

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2241

**Introduced by Assembly Member Dickinson
(Principal coauthor: Assembly Member Alejo)
(Coauthors: Assembly Members Perea and Swanson)**

February 24, 2012

An act to add Article 4 (commencing with Section 48680) to Chapter 4 of Part 27 of Division 4 of Title 2 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 2241, as amended, Dickinson. Pupils: Transitioning Youth for Success Program.

Existing law provides for the administration and operation of public schools in juvenile halls, juvenile homes, day centers, juvenile ranches, juvenile camps, regional youth educational facilities, and certain group homes. The public schools or classes offered in these facilities are known as juvenile court schools. Existing law states that the Legislature encourages each county superintendent of schools or governing board of a school district, as specified, and the county chief probation officer to enter into a memorandum of understanding or equivalent mutual agreement to support a collaborative process for meeting the needs of wards of the court who are receiving their education in juvenile court schools with the purpose of developing a collaborative model that will foster an educational and residential environment that nurtures the whole child and consistently supports services that will meet the educational needs of the pupils.

This bill would establish the Transitioning Youth for Success Program for the purpose of prioritizing the use of specified federal funds for neglected, delinquent, or at-risk pupils. The bill would require a county office of education or a school district to submit an application to the State Department of Education to receive funding under this program. Participating school districts and county offices of education would provide programs and services that focus on the special needs of youth who are or have been confined to a facility where a juvenile court school or classes are authorized to be offered. The purpose of the programs and services would be to ensure that these youth make a successful transition from the juvenile facility to further schooling or employment and are provided a support system to ensure their continued education. The bill would require a comprehensive transition plan to be developed and implemented for pupils served by the program. The bill would require the Superintendent of Public Instruction, in consultation with the Board of Corrections and county offices of education, by December 1, 2013, to develop consistent measures by which to evaluate the success of programs and services funded under this program. The bill would require the State Board of Education to amend California's consolidated state application for the federal No Child Left Behind Act of 2001, as necessary, so that the application adequately reflects the requirements and provisions of the program.

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Juvenile justice youth are one of the most academically
- 4 “at-risk” pupil groups enrolled in California schools. Researchers
- 5 have found that many of these youth perform well below grade
- 6 level and have a history of truancy and school discipline. Experts
- 7 confirm that juvenile justice youth experience a high rate of special
- 8 education identification, with a disproportionate number identified
- 9 as having learning disabilities and emotional or behavioral
- 10 disorders.
- 11 (2) Research on this population in other jurisdictions has found
- 12 that the provision of a comprehensive educational program can
- 13 have a profound positive impact on juvenile recidivism rates.

1 However, the transition from juvenile detention facilities to a
2 regular school setting presents major challenges. Research confirms
3 that most youth do not reengage with the educational system after
4 leaving confinement. It is reported that two-thirds of high
5 school-aged juvenile offenders in New York do not return to school
6 upon release. Kentucky showed a 95 percent dropout rate for
7 similar youth. California's juvenile court schools, which serve
8 youth in the juvenile justice system, have the highest dropout rate
9 of all schools in the state.

10 (3) Youth released from institutions often face barriers to
11 reenrollment in comprehensive regular schools, which often leads
12 to their eventual abandonment of the educational system altogether.
13 Barriers to enrollment often result from lack of knowledge about
14 their educational rights and misapplication of the law by
15 educational authorities. The federal Office of Juvenile Justice and
16 Delinquency Prevention found that "the criminal justice system
17 and education systems often seem to work at cross-purposes.
18 Judges mandate school attendance, but the community lacks an
19 effective system for reenrolling students." The alternative
20 educational placements to which these pupils are relegated too
21 often do not have the resources to address their unique needs nor
22 do they facilitate high school graduation, reentry into a regular
23 school setting, or enrollment in college. Experts have concluded
24 that these alternative schools have become the dumping grounds
25 for the "problem students" who school administrators no longer
26 want.

27 (4) A recent study by the Center for Juvenile Justice Reform
28 confirmed that the "lack of transition planning for juveniles makes
29 successful reentry and integration into the community extremely
30 difficult" and that "[d]ue to a lack of interdisciplinary collaboration,
31 service providers are often unprepared to provide appropriate
32 transition services."

33 (b) Accordingly, it is intent of the Legislature that funds be
34 made available to provide programs to address the transition needs
35 of California's juvenile justice youth so that the number of youth
36 who are successfully engaged in school, work, and constructive
37 community activities increases. Notwithstanding the unique
38 educational challenges facing this high-risk pupil group, education
39 is one of the most critical factors in reducing recidivism rates and
40 assuring successful transition to a self-sufficient adulthood.

SEC. 2. Article 4 (commencing with Section 48680) is added to Chapter 4 of Part 27 of Division 4 of Title 2 of the Education Code, to read:

Article 4. Transitioning Youth for Success

48680. There is hereby established the Transitioning Youth for Success Program for the purpose of prioritizing the use of funds allocated by the department under ~~Title I Part D~~ *Part D of Title I* of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.). A school district or county office of education that receives funds pursuant to this article shall use those funds to provide programs and services that focus on the special needs of youth who are or have been confined to a facility where a juvenile court school or classes are authorized to be offered. The purpose of these programs and services shall be to ensure that these youth successfully transition from those facilities to further schooling or employment and are provided a support system to ensure their continued education.

48683. (a) For purposes of this article, “eligible youth” means a juvenile who is or has been confined to a facility where a juvenile court school or classes are authorized to be offered.

(b) For purposes of this article, “juvenile facility” means a facility where a juvenile court school or classes are authorized to be offered pursuant to Article 2.5 (commencing with Section 48645).

48685. (a) To receive funding pursuant to this article, a county office of education and a school district shall submit an application to the department that includes a description of the manner in which the services or programs to be funded promote the successful transition of eligible youth released from juvenile facilities to further schooling or employment.

(b) The application also shall include all of the following:

(1) The appointment of a transition specialist or coordinator who shall perform all of the following:

(A) Develop and coordinate individualized transition plans for all eligible youth.

(B) Develop transition portfolios for each eligible youth.

1 (C) Coordinate the seamless and immediate enrollment of
2 eligible youth and transfer of educational records across sending
3 and receiving agencies.

4 (D) Coordinate increased interagency linkages and
5 communication.

6 (E) Coordinate with other agencies, community and employment
7 agencies, and subsequent educational placements to ensure *a*
8 seamless continuum of services upon release of an eligible youth.

9 (F) Serve as an advocate for eligible youth as they transition
10 from a juvenile facility to ensure that all subsequent educational
11 and school placements are based on the best interests of the youth.

12 (G) Serve as an advocate for eligible youth so they can overcome
13 barriers to reenrollment in a regular comprehensive public school
14 and that any subsequent educational placement provides
15 educational stability and the opportunity to be educated in the least
16 restrictive educational setting necessary to achieve academic
17 progress.

18 (H) Establish a tracking system to monitor the ~~engagement or~~
19 ~~recidivism~~ *educational placements, including transitions to*
20 *alternative or juvenile court schools*, of all youth participating in
21 the program established pursuant to this article.

22 (2) A description of the characteristics, including learning
23 disabilities, below grade level achievement, substance abuse
24 problems, mental health issues, language access issues, family
25 issues, and other special needs, of the eligible youth who will be
26 transitioning out of juvenile facilities and participate in the
27 program.

28 (A) For county offices of education, the description shall include
29 an assessment of enrollment data for juvenile court schools
30 currently operated by a county office of education. The assessment
31 shall include all of the following information:

32 (i) The average length of stay for all youth.

33 (ii) The number of youth identified as special needs pupils.

34 (iii) The number of youth identified as English learners or fluent
35 English proficient.

36 (iv) The ~~drop-out~~ *dropout* and graduation rate of each juvenile
37 court school and community schoolsite operated by the county
38 office of education.

39 (v) The number of youth who were able to reenroll in their
40 school of origin upon release.

1 (vi) The number of youth enrolled in a county community school
2 upon release.

3 (vii) The number of youth enrolled in another alternative school
4 program operated by either a county office of education or school
5 district upon release.

6 (B) For school districts, the description shall include an
7 assessment of enrollment data for youth transferring from juvenile
8 court schools into schools operated by a school district during the
9 past two years. The assessment shall include all of the following
10 information:

11 (i) The number of youth who have transferred from the school
12 district to a juvenile court school during the past two years.

13 (ii) The number of those youth who have transferred from the
14 school district to a juvenile court school during the past two years
15 and reenrolled in the district.

16 (iii) For those youth who reenrolled in the district, the type of
17 educational placement.

18 (iv) The number of youth identified as special needs pupils.

19 (v) The number of youth identified as English learners or fluent
20 English proficient.

21 (vi) The ~~drop-out~~ *dropout* and graduation rate for special needs
22 pupils, English learners, and fluent English-proficient pupils.

23 (3) An assessment and inventory of existing education,
24 probation, mental health, health, social services, substance abuse
25 prevention and treatment, and youth services resources, including
26 employment-related resources, that will be available to specifically
27 target eligible pupils transitioning from juvenile facilities. The
28 assessment shall indicate to the extent to which the services and
29 treatment address the cultural and linguistic needs of eligible youth.

30 (4) A description of the manner in which the school district or
31 county office of education will coordinate with existing social,
32 health, and other services to meet the needs of transitioning eligible
33 youth. The description shall describe the extent to which
34 interagency and intersystem collaboration is established among
35 all relevant entities to ensure that all specific transition and
36 aftercare services are, in fact, provided to eligible youth. The
37 application shall specify the role, responsibilities, and agreements
38 of all participating entities involved in the transition process,
39 including detention and probation staff, health and mental health
40 services, community-based organizations, local businesses, other

1 educational agencies, and employment providers. *The application*
2 *also shall specify that information obtained shall be maintained*
3 *in a manner consistent with the protection of confidentiality and*
4 *may be disclosed or exchanged only as permitted by state and*
5 *federal law and shall not be used in a civil or criminal proceeding*
6 *against the pupil.*

7 (5) Specific transition strategies of response to be implemented,
8 which may include any of the following:

9 (A) Individual pupil prerelease planning that occurs during the
10 eligible youth's confinement and case management plans involving
11 pupils, *the pupil's* parents or legal guardians or care givers,
12 *education rights holders, counsel,* teachers, and probation officers
13 that specify academic and behavioral goals and needed services.
14 This planning shall include consideration of special education and
15 language access needs.

16 (B) Mentoring and structured after-school programs in academic
17 enrichment, peer mediation, conflict resolution, victim awareness,
18 victim and offender reconciliation, gang abatement, violence
19 reduction, restitution, community service, and cultural awareness.

20 (C) Prerelease training in social skills and independent living
21 skills.

22 (D) School-linked comprehensive counseling services and other
23 appropriate services for pupils and families.

24 (E) School-linked substance abuse treatment and education
25 services.

26 (F) A comprehensive system of career interest assessment,
27 preemployment skills training, job training, supervised work
28 experience, and job placement.

29 (G) Maintenance of contact with the eligible youth and his or
30 her family or care giver by the transition specialist for at least six
31 months after release to minimize the risk of recidivism.

32 (H) Resources and services that encourage preparation for, and
33 matriculation into, higher education options.

34 (I) Transportation.

35 (J) A parenting education program.

36 (6) A description of the manner in which the county office of
37 education or school district will ensure that eligible youth
38 transitioning from a juvenile facility will overcome barriers that
39 prevent them from reenrollment in their school of origin or another
40 appropriate comprehensive regular school and that they will be

1 given the opportunity to be educated in the least restrictive
2 educational setting necessary to achieve academic progress.

3 (7) A description of the manner in which the program will
4 involve parents in efforts to improve the educational achievement
5 of their children, assist in transition out of the institution, and
6 prevent the involvement of their children in delinquent activities.

7 (8) A data and information sharing system to ensure that the
8 actions identified in the transition plan are fully coordinated and
9 to provide data for measuring the success of programs and services
10 funded.

11 (9) An expenditure plan.

12 48690. (a) A comprehensive transition plan shall be developed
13 and implemented for each eligible youth and include, but not be
14 limited to, all of the following elements:

15 (1) Thorough review of the youth's academic records and
16 transcripts. To the extent transcripts have not been already
17 obtained, they shall be immediately requested and any gaps shall
18 be reviewed to determine the need for any follow-up requests.

19 (2) Interview with the youth to determine the youth's academic,
20 vocational, employment, and other goals for incorporation into the
21 plan.

22 (3) Screening for eligibility of special education services. If a
23 youth is already identified as a special needs pupil, the
24 individualized education program shall be obtained.

25 (4) School credit analysis to determine amounts of credit earned
26 and credits needed for graduation and to recover any lost credits.

27 (5) Vocational assessment.

28 (6) Assessment to determine if the youth is an English learner
29 or fluent English proficient and the language status of the youth's
30 parent or guardian.

31 (7) Assessment to determine the educational placement that
32 would best address the youth's academic needs once released from
33 the institution.

34 (8) If expelled from his or her school of origin, an assessment
35 to determine the status of the pupil's rehabilitation plan.

36 (9) Identification of services and resources that are available to
37 the youth to prepare for and accomplish a successful transition to
38 the community once released.

39 (b) The transition plan shall be developed for each eligible youth
40 with the collaboration and in consultation with other educational

1 staff, ~~the youth's probation officer,~~ *and* the youth and, whenever
2 possible, a youth's parent, guardian, or educational decisionmaker,
3 ~~the youth's probation officer, and counsel.~~

4 (c) A copy of the transition plan and a portfolio with the
5 following information shall be given to the eligible youth and his
6 or her family:

7 (1) School transcripts.

8 (2) Individualized education program, if applicable, and any
9 child-find evaluation.

10 (3) Credit analysis.

11 (4) Vocational assessment.

12 48693. By December 1, 2013, the Superintendent, in
13 consultation with the Board of Corrections and county offices of
14 education, shall develop consistent measures for determining how
15 to evaluate the success of programs and services funded under this
16 program. The measures shall include, but not be limited to, all of
17 the following:

18 (a) Reenrollment in a regular comprehensive school.

19 (b) Attendance rates.

20 (c) Graduation and ~~drop-out~~ *dropout* rates.

21 (d) Passage rates on the high school exit examination.

22 (e) The numbers of suspensions and expulsions.

23 (f) Indicators of academic performance and achievement.

24 (g) Placement in job training programs and paid employment.

25 (h) Placement in institutions of higher education.

26 48695. The state board shall amend California's consolidated
27 state application for the federal No Child Left Behind Act of 2001
28 (20 U.S.C. Sec. 6301 et seq.), as necessary, so that it adequately
29 reflects the requirements and provisions of this article with respect
30 to the state's implementation of Part D of Title I of that federal
31 act.