

AMENDED IN SENATE APRIL 23, 2008

AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1638

Introduced by Senator Alquist

February 22, 2008

~~An act to amend Section 48645.2 of the Education Code, and to amend Section 889 of the Welfare and Institutions Code, relating to juvenile court schools.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1638, as amended, Alquist. Juveniles: juvenile court schools.

Existing law requires a minor under the jurisdiction of the juvenile court as a consequence of delinquent conduct, in conformity with the interests of public safety and protection, to receive care, treatment, and guidance that is consistent with his or her best interest, that holds the minor accountable for his or her behavior, and that is appropriate for his or her circumstances.

Existing law provides for the establishment of public schools in juvenile halls, juvenile homes, day centers, juvenile ranches, juvenile camps, regional youth educational facilities, or Orange County youth correctional centers, as specified, to provide juvenile court school pupils with quality education and training. Existing law requires a county board of education to provide for the administration and operation of juvenile court schools in the county, either by the county superintendent of schools, as specified, 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.

~~This bill would authorize a county board of supervisors to petition the State Board of Education to contract directly with the governing~~

board of an elementary, high school, or unified school district in which a juvenile court school is located to provide for the administration and operation of juvenile court schools. The petition would be required to contain specified criteria, including, but not limited to, the reasons why the county board of supervisors prefers to contract directly with the school district or districts and the enhanced services and programming that the school district or districts would be able to provide. The bill would require the state board to act on the petition within 120 days. The bill would prohibit the state board from denying the petition unless it made certain written factual findings, as specified, and would authorize the judicial review of a petition that is denied. The bill would make other technical, clarifying, and conforming changes *express the intent of the Legislature that the California County Superintendents Educational Services Association and the Chief Probation Officers of California meet and develop protocols to improve juvenile court schools. The bill would declare that the Legislature encourages specified local entities to develop a process for the resolution of conflicts and procedures that promotes the education and welfare of pupils in county juvenile facilities and juvenile court schools.*

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *It is the intent of the Legislature that the*
 2 *California County Superintendents Educational Services*
 3 *Association and the Chief Probation Officers of California meet*
 4 *and develop protocols to improve juvenile court schools in order*
 5 *to better serve pupils.*

6 SEC. 2. *The Legislature encourages county offices of education,*
 7 *county boards of supervisors, and chief probation officers to*
 8 *develop a process for the collaborative resolution of conflicts and*
 9 *procedures that promotes the education and welfare of pupils in*
 10 *county juvenile facilities and juvenile court schools.*

11 ~~SECTION 1. Section 48645.2 of the Education Code is~~
 12 ~~amended to read:~~

13 ~~48645.2. (a) Except as provided in subdivision (b), a county~~
 14 ~~board of education shall provide for the administration and~~
 15 ~~operation of juvenile court schools established pursuant to Section~~
 16 ~~48645.1.~~

1 ~~(1) By the county superintendent of schools, provided that, in~~
2 ~~any county in which the board of supervisors is establishing or~~
3 ~~maintaining juvenile court schools on January 1, 1978, the county~~
4 ~~superintendent of schools may contract with the board of~~
5 ~~supervisors for the administration and operation of these schools~~
6 ~~if agreed upon between the board of education and the board of~~
7 ~~supervisors. In any event, the county superintendent of schools~~
8 ~~may contract with other educational agencies for supporting~~
9 ~~services to the same extent that school districts may contract with~~
10 ~~other agencies.~~

11 ~~(2) By contract with the respective governing boards of the~~
12 ~~elementary, high school, or unified school district in which the~~
13 ~~juvenile court school is located.~~

14 ~~(b) (1) A county board of supervisors may petition the state~~
15 ~~board to contract directly with the governing board of an~~
16 ~~elementary, high school, or unified school district in which the~~
17 ~~juvenile court school is located to provide for the administration~~
18 ~~and operation of that juvenile court school. The petition shall~~
19 ~~include all of the following:~~

20 ~~(A) The reasons why the county board of supervisors prefers~~
21 ~~to contract directly with the school district or districts.~~

22 ~~(B) The name of the respective school district or districts.~~

23 ~~(C) The enhanced services and programming the school district~~
24 ~~or districts can provide.~~

25 ~~(D) The increased efficiencies that would be realized by~~
26 ~~contracting directly with the governing board of the school district~~
27 ~~or districts.~~

28 ~~(E) Any other enhancements to the administration and operation~~
29 ~~of the juvenile court school.~~

30 ~~(2) The state board shall act on the petition within 120 days and~~
31 ~~shall not deny the petition unless it makes written factual findings~~
32 ~~demonstrating good cause why the petition should be denied. If~~
33 ~~the state board fails to act on a petition within 120 days, the petition~~
34 ~~shall be deemed granted. A petition denied by the state board shall~~
35 ~~be subject to judicial review.~~

36 ~~SEC. 2. Section 889 of the Welfare and Institutions Code is~~
37 ~~amended to read:~~

38 ~~889. Unless the State Board of Education grants the petition~~
39 ~~of a county board of supervisors pursuant to subdivision (b) of~~
40 ~~Section 48645.2 of the Education Code, the county board of~~

1 ~~education shall provide for the administration and operation of~~
2 ~~public schools in any juvenile hall, day center, ranch, camp,~~
3 ~~regional youth educational facility, or Orange County youth~~
4 ~~correctional center in existence and providing services prior to the~~
5 ~~effective date of the amendments to this section made by the~~
6 ~~Statutes of 1989, established pursuant to Article 2.5 (commencing~~
7 ~~with Section 48645) of Chapter 4 of Part 27 of Division 4 of Title~~
8 ~~2 of the Education Code, or Article 9 (commencing with Section~~
9 ~~1850) of Chapter 1 of Division 2.5 of this code.~~

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