
Juvenile Court - 71.0%

San Diego COE
County Court - 30.7%

San Francisco COE
S.F. County Court Woodside Learning Center - 34.9%

San Joaquin COE
John F. Cruikshank, Jr. - 38.1%

San Luis Obispo COE
Juvenile Court - 66.7%

San Mateo COE
Juvenile Court - 30.6%

Santa Barbara COE
County Juvenile Court - 39.3%

Santa Clara COE
County Juvenile Hall - 38.8%

Shasta COE
Shasta County Juvenile Court - 70.8%

Siskiyou COE
J. Everett Barr Court - 80.0%

Solano COE
Juvenile Detention Facility - 25.3%

Sonoma COE
Sonoma County Court - 61.5%

Stanislaus COE
Stanislaus Community - 55.1%

Tehama COE
County Juvenile Justice Center - 38.5%

Trinity COE
Trinity County Juvenile Hall - 57.1%

Tulare
Juvenile Court - 31.0%

Ventura COE
Providence - 39.7%

Yolo COE
Dan Jacobs - 72.2%

Yuba
Yuba County Juvenile Hall - 51.0%

SCHOOLS WITH LOWEST DROPOUT RATES

Contra Costa
Juvenile Court - 9.3%

Del Norte
Juvenile Court - 3.7%

El Dorado
Juvenile Court - 11.7%

Humboldt COE
Juvenile Court - 9.1%

Imperial COE
Imperial County Juvenile Hall/ Community - 14.3%

Madera COE
Juvenile Court - 13.3%

Modoc COE
Juvenile Court - 5.9%

Monterey COE
Wellington M. Smith, Jr. - 21.3%

Santa Cruz COE
County Court - 19.8%

JUVENILE COURT SCHOOLS DROPOUT RATES BY ETHNICITY

Latino - 36.3%

American Indian or Alaskan Native - 32.9%

Asian - 38.0%

Pacific Islander - 67.6%

Filipino - 31.8%

African American - 32.9%

White - 51.8%

Two or More Races - 25.8%

Statewide 1-Year Dropout Rate Formula = (Adjusted Grade 9-12 Dropouts/Grade 9-12 Enrollment)*(100)

Adjusted Dropouts: Reported Grade 9-12 Dropout Total minus Reenrolled Grade 9-12 Dropouts (students initially reported as dropouts but later found to be enrolled in school) plus Grade 9-12 Lost Transfers (students reported as transferring schools, but not enrolling in a new school).

Dropout Rates by Ethnicity: Based on the number of grade 9-12 dropouts for that ethnic designation divided by the grade 9-12 enrollment for that ethnic designation.

Individual Juvenile Court School Dropout Rates: Based upon the total number of dropouts for the 2013-2014 school year divided by the total census enrollment.

VIII. Youth of Color Are Disproportionately Impacted by the Failure to Address the Educational Needs of Court-Involved Students

Youth of color, primarily Black and Latino students, are most impacted by the State's failure to address the academic needs of youth in the juvenile justice system. These two groups comprised 82% of the total student enrollment in California's juvenile court school system during 2013-14. While Black students comprise only 6% of total California enrollment, they are the most overrepresented group in the juvenile court schools with 20.6% of court school enrollment. Latino students comprise 53.6% of total state enrollment and 61.4% of court school enrollment. Though their proportion of school enrollment is relatively small at .6%, American Indian or Alaskan Native youth are represented at more than double that rate, 1.3%, in court schools. On the other end of the spectrum, White students made up 24.6% of total enrollment while they only account for 12.2% of court school enrollment. Similarly, Asians students comprise 8.8% of total enrollment in all public schools while only making up .9% of the court school enrollment and Filipinos made up 2.5% of total student enrollment and only .3% of court school enrollment. The representation of Pacific Islanders was roughly equivalent, with .5% of all student enrollments and .6% of court school enrollment.[35]

The state data, consistent with national data, reveals that, sadly, race plays a demonstrable role in how youth are exposed to and funneled through the juvenile justice system. A lack of educational resources, biased school discipline policies, the criminalization of youthful behavior and "uneven policing" make students of color substantially more likely to be confronted, arrested and detained in juvenile detention facilities than their white peers.[36] Many students of color are already at risk of academic failure due to longstanding societal and economic barriers. These statistics, coupled with the overwhelming inadequacy of court school education, demonstrate the crippling impact court involvement has on educational outcomes of youth of color and how the juvenile justice system has become an extension of an already broken and oppressive criminal justice system.

IX. Losing Ground: Youth Experience Meager Gains in Academic Achievement

Not only are youth in juvenile court schools making inadequate gains in math and reading, but they are actually losing ground. Under federal law, Title I, Part D funding recipients are required to assess reading and math proficiency for long-term students upon entry to and exit from juvenile detention facilities in order to determine academic progress while in custody.[37] Incredibly, over 29%

[35] CDE DataQuest, Enrollment by Ethnic Designation, 2013-14.

[36] "Race, Drugs, and Policing: Understanding Disparities in Drug Delivery Arrests" (Criminology, 44 (1), 2006), Beckett, K., Nyrop, K., & Pfingst, L., pages 105-137. Data for 2011 reveals that Black youth in California were 7 times more likely than their white peers to be placed in a secure residential facility after adjudication, while Latino students were more than twice as likely to face secure confinement. In fact, of the 111,988 juvenile referrals to California probation departments, Black and Latino youth were more likely to have a petition filed in juvenile court, while Whites received a greater percentage of diversions and were more likely to have their referral closed at intake. "Juvenile Justice in California" (California Department of Justice, 2013) page 25. COE PRA Data. Although Part D funds programs for at risk, neglected and delinquent students, the data discussed is limited to COE operated schools serving students in juvenile detention facilities, including juvenile halls holding youth pending court adjudication and disposition and longer term commitment facilities after disposition. Under Title I, Part D, "long-term students" are those enrolled in a program for 90 consecutive calendar days or longer." COE PRA Data. This data is submitted to CDE on a yearly basis. Data submissions for 2013-14 were received from all but one of the COE recipients of Part D funds.

[37] COE PRA Data. Although Part D funds programs for at risk, neglected and delinquent students, the data discussed is limited to COE operated schools serving students in juvenile detention facilities, including juvenile halls holding youth pending court adjudication and disposition and longer term commitment facilities after disposition. Under Title I, Part D, "long-term students" are those enrolled in a program for 90 consecutive calendar days or longer." COE PRA Data. This data is submitted to CDE on a yearly basis. Data submissions for 2013-14 were received from all but one of the COE recipients of Part D funds.

*"They gave us handouts and told us to copy them. That was our school work. I graduated from high school in Juvenile Hall but I didn't learn anything in school there. I believe in the power of education. I read a lot of books on my own time while I was incarcerated. We never read a book together to discuss in class. I know they do that in high school but not in Juvenile Hall." Kent M., who was incarcerated in various juvenile detention facilities in California from 2010-2012. Kent is currently a full time college student and a policy analyst with the Chamber of Commerce.**

*"They give you credits even though you aren't learning. I didn't learn anything I hadn't already learned in middle school. They just gave us worksheets. There was no teaching." Joshua R., on his education while incarcerated in Juvenile Hall in California. **

*Interviews with Kent M. and Joshua R.

of students tested demonstrated a loss in reading ability during their period of incarceration, while 27.7% exhibited diminished math skills. These statistics are likely artificially low because the schools failed to assess nearly 60% of the youth served by this program. Of students who completed both entry and exit assessments during the 2013-2014 school year, only 57.7% demonstrated gains in reading and 59% exhibited an increase in math proficiency. Slightly more than 10% of students made no improvements in reading, and 12% of students showed no improvement in math.[38]

Clearly, the pre and post-tests required of COEs receiving Title I, Part D funds are important, not only in assessing youths' academic needs, but also in evaluating program efficacy. However, as mentioned above, COEs did not conduct both assessments for the majority of long-term students. Only 39.7% of long-term students completed both entry and exit reading assessments during the 2013-2014 school year, and 38.2% of students completed both math assessments during this period.

Recommendations:

Advocate for educational programs that increase academic gains.

Hold County Offices of Education accountable for assessing all long-term students at entry and exit.

X. Left Behind: English Learners in Juvenile Court Schools

Providing English Learners (EL) with a quality education has long been an issue in California public schools. Two in five (40.7%) court school youth come from homes where English is not the primary language. Students who speak a language other than English at home must be carefully assessed to determine if they are an EL in order to properly address their language needs. Schools are obligated under both state and federal law to provide EL students with a program that both teaches them academic English and gives them equal access to the same curriculum provided to all students.[39] Juvenile court schools have these same obligations with respect to EL students.[40]

Court schools serve a greater percentage of EL students statewide than regular schools, yet serve a smaller portion of Fluent English Proficient (FEP)[41] students. In 2013-2014, EL

[38] *Ibid.*

[39] *Castaneda v. Pickard* (5th Cir., 1981) 648 F.2d 989; Equal Education Opportunity Act, 20 U.S.C. § 1703; Educ. Code §§ 300-340; 5 Cal Code Reg. §§ 11300-11316.

[40] 15 Cal. Code Reg. § (d)(3).

[41] According to the CDE, students who are fluent-English-proficient are the students whose primary language is other than English and who have met the district criteria for determining proficiency in English (*i.e.*, those students who were identified as FEP on initial identification and students redesignated from EL to FEP).

students comprised 22.7% of total statewide enrollment and 27.5% of court school enrollment. During the same period, FEP students accounted for 20.4% of statewide enrollment, yet only 13.2% of the court school population. The lower rate of FEP students in court schools may be due to the older age and school enrollment history of the court school population or the failure to properly identify or reclassify EL students.

Knowing the number of FEP students is also important in identifying parents who may be limited English proficient (LEP). Under California law, when 15% (EL plus FEP) or more of students enrolled in a school speak a primary language other than English, all correspondence sent to parents must be translated into their primary language.[42]

Student Engagement: Endeavor Secondary School, Madera County

A prevalent complaint among court school students is the lack of extracurricular activities. Madera COE's Endeavor Secondary School provides a great example of how court schools can combine core instruction with student-driven extracurricular activities that engage students, build confidence and allow youth to interact with their non-court-involved peers. Endeavor's EL program teaches academic English while also coaching students in public speaking. Endeavor teachers prepare EL students to compete against participants from 3 surrounding school districts in speech contests throughout the Central Valley. This includes the annual Madera County Martin Luther King Jr. speech contest, where Endeavor students are often finalists.

Endeavor also allows students to compete in sporting events against non-court-involved students from MCOE and other districts. Students participate in sporting tournaments outside the facility after learning the rules and fundamentals of a particular sport. In addition to building self-esteem and exposing youth to different experiences, this program is a great example of cross-district cooperation because court school staff must coordinate with other schools and districts to organize and facilitate the tournaments.

Site Visit

A. Long-Term English Learners

Some older youth who enter the system and speak conversational English, but do not have the level of academic English necessary to function well in a regular classroom, may be classified as Long-Term English Learners (LTEL). Generally, a LTEL means an EL student enrolled in grade 6 through 12 and has been schooled in the United States for six years or more and has remained at the same English language proficiency level for two or more consecutive prior years or has regressed to a lower English language proficiency level as determined by the English language development test.[43] It is estimated that approximately 59% of all secondary ELs fall within this subgroup. According to one study, there are several factors that may contribute to becoming a LTEL:

> . . . receiving no language development program at all; being given elementary school curricula and materials that weren't designed to meet English Learner needs; enrollment in weak language development program models and poorly implemented English Learner programs; histories of inconsistent programs; provision of narrowed curricula and only partial access to the full curriculum; social segregation and linguistic isolation; and cycles of transnational moves.[44]

This population is among the most at risk for school failure. It is imperative that court schools properly identify LTEL students and implement specialized programs and services to address their unique language needs.[45]

B. Language Access Beyond the Classroom

Language access in juvenile detention facilities is another area where collaboration between court schools and detention can benefit youth and their families. Juvenile detention facilities are obligated by federal law to provide language accessible services

[42] Educ. Code § 48985; 5 Cal. Code Reg. § 11316. Under federal law schools must provide parents with information in a format and, to the extent practicable, in a language the parents can understand. 20 USC § 6318(e)(5).
[43] Educ. Code § 313.1(a)(1). The definition of LTEL was recently amended by the passage of SB 750 (2015). There are additional qualifications for EL students enrolled in grades 6 to 9.
[44] "Reparable Harm: Fulfilling the Unkept Promise of Educational Opportunity for California's Long Term English Learners" (Californians Together, 2010) Olsen, L.
[45] By way of example, according to its Local Control Accountability Plan (LCAP), the Orange COE plans to write designated English Language Development (ELD) curriculum "targeting the language needs of Long-Term ELs." The Imperial COE also addresses the needs of LTELs in its LCAP which calls for the organization of an ELD committee and development of an action plan to address the needs of LTELs.

TABLE 5. 2013-2014 JUVENILE COURT SCHOOLS WITH HIGHEST EL AND FEP ENROLLMENT (EL% / FEP%)

Contra Costa COE
Delta Vista High - 25.6% / 7.3%
Mt. McKinley - 26.5% / 6.6%

El Dorado COE
Rite of Passage – 20.9% / 13.5%

Imperial COE
Imperial County Juvenile Hall/Community - 48.8% / 23.6%

Kings COE
J.C. Montgomery - 36% / 4%

Los Angeles COE
Afflerbaugh-Paige Camp - 29.6% / 25.2%
Central Juvenile Hall - 28% / 13.3%
Jarvis Camp - 26.8% / 12.7%
Kilpatrick, Vernon Camp - 21.2% / 15.3%
Kirby, Dorothy Camp - 23.1% / 13.8%
Los Padrinos Juvenile Hall - 23.8% / 16.4%
McNair Camp - 33.3% / 15.9%
Mendenhall, William Camp - 27.8% / 20.8%
Miller, Fred C. Camp - 31.6% / 22.4%
Munz, John Camp - 34.7% / 10.7%
Nidorf, Barry J. Juvenile Hall - 30.1% / 19.2%
Onizuka Camp - 25.9% / 12.1%
Pacific Lodge Residential Education Center - 34.7% / 8.2%
Phoenix Academy Residential Education Center - 26.9% / 17.2%
Rockey, Glenn Camp - 28.8% / 21.2%
Scott, Joseph Camp - 41.2% / 14.7%
Scudder, Kenyon Camp - 18.2% / 15.2%
Smith Camp - 62.5% / 12.5%

Madera COE
Juvenile Hall (Endeavor/Voyager Secondary) - 42.6% / 13.1%

Napa COE
Napa County Juvenile Court - 26.3% / 31.6%

Orange COE
Access Juvenile Hall - 48.5% / 18.7%

San Diego COE
San Diego County Court - 34.9% / 18.8%

San Joaquin COE
John F. Cruikshank, Jr. - 25% / 7.1%

San Luis Obispo COE
San Luis Obispo County Juvenile Court - 27.8% / 0.0%

San Mateo COE
Camp Glenwood - 52.9% / 0.0%
Hillcrest at Youth Services Center - 38.6% / 15.9%
Margaret J. Kemp - 36.4% / 9.1%

Santa Barbara COE
Santa Barbara County Juvenile Court - 44.3% / 18.2%

Santa Clara COE
Santa Clara County Juvenile Hall - 31.8% / 15.6%

Santa Cruz COE
Santa Cruz County Court - 58.3% / 10.7%

Sonoma COE
Sonoma County Court - 37.50% / 13.80%

Tehama COE
Tehama County Juvenile Justice Center - 30.8% / 7.7%

Tulare COE
Tulare County Court - 29.1% / 15.8%

Ventura COE
Providence - 27.5% / 26.1%

Yolo COE
Dan Jacobs - 36.8% / 0.0%

to youth placed in these facilities. In order to determine the extent of their obligations, juvenile detention facilities must assess the number or proportion of LEP youth likely to be detained.[46] Few juvenile facilities actually have this data readily available even when it is collected and reported by court schools. Communication and coordination between court school staff and detention staff would go a long way in addressing the language needs of EL and FEP youth beyond the classroom.

Recommendation:

Require collaboration between court schools and probation to improve language access assessment and services.

[46] Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.*; 28 CFR 42.104(b)(2); *See also* "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (June 2002, Department of Justice) 67 Federal Register 41455.

"I have been to many schools in secure juvenile facilities across the country and I've seen some remarkable teachers with engaging and exciting classrooms, but they're the exception. In most schools, when youth are safe and compliant, the adults consider their work successful. And no one is saying that safety isn't important - but without thoughtful instructional practices, it's a race to the bottom. What "safety" actually looks like turns out to be silent rooms with desks in rows where students slog through packets of worksheets or multiple-choice online tutorials for hours on end. After 10 minutes in there as an observer, I'm bored; if I were a student, it would be unbearable."

*Hailly T. N. Korman, Principal, Bellwether Education Partners**

**Interview. The views of Mrs. Korman are her personal views and do not reflect the position of her employer.*

XI. Unquantified: The Lack of Data Regarding the Quality of Education

The quantitative data that we have does not tell the full story of the quality of education in juvenile court schools. Though we have some incomplete measures of academic progress, there is very little data to analyze regarding the quality or even the adequacy of the education provided. Juvenile court schools are part of a statewide alternate accountability measurement system used for alternative schools.[47] However, those measures are designed to track year-to-year progress of students in a school site and cannot accurately measure the quality of the education provided to the transient population of students in juvenile court schools where the length of stay rarely exceeds a school year.

We do have anecdotal evidence from juvenile court schools subject to litigation and other advocacy related evaluations indicating that the provision of educational services is often inadequate.[48] Although data currently available at the state level through CDE does not provide the information necessary to evaluate the adequacy of juvenile court education, we know that youth need good teachers with high expectations for student achievement, engaging schoolwork, and a curriculum that appropriately addresses students' needs, including special education. We also know that every COE, Probation Department, facility staff, and school staff must make a commitment to providing a high quality education for detained youth.

Roads to Success Academy. In 2010, the Los Angeles COE piloted Roads to Success Academy (RTSA), an educational program at a girl's detention camp that is now being expanded to all of the juvenile court schools in Los Angeles. RTSA has garnered recognition as a positive approach to educating youth in detention and has demonstrated success in increasing academic gains.[49] Inspired in part by the Maya Angelou Academy (discussed below), RTSA uses a curriculum focused on project based learning centered around themes that are intended to be relevant to the youth. RTSA conducts extensive training and staff development, coordinates with probation staff to minimize disruption, sets high expectations for achievement, and prioritizes supporting pathways to higher education. RTSA is an example of what a program that considers quality of education can look like.

[47] Educ. Code § 52052.
[48] *See, e.g., G.F. v. Contra Costa* (2013) N.D. Cal. No. 4:2013cv03667 (challenging adequacy of education for students with disabilities in juvenile hall school) and *Casey A. v. Gundry* (2010) C.D. Cal. No. CV 10-00192 (challenging adequacy of education in juvenile court schools in county probation camps).
[49] http://ccsesa.org/road-to-success-academy-los-angeles-county-office-of-education/.

XII. Education is a Critical Component of Successful Re-Entry

A. Dismal Reentry Outcomes

Quality education while incarcerated and after returning to the community is a critical factor in preventing re-incarceration and ensuring successful transition to adulthood. Despite the correlation between the failure to reenter school and re-offending, systems currently provide minimal or no assistance to transition youth back into public school once released. One study found that one year after institutional release, only 28% of the youth were enrolled in school, 27% had withdrawn, and 45% never reentered.[50]

California's data paints an appalling picture of how we are failing to ensure youths' successful reentry to their communities. Juvenile court schools, as Title I, Part D recipients, are required to collect data related to outcomes that have a significant impact on the likelihood of successful reentry. Factors such as whether a student enrolled in their local school district within 30 days of exiting a facility and whether a student earned high school course credits while in detention are strong predictors of successful reentry and help assess the quality of court school administration and transition services.

Although 74% of juvenile court schools awarded high school course credits during the 2011-2012 school year, schools are performing poorly at ensuring youth reenroll in their local school district, even 30 to 90 days after being released.[51] Only 56% of court school students enrolled in their local school district during this period.[52] Other indicators of successful reentry are even more troubling. Only 7.4% of students were enrolled in some form of job-training education, 1.1% of students were accepted to or enrolled in post-secondary education, and a mere 0.01% obtained employment within 30 days of leaving the facility.[53]

Court schools in California do not typically facilitate high school graduation or reentry into a regular school setting, let alone, enrollment in college. Although the varying lengths of stay, age, and grade level of youth upon entry to court schools make it difficult to assess the significance of the Title I, Part D data on high school graduation or equivalency exam completion while in custody, it is clear that few students complete secondary education in custody and even fewer move on to post-secondary education. In 2013, 1.2 % of juvenile detention students served by this funding stream earned a GED and 2.8 % obtained a high school diploma while in custody. Court schools have the highest aggregate dropout rate of all schools in the state at 37.7%. A mere .3 % of students were accepted to or enrolled in post-secondary education programs upon release.[54]

Unfortunately, neither California's education nor juvenile justice systems provide strong standards or accountability mechanisms to ensure that court-involved students receive the services needed to finish high school and successfully transition to post-secondary enrollment and completion. For example, CDE provides little oversight of court and other alternative schools. Although California receives millions in Title I, Part D funding from the federal government to specifically address the unique educational and transition needs of court-involved youth, the state has done little to monitor how this money is spent or to ensure that the intended beneficiaries have access to quality supplemental programs or transition services desperately needed to address their unique needs. In a world of scarce educational resources, court schools and other alternative education programs are often on the bottom rung of a school district's resource ladder. Ensuring that youth receive quality education and necessary credits and are immediately enrolled in appropriate educational programs once released should be a priority for California. With appropriate interventions and comprehensive transition planning, once released, youth are far more likely to be on the path to high school graduation, post-secondary education and healthy adulthood.

B. Chasing Credits: Accrual, Recovery and Acceptance

The process of ensuring successful reentry begins immediately when youth are admitted into detention and credits begin to accrue. In an ideal court school, these credits would be earned in the course of receiving a high-quality, engaging education that exposes youth to relevant topics and prepares them for graduation, higher education, and careers. When a youth reenters the community, school records are transferred and credits from court school are calculated. However, failure to properly award credits and transfer school records serves as a major barrier to successful school reentry for juvenile justice youth:

[50] "1999 Annual Report to the Florida Department of Education: Juvenile Justice Educational Enhancement Program" – Chapter 8 – Transition and Aftercare.
[51] Attachment 2 to "Report to the Governor, Legislator, and Legislative Analyst's Office: Identification and Status of State Monitoring of County Court Schools and State Division of Juvenile Justice Schools" (California Department of Education – December 2012).
[52] *Id.*
[53] *Id.*
[54] *Id.*

> Students trying to return to traditional schools from juvenile justice placements face additional problems accessing credits and records. There are three key reasons for this: (1) credits earned while incarcerated may not align with traditional school curricula; (2) students may not consistently receive credits while incarcerated; and (3) credits earned in probation camps or juvenile justice placements may not be effectively transferred to new schools.... Finally, students reported difficulties in getting their transcripts from camps sent to traditional schools. This is problematic because whether a student is able to obtain a copy of his or her transcript upon release from custody can be the determining factor in whether he or she is able to successfully enroll in school and continue progress toward earning a high school diploma. . . . However, not all students are provided with a transcript or an active and dedicated probation officer, and many are unable to successfully reenroll in school.[55]

Over three-fourths of juvenile detention students served by Title I, Part D funds received some form of high school course credit while in secure confinement.[56] However, there is no data on the type of credits earned, the percentage of students whose court school credits were accepted by their local school district after reenrollment, or the number of students who were ultimately able to use court school credits toward graduation. Although current law requires that school districts and COEs accept full or partial credit for coursework satisfactorily completed by a youth while attending juvenile court school,[57] some school districts refuse to calculate or accept partial credits. Non-compliance with this provision is exacerbated by the fact that no uniform method exists for calculating partial credits and the state has failed to provide any guidance or minimum standards with respect to partial credits. For example, only 5 of Los Angeles County's 83 school districts have guidelines for calculating partial credits and none of those 5 districts use the same methodology.[58] The lack of guidance results in court involved youth not receiving credit for work earned in juvenile court schools.[59] The accumulation of credits becomes an exercise in futility if students are not credited with the work they have completed while detained, do not have access to the courses needed to complete secondary education, or cannot meet prerequisites for enrollment in post-secondary institutions.

This credit loss is compounded when these youth experience additional educational instability before or after incarceration and subsequent problems with getting credit for coursework completed as they change schools. Credit recovery efforts are necessary to ensure students are on track to graduate high school or receive alternative equivalents and enroll in a post-secondary institution. By helping students get back on track to graduate with their peers, juvenile court schools can also improve graduation and employment rates upon reentry. For each academic credit earned during incarceration, court school students are 1.2 times more likely to reenroll in school, and returning to school after reentry increases the likelihood of earning a high school diploma by 1.7 times.[60]

Recommendations:

Require individualized assessment process and transition plan to ensure youth earn credits that align with school curricula, count towards graduation and meet the youth's educational needs.

Require court schools to structure learning units with the goal of earning credits in a short amount of time to maximize credit accrual during detention.

Require juvenile court schools to provide or facilitate access to credit recovery services both at admission and release. Court schools can assist students with obtaining credit for work completed at other schools and collaborate with schools in the community to ensure that students get credit for work completed prior to and during custody.

[55] Kept Out – Barriers to Meaningful Education in the School to Prison Pipeline" (Georgetown Law Human Rights Institute, April 2012).
[56] COE PRA Data 2013-2014.
[57] Educ. Code § 48645.5(a) states, "Each public school district and county office of education shall 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."
[58] "Partial Credit Model Policy and Practice Recommendations" (Child Welfare Council – Partial Credit Workgroup, Sept. 2013).
[59] *Ibid.*
[60] "Kept Out – Barriers to Meaningful Education in the School to Prison Pipeline" (Georgetown Law Human Rights Institute, April 2012).

C. Planning For and Ensuring Immediate Reenrollment in Appropriate Settings

In a report to the State Legislature, the CDE revealed that of the 46,067 juvenile detention youth served by programs funded under the federal Neglected or Delinquent program, 44% of these youth did not enroll "in their local district school" within 30 calendar days after exiting a facility.[61] In addition to delay in enrolling, court-involved youth are frequently channeled into alternative settings, such as county community schools, independent study programs, and continuation high schools, without considering their educational needs and their right to attend a traditional comprehensive school. County community schools are run by the COE and include students who are expelled from school or referred because of attendance or behavior problems. They also serve students who are homeless, on probation or parole, and who are not attending any school.[62] Continuation schools are alternative schools for students age 16 or older who are at risk of not graduating and who typically are behind in credits.[63] Students returning from court schools, who district staff may perceive as more difficult to teach or less likely to graduate, are denied enrollment by one school after another. This leads to frustration, discouragement and ultimately, dropping out of school altogether. The youth most impacted by these practices are youth of color. County community schools had an aggregate dropout rate of 24.3% in 2013-14, and Black and Latino students were 72.6% of total county community school enrollment in that same year.[64]

Over the last three years, California has enacted several laws to address the reenrollment rights of and transition planning for juvenile justice youth. SB 1111, effective January 1, 2015, may address some issues by clarifying when a probation-supervised youth may be involuntarily placed or enrolled in a county community school. Under the new law, probation youth cannot be transferred to such a school by a probation officer without parent or guardian consent or an expulsion or court order that requires the transfer. The law also emphasizes that the enrollment of a probation youth in a county community school must be based on the youth's best interests. If a youth voluntarily chooses to attend such a school, the COE must still determine that the placement will promote the youth's educational interests and that there is space available for the youth.[65] The "space available" language was added to the statute specifically to prohibit the practice of county community schools imposing population caps and telling probation youth attempting to enroll that they could be placed on Independent Study. Without access to complete information about educational options or advocates to protect their legal rights, youth had no real choice but to accept the Independent Study option even though the law clearly states that placement in Independent Study must be voluntary. The new law also reaffirms that alternative schools are meant to serve as short-term placements only.[66]

Additional recent law changes have created new rights that assist in reenrollment and transition. In 2012, SB 1088 clarified that contact with the juvenile justice system is not a permissible basis to deny school enrollment.[67] AB 2276 (2014) required COEs and probation to develop a joint transition planning policy,[68] and required immediate enrollment of juvenile justice youth reentering public schools in the community.[69] However, there is no process in place for ensuring that these laws are, in fact, implemented. Some youth who exit a detention facility may never attempt to reenroll in school and those that do are not likely to have the ability or the assistance to effectively navigate even the most common reenrollment barriers. Clearly, there is much more that can be done to ensure that court-involved youth are immediately and seamlessly reenrolled in an appropriate school and their right to an education is not undermined in any way.

Collaboration on the state and local level to develop joint transition policies is a good start but is not enough to meet the reenrollment and reentry needs of court involved youth. Juvenile court schools and probation departments should collaborate to provide transition services before and after release to effectively address reenrollment barriers. Enrollment in a juvenile court school regardless of the length of attendance provides an opportunity to constructively intervene in the youth's educational path. Current law requires a preliminary education plan to be developed for each youth within five school days after admission into a facility.[70] While typically viewed as a short-term facility school programming tool, the education planning requirement provides an

[61] Attachment 2 to "Report to the Governor," *supra*, note 51.
[62] Educ. Code §1981; California Department of Education website, http://www.cde.ca.gov/sp/eo/cc/.
[63] Educ. Code §48430; California Department of Education website, http://www.cde.ca.gov/sp/eo/ce/.
[64] CDE DataQuest Enrollment Data 2013-2014.
[65] Educ. Code §§ 1980-1983.
[66] Educ. Code § 1981 (b)(4).
[67] Educ. Code § 48645.5 (b).
[68] Educ. Code § 48647.
[69] Educ. Code § 48645.5 (b). AB 2276 also required the State Superintendent of Education and the Board of Community and State Corrections to convene a statewide group of stakeholders to study existing transition programs, develop a model and report findings to the legislature in 2016. Educ. Code § 48648.
[70] 5 Cal. Code Reg. § 1370(e)(3).

opportunity for juvenile court schools to begin a thorough assessment of each student who enrolls and start the transition planning that probation and juvenile court schools are jointly required to provide to get students enrolled in comprehensive school programs and post-secondary education after release from the facility.

Recommendations:

Provide youth with comprehensive transition planning that begins at entry and extends beyond release.

Establish transition services programs as a state priority for Part D funding to serve students transitioning from juvenile court schools.

Increase advocacy to ensure local implementation of laws requiring appropriate school placement and immediate enrollment.

MAYA ANGELOU ACADEMY:[71] In 2007, David Domenici and James Forman, Jr. of the See Forever Foundation, a private non-profit, took over operations of Oak Hill Academy, the school inside a detention facility in Washington, D.C. They completely overhauled the school, renaming it the Maya Angelou Academy. The Maya Angelou Academy is based on the principles that good quality teachers are a critical element of an effective education and that the culture of the school should be positive and set high expectations. In order to achieve educational success, the school celebrates achievement, uses a modified version of Positive Behavioral Intervention Supports for behavioral management, structures learning in short units to maximize credit accrual, coordinates with the detention staff to minimize class disruption, and has dedicated staff to support transition planning for reentry into the community. In 2010, an educational expert involved in court oversight of the D.C. juvenile justice agency called the Maya Angelou Academy "one of the best education programs in a confinement facility I have had the opportunity to observe."[72]

The Maya Angelou Academy has a strong focus on transition planning and support, which begins at entry into the facility. The transition specialist welcomes the youth to the academy and begins collecting school records and involving the youth's parents and special education staff when appropriate in planning for release. The specialist helps to build a portfolio of the youth's school work and awards to present to prospective schools and/or job training programs upon release. The transition specialists also provide support for 90 days after the youth is released to the community, go to the first day of school with the youth, and visit the youth one day a week post-release. The school and job training retention rate 90 days post-release increased from 35% in the first nine months of implementation to 49% for youth in the third year of the program.[73]

[71] "What It Takes to Transform a School Inside a Juvenile Facility: The Story of the Maya Angelou Academy" in Justice for Kids: Keeping Kids Out of the Juvenile Justice System (NYU Press 2011) David Domenici and James Forman Jr., Ed. Nancy Dowd.
[72] *Ibid.*
[73] *Ibid.*

XIII. Neglect: The Failure to Promote College and Career Training

Improving school success for youth in the juvenile justice system requires not only access to quality academic options, guidance, services, and supports, but heightened expectations. Contrary to public perception, most juvenile justice youth want to return to school upon release, and, more importantly, "more than two-thirds of youth in custody report that they have aspirations of higher education."[74] Nationwide only 10% of juvenile detention facilities offer post-secondary education and only 21% provide access to higher education opportunities.[75] Available data for California concerning juvenile justice involved youths' access to postsecondary opportunities is also bleak. Data collected for the State's Neglected or Delinquent Programs reveals that only 1.1% of juvenile justice youth served by the program in 2011-2012 were accepted or enrolled into postsecondary education while in the facility.[76] In an age where online learning has become a commonly accepted method of providing high quality college and vocational courses to students with limited access to traditional classrooms, these numbers are unacceptable.

Juvenile justice youth face many barriers to postsecondary accessibility and success. Youth too often come into the court system with severe credit deficiencies. Most of them have never been viewed as "college material" and were likely tracked into low level courses or low level alternative schools. Many have never been informed about high school graduation requirements, let alone the course requirements necessary for enrollment in California's state university systems. Many have no college veterans in their families to share their experiences and present college as a future option. Many juvenile justice youth who aspire to go to college come from families dealing with the burden of poverty and assume too readily that college is simply not an option for them for financial reasons.

Despite these barriers, California should not settle for lowering goals to achieve literacy, remediation to grade level, or even high school completion. These barriers do not reflect students' lack of potential or desire to succeed, but a failure of the system to have high expectations, provide appropriate information and guidance, and assist with accessing available financial supports. Educational options should not be limited to placement in substandard alternative schools, remedial courses, or GED programs. Students in court schools should be given the same opportunity to pursue post-secondary education and career paths available to students in all other public education settings.

A. Coursework Needed for Post-Secondary Education and Career Success

California's juvenile court school system must do more to ensure that court-involved youth have access to programs and services that give them the opportunity to seek post-secondary options. Educational options offered to youth in the juvenile justice system must be aligned with their aspirations. While school systems in some respects are under-resourced, many reforms can be implemented without a major influx of new funding by maximizing current funding streams, reallocating current resources, improving collaborations, and reprioritizing goals and objectives.

California's high school curriculum standards are designed to prepare students for success in college and the workplace. Juvenile court schools are not exempt from state requirements and should have the same goals for post-secondary success. A quality educational program must include instructional strategies designed to respond to different learning styles and abilities and peak student interests in learning. Youth in the juvenile court school system are required to have, but often lack, access to the wide array of courses, content, and instruction required in the regular comprehensive school setting.[77] While many students in the justice system may have educational deficits, juvenile court schools should approach addressing any deficiencies with the goal and expectation of preparation for post-secondary education and career success, not just remediation. Specifically, juvenile court schools must provide access to not only courses necessary for high school graduation, but also the diversity of courses required to create post-secondary opportunities. For example, students should have access to the "A-G" subject requirements needed for admission to the University of California and California State University systems.[78] Raising expectations and providing the

[74] "Reentry Myth Buster – On Youth Access to Education Upon Reentry" (The National Reentry Resource Center – The Council of State Government Justice Center).

[75] "Youth's Characteristics and Backgrounds: Findings from the Survey of Youth in Residential Placement" (OJJDP, December 2010); The Office of Juvenile Justice and Delinquency Prevention's Juvenile Residential Facility Census (2006).

[76] Attachment 2 to "Report to the Governor," *supra*, note 51.

[77] Educ. Code § 48645.3.

[78] Educ. Code § 51228 requires regular public high schools to offer the pre-requisite courses for admission to UC and CSU campuses. The A-G requirements include: History/Social Science – 2 years; English – 4 years; Mathematics – 3 years; Laboratory Science – 2 years; Foreign Language – 2 years; Visual and Performing Arts – 1 year; and College-Preparatory Elective – 1 year.

ONLINE EDUCATION: MAJOR OPPORTUNITY TO CREATE PATHWAYS FOR YOUTH IN DETENTION

Several California juvenile court schools currently utilize online education, including online college courses, as part of their educational programming. Examples include:

- Alameda Juvenile Hall: Upon completion of their high school diploma or GED, youth have the opportunity to earn transferable college credits via online courses through a partnership with Merritt College.
- Orange YGC: Selected youth may attend off-grounds college courses or available correspondence and televised courses for college credit through partnership with Coastline College.
- LACOE: Offers online/distance learning in the halls and camps as well as in-custody post-secondary courses.

(See footnote 80)

AN EXAMPLE OF A COLLABORATION THAT HOLDS PROMISE FOR APPLICATION IN CALIFORNIA'S JUVENILE COURT SCHOOLS:

Oregon Youth Authority (OYA) Education Services, led by Education Administrator Frank Martin, is working in collaboration with Education Portal and utilizing online open education resources and college courses to create educational opportunities in Oregon's juvenile facilities. Successes include:

- Youths in the OYA program gain dual credit toward high school and college, outside of the CLEP testing option.
- Students have access to hybrid career/vocational courses and postsecondary credit-bearing coursework.
- Inside/Out volunteers and program alumni and facility correctional officers serve as instructors.
- Incarcerated youth exposed to computer-assisted instruction learned slightly more in reading and substantially more in math than students in similarly situated classrooms without access to technology enabled learning in the same amount of instructional time (facility documented). Looking forward, OYA plans to:
    - Explore partnerships with community colleges to proctor CLEP tests within secure facilities.
    - Expand programming to corporate community partners, leading to internships, apprenticeships, and eventual employment.
    - Further engage facility staff to participate more fully in developing additional program options.
    - Develop direct access to community college, credit-bearing course options."

Educational Technology in Correction, U.S. Department of Education, Office of Career, Technical, and Adult Education (2015) Washington, D.C., p. 17, https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/policybriefedtech.pdf.

comprehensive educational program required by law are two simple steps the juvenile court system can take in supporting a pathway to post-secondary success.

B. Admission, FAFSA, and Enrollment Application Completion

A simple step that can be taken by juvenile court schools and probation departments to improve pathways to career education and training for court-involved students is to facilitate the application process for admission, financial aid, and enrollment for post-secondary institutions. Studies have shown that simply completing the Free Application for Federal Student Aid (FAFSA) significantly increases the chances of college enrollment for student groups with traditionally low college enrollment rates.[79] Juvenile court schools, in collaboration with probation departments, are in a great position to provide assistance with applications before youth exit the juvenile court system. There are many education, juvenile court, and community resources available to provide this service to students. Many detained youth qualify for the simplified FAFSA process as an independent student because of their status as a former foster youth, either through previous dependency foster care after age 13 or previous delinquency placement in a group home or other foster care placement.

C. Post-Secondary Education for Youth in Custody

Court schools should provide youth with access to college level courses. Youth who have and have not completed high school can benefit from access to post-secondary courses while in custody. Partnerships with nearby universities and community colleges can diversify course offerings, expose youth to a wide variety of academic and professional interests, create mentorship and scholarship opportunities, and streamline post-secondary enrollment. There are several funding streams available to support development and implementation of court school/college partnerships. In doing so, court schools will help students develop higher expectations for themselves, both academically and professionally, while providing educational opportunities to students who have completed high school.

FAFSA
U.S. DEPARTMENT OF EDUCATION
FEDERAL STUDENT AID

Juvenile court schools must maximize opportunities to use technology to provide students access to the courses and educational content needed to meet student need. Since students are constantly entering and exiting detention, school programs must be tailored to meet the needs of each individual student. Technology enables court schools to prepare students for and provide access to post-secondary education in a variety of ways. From workshops for completing college admission and financial aid applications to online courses through videoconferencing and closed circuit televised classes, court schools can bring college and career training opportunities to detained students. For example, court schools in Alameda, Los Angeles and Orange Counties use computer based programs, distance learning options and online courses to provide access to post-secondary education.[80]

Recommendations:

Require juvenile court schools to provide access to courses needed for admission to post-secondary institutions.

Require assistance with completing admission, FAFSA, and enrollment applications as a transition service to juvenile court students.

Require juvenile court schools and juvenile facilities to provide access to post-secondary education for eligible youth in custody, including developing online learning options.

[79] "The Role of Simplification and Information in College Decisions: Results from the H&R Block FAFSA Experiment" (National Bureau of Economic Research 2009) Bettinger, E.P., et al., http://www.nber.org/papers/w15361.pdf.

[80] See Alameda County Office of Education spotlight on former detained youth, http://web.peralta.edu/foundation/alumni-engagement-program/alumniprofiles/5/; Comprehensive Report on Student Programs- Juvenile Court Schools and Community Day Schools (2012), Los Angeles County Office of Education http://www.lacoe.edu/Portals/0/LACOE/DSP_CompRpt_Oct2012.pdf; and Orange County Youth Guidance Center, http://ocgov.com/gov/probation/contact/institutions/youthguide.

Project Change: San Mateo COE & College of San Mateo

The College of San Mateo has collaborated with San Mateo County Office of Education to develop Project Change, which provides youth in secure confinement with post-secondary education experience and a pathway to attaining a degree from the College of San Mateo (CSM).[81] Project Change provides in-person college instruction within the detention facility as well as student support services. In an effort to increase the likelihood of completing their post-secondary education, students are supported by volunteer faculty and staff mentors and connected with CSM programs and resources, including: readiness summer bridge program, social and academic support services, and career and technical education programs. Access to mentors and support services assist youth in making the stressful and often intimidating transition from incarceration to higher education.

Marin COE & College of Marin Collaboration[82]

The Marin COE and College of Marin Collaboration provides securely detained youth with access to post-secondary courses, financial aid assistance and mentors. With a relatively small juvenile hall population and an average detention period of 10-15 days, the program primarily works to assist transition-aged students with identifying career and educational interests; completing college and financial aid applications; enrollment; and transitioning from detention to college. For students with longer periods of detention, volunteer professors provide one-on-one post-secondary instruction within the juvenile hall.

Title I, Part D funds are used to staff a transition counselor, who acts as a liaison between students and Marin College staff. The transition counselor identifies each student's interests and pairs them with a faculty member working in that field and is available for support throughout their post-secondary experience.

[81] Site visit and interviews, Fall 2015. *See also* http://collegeofsanmateo.edu/projectchange/.
[82] Site visit and interviews, Fall 2015.

XIV. Overcoming Barriers to Post-Secondary Success

A. Direct and Collateral Consequences of a "Juvenile Record"

Juvenile justice system involvement comes with consequences that can create obstacles to achieving post-secondary aspirations. Many of the protections of juvenile court designed to allow young people to shed the stigma and legal consequences of youthful law violations have been eroded, which presents serious challenges for court-involved youth moving forward unimpeded on the path to post-secondary success. Some juvenile court proceedings are no longer confidential, and certain juvenile adjudications can no longer be sealed. Although adjudications in juvenile court are not considered criminal convictions under the law, juvenile court involved youth nevertheless face some of the same direct or collateral consequences of adult criminal convictions. For example some juvenile offenses require inclusion in particular registries (*e.g.*, arson, sex, gang, and firearm ownership ban) that preclude admission to some clinical training programs or employment in certain professions.

Sometimes exclusionary policies are erroneously applied to youth with juvenile justice histories. Most people do not understand the legal difference between a juvenile adjudication and a criminal conviction and often erroneously impose the consequences of the latter on juvenile court involved youth. Unlike adult prisoners, young people detained in juvenile facilities are not barred from eligibility for Federal Pell Grants. Under federal law any individual who is incarcerated in a Federal or State penal institution is ineligible for Pell grants and federal student loans. Recently, the Department of Education clarified the meaning of the exclusion and clarified that youth detained in juvenile justice were *not* ineligible for such grants:

> Juvenile justice facilities are not considered to be Federal or State penal institution for purposes of the Federal Pell Grant Program, regardless of what governmental entity operates or has jurisdiction over the facility, including the Federal government or a State. Therefore, a student who is confined in a juvenile justice facility is eligible for a Federal Pell Grant so long as the student meets the other applicable eligibility criteria. This Federal Pell Grant eligibility applies for students who are confined in juvenile justice facilities regardless of the student's age, the type of sentence the student received (such as a blended sentence), the length of the sentence

> the student is serving, and whether the student was adjudicated as a juvenile or convicted as an adult . . . .[83]

Also, contacts with the juvenile justice system may create barriers for youth, regardless of whether the contact results in adjudication, particularly when decision makers have discretion. Juvenile justice system involvement often is revealed in the application process for college, financial aid, training programs, the military, or employment even when the law does not require disclosure of juvenile adjudications or provide access to juvenile court records. Some institutions or employers will specifically ask about juvenile court involvement or will infer that the youth might have been in juvenile court school from gaps in education or residential history.

Youth face many perceived and actual legal consequences of juvenile justice system involvement in pursuing post-secondary education and certain career paths. The solutions to overcoming these barriers are varied, ranging from systemic changes in state and local policies to education and advocacy on the individual case, school or agency level. Improving post-secondary educational opportunities and attainment for youth involved in the juvenile justice system will require strengthening and enforcing existing laws as well as creating new protections. Automatic record sealing and "banning the box" (prohibiting asking about juvenile justice involvement) policies are two examples of reforms to improve educational access and success.

Students should also be provided with legal support and other forms of assistance to overcome the direct and collateral consequences of juvenile justice system contacts, including help sealing juvenile records as well as responding to inquiries about "criminal history." Just as partnerships with post-secondary institutions can improve course offerings and facilitate enrollment, partnerships with local businesses and organizations can act as a gateway to employment and apprenticeship opportunities.

Recommendations:

Limit access to juvenile court records.

Eliminate legal impediments resulting from juvenile court involvement.

Remove barriers created by misperceptions about the legal impact of juvenile court involvement through public education and policy change.

[83] *See* Dear Colleague Letter- GEN-14-21 "Federal Pell Grant Eligibility for Students Confined or Incarcerated in Locations That Are Not Federal or State Penal Institutions" (Dec. 8, 2014) U.S. Department of Education, http://www2.ed.gov/policy/gen/guid/correctional-education/pell-letter.pdf.

B. Opportunities for Juvenile Justice Youth under AB 12

In addition to education related support, youth exiting the juvenile justice system often need other transitional supports to achieve post-secondary success. Young people exiting probation supervision and transitioning to independence and adulthood face many of the same challenges and poor outcomes as youth emancipating from the foster care system at age 18. Not surprisingly, former foster youth transitioning to adulthood and independence experience higher rates of unemployment, homelessness, and incarceration than their non court-involved counterparts.[84] A study of child welfare and probation-supervised youth that exited Los Angeles County's juvenile court system found that youth experience poor outcomes after exiting care and face severe challenges with respect to education, employment, health, mental health and earning potential.[85] Probation-supervised youth with no recent child welfare system history had very similar outcomes to foster youth who had experienced only child welfare supervision. The study revealed that youth exiting supervision from either agency were at high risk for unemployment, homelessness, incarceration, mental health disorders, and lower educational attainment.

California's Fostering Connections to Success Act, enacted in 2010 through Assembly Bill 12 (AB 12), was designed to improve outcomes for foster youth by enhancing transition supports, providing a foster care reentry option, and extending benefits up to age 21. AB 12 expanded the foster care (AFDC-FC), Kin-GAP, and Adoption Assistance (AAP) programs to help foster youth successfully transition to adulthood and independence. Probation supervised youth are eligible under AB 12 if they have a foster care placement order in effect on their 18th birthday. Foster care placement orders are used to disposition youth to a non-secure out-of-home placement, typically a children's residential community care placement such as a group home.

More youth in the delinquency system can and should benefit from AB 12. Although all youth in the juvenile justice system will not be eligible, probation case planning can maximize eligibility for youth who are placed out-of-home. Through thoughtful case management and timely transition planning, probation departments can create and strengthen a safety net of transitional supports and services that are available up to age 21 under AB 12. Youth who are on probation and

[84] Midwest Evaluation of the Adult Functioning of Former Foster Youth, Courtney, M.E., et al. Chicago, IL: Chapin Hall at the University of Chicago (2011).

[85] Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care in Los Angeles (November 2011) Culhane, D.P., *et al.*

supervised by the delinquency court who have an order for foster care placement on their 18th birthday are eligible for extended foster care services in the same manner as dependent youth under AB 12. AB 12 benefits can provide an important lifeline for eligible youth as they transition to adulthood, including youth who leave the system after turning 18 but have access to support through the re-entry process until age 21.

AB 12 is also a transition planning resource for probation departments. Probation can use extended foster care as a step-down for detained youth prior to their turning age 18 or use the case management framework for AB 12 to develop post-secondary supports for probation supervised youth who are not eligible for AB 12. Appropriate case management services can assist youth in securing employment, affordable housing and other supports that will allow young people to build a stable foundation upon which they can actively work toward accomplishing post-secondary goals.

Recommendation:

Expand the use of AB 12 extended foster care to provide transitional support for probation supervised youth.

XV. Conclusion

California has not made education a priority for youth in the juvenile court school system. Though the purpose of juvenile court intervention is to habilitate youthful offenders, in general, we allow their schooling to languish. Instead, education should be central to the rehabilitative mission. We have the ability and the resources: California currently spends on average more than $128,000 per year to incarcerate a youth in a local detention facility, enough to ensure a world class education.[86] A quality education and access to post-secondary learning is one of the most important strategies we can use to ensure incarcerated youth truly have a meaningful second chance and are able to become leaders, healers, and healthy adults in our communities. We have a legal, moral, and practical responsibility to ensure that youth who have experienced some of the most challenging childhoods receive the supports and guidance necessary to achieve their dreams and reach their full potential. We should embrace the power of education to edify, uplift, and transform our youth in the court school system and prepare them to live, work, and thrive in a multicultural and highly connected world.

[86] Average Daily Cost to House Youth in Juvenile Halls and Camps/Ranches, September 14, 2012 letter to all Chief Probation Officers, Board of State and Community Corrections, http://www.bscc.ca.gov/downloads/Avg_Cost_Juv_Fac.pdf.