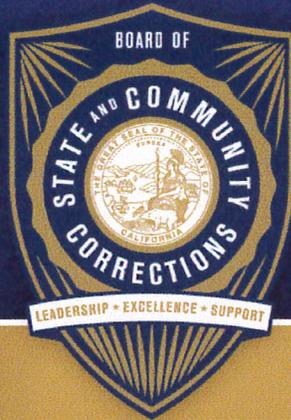


The Education Imperative



May 2014

Presented by Laura Faer,
Statewide Education Rights Director,
Public Counsel

The Link: Low Educational Achievement, Trauma/Special Needs, and JJ Involvement

- Academic level of adolescent-aged delinquents rarely exceed elementary grade level
 - High levels of youth with special education needs and disabilities
 - 60% retained
 - More than 50% expelled prior to incarceration
- "If special needs of these youth are not met, they are at risk of dropping out of school and returning to the justice system, at considerable social and financial cost." (Overcoming Barriers to School Reentry (2004) Roy-Stevens, C., OJJDP, <https://www.ncjrs.gov/pdffiles1/ojdp/fs200403.pdf>.)
- JJ Youth: 30% physical/sexual abuse, 30% learning disabilities, 20% "wished they were dead." (Just Learning: The Imperative to Transform JJ Systems into Effective Educational Systems", Southern Education Foundation, 2014)



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Keeping kids in school, keeps them out of court, but.....

I. California 2011-2012

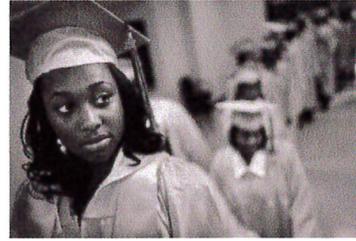
A. **609,776** total suspensions

- **43%** of all suspensions for willful defiance/disruption

B. **8,564** expelled students

II. Disproportionate discipline

African-American students
6.5% of total enrollment,
19% of suspensions



<http://data1.cde.ca.gov/dataquest/Expulsion/ExpReports/StateExp.aspx?cYear=2009-10&cChoice=ExpData1&PageNo=1>; data released April 19, 2013

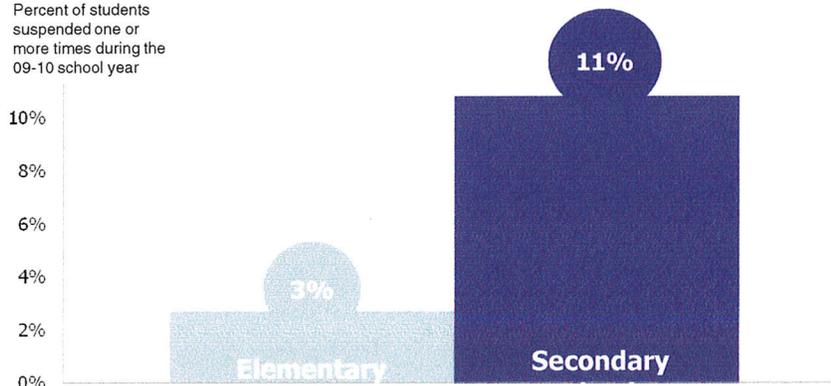


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Suspension rates in California increase by a factor of nearly 4 as students enter adolescence

(slide courtesy of: Tia Elena Martinez, The Center for Civil Rights Remedies, The Civil Rights Project, 2013.)

Percent of students
suspended one or
more times during the
09-10 school year



California suspension rate



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Arrests & Disproportionality

Nationally, over 70% of students arrested for school-related offenses or referred to law enforcement are Latino or African-American

(OCR, Civil Rights Data Collection, 2012)



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Why does it matter...

- I. School exclusions make it far more likely that a student will have contact with the juvenile justice system. One comprehensive study, one suspension makes it three times as likely that a student will enter the JJ system in the same year. Skiba, R., Simmons, A., Staudinger, L., Pausch, M., Dow, G., & Feggins, R. (2003). Consistent Removal: Contributions of school discipline to the school-prison pipeline. Paper presented at the School to Prison Pipeline Conference, Harvard University, Cambridge, MA.
- II. One arrest doubles a young person's chance of not finishing high school. Johanna Wald and Michal Kurlaender, *Connected in Seattle? An Exploratory Study of Student Perceptions of Discipline and Attachments to Teachers* in NEW DIRECTIONS FOR YOUTH DEVELOPMENT: DECONSTRUCTING THE SCHOOL-TO-PRISON PIPELINE at 38 (2003); Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 JUSTICE QUARTERLY 462, 473, 478-79 (2006)
- III. If a student appears in court, the likelihood of not finishing high school nearly quadruples. *a*
- IV. Juvenile incarceration data is similar to state suspension and expulsion data with respect to percentages of student subgroups involved.
(Ed Source, April 17, 2014)



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BSCC Can Support: Alternatives A Win-Win Education Solution

- **Keep schools (juvenile court and others) safe while holding students accountable**
- **Increase academic achievement for the entire school**
- **Increase school funding because attendance rates increase**
- **Result in greater teacher stability**
- **Improve overall school climate/safety and satisfaction**



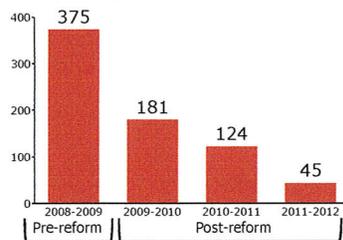
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DAVIDSON MIDDLE SCHOOL

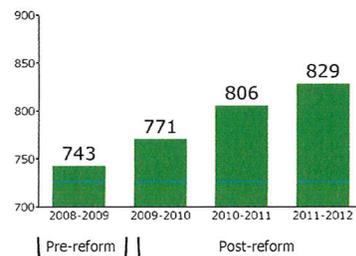
Alternative: Restorative
Justice + Peer Courts

SUSPENSIONS DROP, SCHOOL WIDE API CLIMBS...

Number of Suspensions



Academic Performance Index



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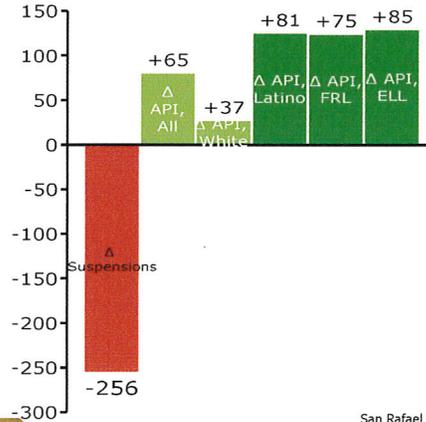
San Rafael City District
Source: CDE, 2012

DAVIDSON MIDDLE SCHOOL

Alternative: Restorative Justice + Peer Courts

...INCREASE IN API STEEPEST FOR LATINO, LOW INCOME, AND ELL STUDENTS

Pre/post change in suspensions and API, 08-09 to 11-12



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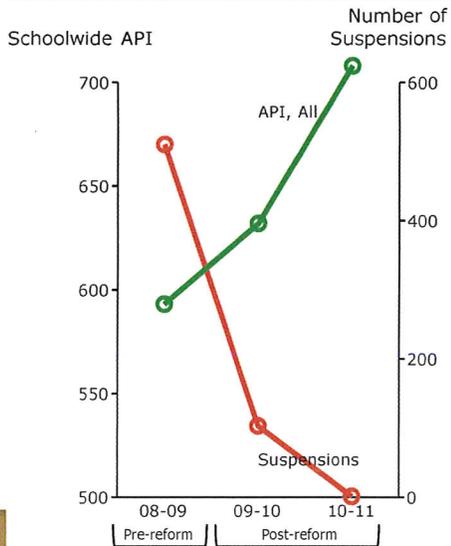
San Rafael City District
Source: CDE, 2012

GARFIELD HIGH SCHOOL

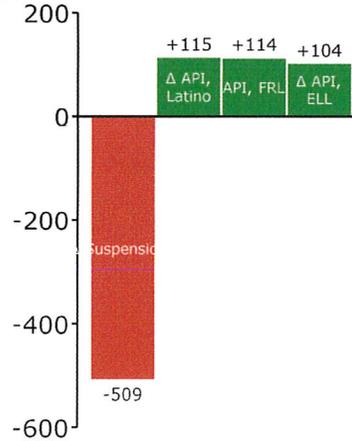
Alternative: Moratorium on out of school suspensions & SWPBIS with strong tiered interventions

SUSPENSIONS DROP, SCHOOL WIDE API CLIMBS...

...INCREASE IN API STEEP ACROSS ALL GROUPS



Pre/post change in suspensions and API



High Quality Education for Youth In Our JJ System: It is Critical!

- **Juvenile Court Schools have the highest drop out rates in the state – 55.8%** (<http://data1.cde.ca.gov/dataquest/dropoutreporting/OtherSchDopsByGrade.aspx?s=2011-12>)
- **More than 2/3 of youth in custody report aspirations of higher education.** ("Reentry Myth Buster – On Youth Access to Education Upon Reentry" (The National Reentry Resource Center – The Council of State Government Justice Center) http://csjusticecenter.org/documents/00001/1090/REENTRY_MYTHBUSTERS.pdf)
- **Only 5% of California students earned a high school diploma while locked up.** (study: "just learning")
- **Study released April 17: "Quality of learning programs for incarcerated youth had had 'little positive, enduring impact on the educational achievement of most children and youth in state custody.'... Students come out of the JJ system in worse shape than when they entered, struggling to return to school or get their lives back on track." Effects of JJ programs are "profound and crippling."** (study: "just learning")
- **Effective education in JJ system reduces recidivism – could save \$3.9 million per youth!** (study: "just learning")



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NYT Editorial (April 20, 2014): *The Next JJ Reform*

"[T]he states need to redefine the mission of their juvenile justice systems. That means refocusing from warehousing and punishing juveniles to a much more positive mission: educating troubled youth who typically suffer from an array of psychological and educational challenges."



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Title 15 C.C.R. 1370 & 1390 include:

JOINT RESPONSIBILITY

- "County BOE shall provide for the administration and operation of juvenile court schools **in conjunction with the chief probation officer, or designee.**"
- Joint "written policy and procedures to ensure communication and coordination between educators and probation staff."

SPECIAL EDUCATION

- Probation is "responsible for providing education to children with disabilities" & "State and federal laws shall be observed for individuals with special education needs."

QUALITY EDUCATION

- "Minors shall be provided a quality educational program ...designed to respond to the *different learning styles and abilities of students.*" 15 Cal. Code Regs. § 1370(b) (emphasis added).



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"Quality" means, among other things...

- **Full curriculum for high school graduation, college preparation and careers**
- **High quality teaching staff, high expectations, and individualized instruction**
- **Regular assessments and outcome tracking**
- **After school: Silent reading time, homework and after school programs that reinforce learning**
- **Probation staff working with education to support and reward learning**
- **PBIS and Restorative Practices – school-wide systems and integration with Probation's systems**



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No Denial of Education.

School Is Required At All Times and School Climate Integration

- Expulsion/suspension only with due process and following special education laws. *Id.* at 1370(c).
- Discipline shall be imposed at the least restrictive level and shall not include deprivation of ... education (1390(j))
- [E]ducational program shall be integrated into the facility's overall behavioral management plan and security system.
- School staff shall be advised of administrative decisions made by probation staff that may affect the educational programming
- Facility administrator, in conjunction with education staff will develop policies and procedures that address the rights of any student who has continuing difficulty completing a school day.
- Education shall be provided on all units, high security or otherwise. (1370)



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Transitions and Education Reentry

- I. “[I]ncidence of recidivism becomes greater when enrollment is not available soon after release.” (“A Summary of Best Practices in School Reentry for Incarcerated Youth Returning Home” (2004) Just Children, Legal Aid Justice Center)
- II. One study: 28% of youth enrolled in school, 27% had withdrawn, 45% never reentered. (1999 Annual Report to the Florida Dept. of Education: JJ Educational Enhancement Program, Chptr 8 – Transition and Aftercare.)
- III. Only 21% of youth “enrolled in their local district school” within 30 calendar days after exit from the facility. (December 2012, <http://www.cde.ca.gov/ta/cr/documents/leqslmrb2012.pdf>)
- IV. “Students trying to return to traditional schools from JJ placements face additional problems accessing credits and records....getting ...transcripts from camps sent to traditional schools.” (“Kept Out- Barriers to Meaningful Education in the School to Prison Pipeline” (Georgetown Law Human Rights Institute, Paril 2012) <http://www.law.georgetown.edu/academics/centers-institutes/human-rights-institute/fact-finding/upload/KeptOut.pdf>.)



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Seamless Transitions and Education Reentry

- **Immediate record and appropriate credit and transcript transfer – entry/re-entry**
- **Placement and proper classes that lead to graduation**
- **Immediate reentry into appropriate school placements**
- **Multi-disciplinary team: discussion of reentry, all partners at the table before and after release; education plan and case management**
- **MDT: What is an appropriate educational placement?**



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BSCC Can Support and Disseminate Solutions

- I. Prioritize education, teaching and learning all day!**
- II. Joint PD for Probation and Education**
- III. BSCC – Effective Investigations and Monitoring**
- IV. Joint Policies and Practices – team mindset!**
- V. Regular Multi-Disciplinary Meetings for all kids, especially highest risk**
- VI. Education for all students, at all times – track it, make it real!**
- VII. Track Achievement, Results, Reentry and Recidivism & Revisiting Policies and Procedures**



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