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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair  
2019 - 2020 Regular

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**Bill No:** AB 1354 **Hearing Date:** June 26, 2019  
**Author:** Gipson  
**Version:** May 20, 2019  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Ian Johnson

**Subject:** Juvenile court school pupils: joint transition planning policy: individualized transition plan.

**Note:** This bill has been referred to the Committees on Education and Public Safety. A "do pass" motion should include referral to the Committee on Public Safety.

### SUMMARY

This bill would require county offices of education (COEs) to ensure that a student enrolled in a juvenile court school for more than 20 school days has an individualized transition plan and access to specified educational records upon release.

### BACKGROUND

Existing law:

- 1) Provides that public school or classes in any juvenile hall or home, day center, juvenile ranch or camp, regional youth educational facility, or Orange County youth correctional center, or in any group home housing 25 or more children and operating one or more additional sites under a central administration, with acceptable school structures at one or more centrally located sites to serve the single or composite populations of juvenile court school students shall be known as juvenile court schools.
- 2) Requires the county board of education to provide for the administration and operation of juvenile court schools by the county superintendent of schools or by contract with the respective governing boards of the elementary, high school, or unified school district in which the juvenile court school is located.
- 3) Prohibits a student from being denied enrollment or readmission to a public school solely on the basis that he or she has had contact with the juvenile justice system.
- 4) Strongly encourages local education agencies (LEAs) to enter into memoranda of understanding and create joint policies, systems (including data sharing systems), transition centers, and other joint structures that will allow for the immediate transfer of educational records, create uniform systems for calculating and awarding course credit, and allow for the immediate enrollment of students transferring from juvenile court schools.

- 5) Requires the COE and probation department to have a joint transition planning policy that includes collaboration with LEAs to:
  - a) Improve communication regarding dates of release and the educational needs of students who have had contact with the juvenile justice system.
  - b) Coordinate immediate school placement and enrollment.
  - c) Ensure that probation officers in the community have the information they need to support the return of students who are being transferred from juvenile court schools to public schools in their communities.
- 6) Requires the Superintendent of Public Instruction (SPI) to convene a statewide group with stakeholders from the community, advocacy organizations, and education and probation department leaders to develop a model and study existing successful county programs and policies for the immediate transfer of educational records, uniform systems for calculating and awarding credits, transition planning, and the immediate enrollment of students who are being transferred from juvenile court schools.

## ANALYSIS

This bill:

- 1) Requires a COE, as part of the existing joint transition planning policy requirement, to assign transition oversight responsibilities to existing COE personnel to work with the county probation department, as needed, and relevant LEAs to ensure and facilitate all of the following:
  - a) The transfer of complete and accurate education records, including the pupil's individualized education program (IEP) and 504 plan, within 72 hours of the pupil's release from the juvenile detention facility.
  - b) Access to information about postsecondary academic and vocational opportunities, including college financial aid programs.
  - c) The implementation of the pupil's transition plan, if one exists.
  - d) The immediate enrollment in an appropriate public school in their community when a pupil is transferred from the juvenile court school.
  - e) The acceptance, upon enrollment by the pupil in a public school, of course credits, including partial credits, for coursework completed in the juvenile court school.
  - f) The immediate placement in appropriate courses, based on coursework completed by the pupil.
  - g) The transfer of complete and accurate education records, including the pupil's IEP and 504 plan when a pupil enters the juvenile court school.

- 2) Requires each pupil detained for more than 20 consecutive schooldays to have an individualized transition plan developed by the COE in collaboration with the county probation department, as needed. The transition plan must be developed before the pupil's release and address at least all of the following:
  - a) The academic, behavioral, social-emotional, and career needs of the pupil.
  - b) The identification and engagement of programs, including higher education programs, services, and individuals to support a pupil's successful transition into and out of the juvenile detention facility.
- 3) Requires each pupil detained for more than 20 consecutive schooldays to have all of the following accessible to the holder of the educational rights for that pupil upon the pupil's release from the juvenile detention facility:
  - a) School transcripts.
  - b) The pupil's individualized learning plan.
  - c) The pupil's IEP.
  - d) The pupil's 504 plan.
  - e) Any academic and vocational assessments.
  - f) An analysis of credits completed and needed.
  - g) Any certificates or diplomas earned by the pupil.
- 4) Requires a COE to make available to the pupil upon the pupil's release, if possible, a copy of the pupil's individualized learning plan.
- 5) Requires the COE to, in collaboration as needed with the county probation department, to establish procedures for the timely, accurate, complete, and confidential transfer of educational records in compliance with state and federal law.
- 6) Specifies that the bill's provisions apply to juvenile court schools that are operated as or by charter schools.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Education outcomes for youth with juvenile justice system involvement are poor, and yet research shows that education is a key component in reducing recidivism and paving the way for these youth to become productive citizens. Youth in juvenile facilities are particularly vulnerable to losing academic ground or even dropping out of school altogether when they are released from juvenile facilities back to their

communities. During that vulnerable transition period, these youth need a plan for supports and services to ensure that they transition successfully. County offices of education in collaboration with probation and local school districts must also make sure that the youth have the school records they need, get credit for the work they have done in the court school, and return to appropriate academic programming in their communities. AB 1354 will provide the necessary oversight to the transition process and require that a transition plan is developed and implemented to help these youth continue their education when they are released so they can develop the skills and knowledge they need to succeed in life.”

- 2) **Juvenile court schools.** Existing law requires COEs to ensure students incarcerated or awaiting trial at county jails are educated. To this end, COEs may directly educate students at juvenile court schools or arrange for another provider to educate the students. In 2014-15, 47 COEs (and one school district) operated court schools. Of these COEs, 39 operated one court school, 5 operated two court schools, and 3 operated more than two courts schools. Altogether, these schools served an average of 8,116 students per day (as measured by average daily attendance (ADA)). On average, each court school served 103 students per day. The cumulative number of students served in court schools throughout the year is much higher, as students often stay at these schools for short periods of time while they await trial.
- 3) **Average length of stay in juvenile hall.** Data is insufficient to determine how many students statewide are detained longer than 20 consecutive schooldays and would be provided an individualized transition plan pursuant to this bill. Data from the Board of State and Community Corrections’ 2015 fourth quarter report shows a statewide *average* length of stay of 29.7 days (some youth remain for longer periods of time while others spend less than 29.7 days in juvenile detention). According to this same report, the statewide average daily population is 3,284 for juvenile halls and 1,868 for juvenile camps and ranches.
- 4) **Report on transition.** Existing law requires the Superintendent of Public Instruction to convene a statewide group with stakeholders from the community, advocacy organizations, and education and probation department leaders to develop a model and study existing successful county programs and policies for the immediate transfer of educational records, uniform systems for calculating and awarding credits, transition planning, and the immediate enrollment of students who are being transferred from juvenile court schools. Existing law requires the statewide group to report its findings and provide recommendations for state action to the Legislature and appropriate policy committees by January 1, 2016. This report was submitted to the Legislature on March 7, 2017. Relative to transition planning, the report makes the following recommendations, among other things:
  - a) A student transition team should be established for each student.
  - b) The student transition team should provide each student with a plan that includes the requisite academic and behavioral actions necessary to establish a clear pathway back to a comprehensive public school in their

community.

- c) Identified staff shall be accountable for providing necessary assistance and effective case management to each transitioning student.
  - d) A transition plan shall be prepared for each student.
  - e) Accurate student records shall be available for all students transitioning into and out of a juvenile court facility.
  - f) A transitioning student from a juvenile court school shall be immediately enrolled regardless of the availability of academic records, among other things.
  - g) Each school district shall identify one or more persons responsible for ensuring the immediate enrollment of a student transitioning from a juvenile court facility.
  - h) School districts and COEs should adopt and comply with the California Model Policy, which provides a partial credit calculation formula, explanations of the policy's provisions, and implementation tools for use by school personnel and social workers.
- 5) ***Similar measure previously vetoed.*** A similar measure, SB 304 (Portantino) of the 2017-18 Session, would have required that joint transition policies for students leaving juvenile court schools provide for a transition plan, including a transition portfolio, for students detained for 20 or more consecutive school days. This bill was vetoed by Governor Brown, who stated:

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

## SUPPORT

Youth Law Center (sponsor)  
 Alliance for Children's Rights  
 Association of California School Administrators  
 California Alliance of Child And Family Services  
 California Catholic Conference  
 Children Now  
 Children's Law Center of California  
 Initiate Justice  
 John Burton Advocates for Youth  
 Kids In Common  
 Legal Services for Children  
 National Association of Social Workers, California Chapter  
 National Center for Youth Law

Pacific Juvenile Defense Center  
Sister Warrior Freedom Coalition

**OPPOSITION**

None received

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