

Date of Hearing: June 25, 2019

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

SB 716 (Mitchell) – As Amended May 17, 2019

**[Note: This bill is doubled referred to the Assembly Public Safety Committee and will be heard by that Committee as it relates to issues under its jurisdiction.]**

**SENATE VOTE:** 37-0

**SUBJECT:** Juveniles: delinquency: postsecondary academic and career technical education.

**SUMMARY:** Requires each county probation department as well as the California Department of Corrections and Rehabilitation, and the Department of Juvenile Justice (DJJ) to ensure that youth with a high school diploma or California high school equivalency certificate who are detained in, or committed to, their respective facilities, have access to various public postsecondary academic and career technical courses and programs, as specified. Specifically, **this bill:**

- 1) Provides that the Legislature intends for juveniles with a high school diploma or California high school equivalency certificate who are detained in, or committed to, a juvenile hall, juvenile ranch, camp, forestry camp, or a DJJ facility, shall have access to rigorous postsecondary academic and career technical education programs that fulfill the requirements for transfer to the University of California (UC) and the California State University (CSU) and prepare them for career entry, respectively.
- 2) Requires a county probation department and DJJ to ensure that juveniles with a high school diploma or California high school equivalency certificate who are detained in, or committed to, a juvenile hall, juvenile ranch, camp, forestry camp, or DJJ facility, have access to, and can choose to participate in, public postsecondary academic and career technical courses and programs offered online, and for which they are eligible based on eligibility criteria and course schedules of the public postsecondary education campus providing the course or program.
- 3) Encourages county probation departments and DJJ to develop other educational partnerships with local public postsecondary campuses, as is feasible, to provide programs on campus and onsite at the juvenile hall, juvenile ranch, camp, forestry camp, or DJJ facility.
- 4) Provides that the programs shall be considered part of the current responsibilities of the county probation department and DJJ to provide and coordinate services for juveniles that enable the juveniles to be law-abiding and productive members of their families and communities.
- 5) Defines “juvenile” as any person detained in, or committed to, a juvenile hall, juvenile ranch, camp, or forestry camp.
- 6) Defines “youth” as any person detained in, or committed to, a DJJ facility.

- 7) Provides that the above, as enumerated above in (1 - 6), inclusive, does not preclude juvenile court school pupils or youth who have not yet completed their high school graduation requirements from concurrently participating in postsecondary academic and career technical education programs.

**EXISTING LAW:**

- 1) Establishes the Donahoe Higher Education Act, setting forth the mission of the state's public postsecondary institutions of higher education, the UC, the CSU, and the California Community Colleges (Education Code (EC) Section 66010, et seq.).
- 2) Requires county boards of education to provide for the administration and operation of public schools in juvenile halls, juvenile ranches, and juvenile camps, among others, known as juvenile court schools (EC Section 48645, et seq.).
- 3) Provides, under the Arnold-Kennick Juvenile Court Law, for the protection and safety of the public and each minor under the jurisdiction of the juvenile court, and requires minors under the jurisdiction of the juvenile court to receive care, treatment, and guidance consistent with their best interests (Welfare and Institutions (WIC) Code Section 200, et seq.).
- 4) Provides for the placement of juveniles under the jurisdiction of the juvenile court into a county juvenile hall, ranch, camp, or forestry camp (WIC Sections 850 and 881).
- 5) Governs the commitment of juvenile offenders to DJJ. (WIC Section 1700, et seq.)
- 6) Provides that the purpose of DJJ is to provide comprehensive education, training, treatment, and rehabilitative services to youthful offenders under the jurisdiction of the department, that are designed to, in part, produce youth who become law-abiding and productive members of society (WIC Section 1710).

**FISCAL EFFECT:** According to the Senate Appropriations Committee:

- 1) Probation Departments: Unknown, potentially-significant ongoing costs, likely in the millions of dollars in the aggregate, to ensure access to online courses as specified in this bill (Local funds, General Fund\*).

\*Proposition 30 (2012) exempts the state from mandate reimbursement for realigned responsibilities for "Public Safety Services" including the managing of local jails and the provision of services for and supervision of minor and adult offenders. The constitutional amendment, however, provides that legislation enacted after September 30, 2012 that has an overall effect of increasing the costs already borne by a local agency for public safety services transferred by the 2011 Realignment Legislation apply to local agencies only to the extent that the state provides annual funding for the costs increase. If the local costs resulting from this measure are determined to be included within the realigned responsibilities specified in Proposition 30, the local agency would not be obligated to provide the level of service required by this bill above the level for which funding is provided by the state. The provisions of this bill may lead to the additional subvention of funds to obtain local compliance, resulting in cost pressure to the General Fund.

- 2) DJJ: Unknown ongoing costs to ensure access to online courses to qualified youth detained in the division's facilities (General Fund).

**COMMENTS:** *Juvenile court schools.* Existing law establishes juvenile court schools - public schools in juvenile halls, juvenile camps, and juvenile ranches. Under current law, County Offices of Education (COEs) are required to provide for the administration and operation of juvenile court schools. This allows the COEs to determine the manner in which the county's juvenile court schools will best accomplish the goals of providing a quality education and training, and adopts and enforces a course of study.

Traditional public school districts are required to accept credit for juvenile court school coursework, and to issue a diploma in the case of a youth who has completed all necessary requirements. Additionally, each county superintendent of schools is encouraged to enter into a memorandum of understanding or mutual agreement to support and develop a collaborative process for meeting the needs of the youth, including the youth's educational needs. Finally, the COE and county probation department are required to have a joint transition planning policy to coordinate the continuation of the youth's education.

The state regulations that govern the education program in county juvenile facilities specify that youth must be provided a rigorous, quality educational program that responds to the different learning styles and abilities of students and prepares them for high school graduation, career entry, and postsecondary education. Additionally, regulations encourage school and facility administrators to, whenever possible, collaborate with local postsecondary education providers to facilitate access to educational and vocational opportunities for youth that considers the use of technology to implement these programs.

*State juvenile facilities.* Existing law provides that DJJ wards are encouraged to participate in programs that will facilitate the ward's education. Further, existing law provides that the director of DJJ may require a ward to participate in vocational, physical, educational, and corrective training and activities and may provide useful work projects or work assignments.

Similar to the regulations that govern the education program in county juvenile facilities, the regulations governing the education in DJJ facilities also focus on aiding students in obtaining their high school diploma or the California high school equivalency certificate. The regulations require that curricula must be developed that will provide meaningful learning experiences commensurate with and related to a ward's age, capabilities, educational needs, goals and interests as well as the ward's individual needs. Additionally, the regulations require that academic programs be designed to meet requirements for high school graduation, or the equivalent, and that the remedial, vocational, and academic programs offered at DJJ facilities meet the standards established by the California Department of Education.

*Need for this measure.* According to the author, "Educational programming is not currently available to the youth in juvenile facilities who have completed a high school diploma or California equivalency. Youth with high school diplomas or equivalency certificates are particularly motivated to succeed in education programs, yet, California law does not require juvenile facilities to provide postsecondary programs for these youth. Without an education program, these youth have nothing to do, while in custody, to move their education and career goals forward".

The author contends that, “Quality education for these youth leads to positive skills development and productive career paths and significantly reduces the likelihood of recidivism to the juvenile justice system or future involvement with the adult criminal justice system”.

This measure requires a county probation department and DJJ to ensure that juveniles with a high school diploma or California high school equivalency certificate who are detained in, or committed to, a juvenile hall, juvenile ranch, camp, forestry camp, or DJJ facility, have access to, and can choose to participate in, public postsecondary academic and career technical courses and programs offered online, and for which they are eligible based on eligibility criteria and course schedules of the UC or CSU campus providing the course or program.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Alliance for Children's Rights  
American Civil Liberties Union of California  
Associated Builders and Contractors Northern California Chapter Training Trust Fund  
California Alliance of Child And Family Services  
California Catholic Conference  
California EDGE Coalition  
California Judges Association  
California Police Chiefs Association  
Children Now  
Initiate Justice  
John Burton Advocates for Youth  
League of Women Voters of California  
Los Angeles County Office of Education  
National Association of Social Workers, California Chapter  
Pacific Juvenile Defense Center  
Youth Law Center

### **Opposition**

None on file.

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