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June 20, 2016

Youth Law Center

Attn: Jennifer Rodriguez

200 Pine Street, Suite 300

San Francisco, CA 94104

Dear Ms. Rodriguez:

The California County Superintendents Educational Services Association (CCSESA) representing the 58 county superintendents of schools in California, is writing in response to a recent report published by the Youth Law Center entitled *Educational Injustice: Barriers to Achievement and Higher Education for Youth in California Juvenile Court Schools*. The report lambastes the quality of the state’s juvenile court school programs, which county offices of education administer. The content and tenor of the report drew swift and targeted criticism from many of our members and administrators of the schools in question. We would like to call attention to the data inaccuracies contained in the report, the need to talk with practitioners prior to releasing such a report, and the positive and meaningful work being done in the state’s juvenile court schools. Specifically, we address how dropout rates were inappropriately reported, how suspension rates were presented without proper context, why the truancy data is indicative of improper reporting and not poor program quality and why the demographic data is informative, but largely irrelevant for the purposes of this report. We hope after a thoughtful reading of our response, your organization will amend your report to reflect a more careful interpretation of data, and to recognize the programs which are currently implementing the practices that the report recommends.

The Data:

Since the report’s release, our county superintendents, staff and committee members have had several discussions regarding its data. These conversations were difficult, given that the report and its data and findings were not discussed with local educators operating these programs and took our association by

surprise. However, these discussions clarified why the methodology used by the state in data collection and distribution for conventional education settings is often unfit for application within juvenile court programs. In addition, factors were shared that help explain why it is difficult to make county-to-county data comparisons.

As you may have seen in the response from David Gordon, Sacramento County Superintendent of Schools, the dropout rate of their El Centro school site is a fraction of what was stated in the report (7.9% actual versus 62.8% in the report), and their suspension rate at that same site is, in fact, “lower than many comprehensive middle and high schools.” This depicts one of our most pressing concerns with the report: the misleading use of data to paint an inaccurate picture of the state’s juvenile court schools, and of the student outcomes within those programs.

Dropout Rates:

The report acquired the data presented from the California Department of Education (CDE) DataQuest database. There are several complicating factors that make it difficult or impossible to apply the data collection methodology used to collect dropout rates for comprehensive school settings to alternative educational settings. In fact, this disclaimer is printed very clearly on the reports DataQuest provides when running numbers on dropout rates in alternative schools:

“Dropout rate calculations are not posted for schools that are operated by County Offices of Education because of constraints in interpreting these calculations with high mobility schools. Caution must be used when calculating or analyzing dropout rates for other schools with high mobility including alternative schools, dropout recovery schools, or schools eligible or participating in the Alternative Schools Accountability Model (ASAM).”

To calculate dropout rates, year-long aggregate dropout counts are used, but the student population number is taken from single, census day enrollment. In a juvenile hall setting, a snapshot of one day’s student population represents merely a fraction of the number of students that enter the facilities. Students in juvenile hall do not enter as freshmen and graduate as seniors,

and the student populations in those settings do not conform to typical cohort-based measurements used in comprehensive high schools. To get a more accurate dropout rate, it would have been necessary to use both aggregate dropout numbers and *cumulative* enrollment data. We are deeply disturbed by the report's failure to acknowledge the caution issued by the CDE, and that the data was showcased despite the warnings that application to alternative education settings was not suitable.

The report asserts that the reenrollment rates for students transitioning out of the juvenile justice system are staggeringly low, and that the stigma a formerly incarcerated student carries can impact a school district's receptivity towards the student when he or she tries to enroll. We agree that these transitioning students need and should be given support and assistance. However, it would have been appropriate for the report to acknowledge that school districts share responsibility in the reenrollment process. California's court school programs work diligently to ensure a seamless transition for students by actively partnering with school districts. This report fails to recognize that the students served by the juvenile court schools are oftentimes the same population most at-risk of being truant or dropping out. In San Luis Obispo for example, many students who did not reenroll after release from the hall had previously been truant for months, or even years, prior to being brought into custody. Because of this, court school staff focus on leveraging the positive outcomes of students attending school daily. In court school, students attend school five days a week, have a bed, are served three healthy meals a day, improve their health by participating in daily exercise, develop an understanding for the value of community by working together to maintain their school, and are alcohol and drug free while receiving their education. When a student fails to re-engage in their education at a school district after completing their incarceration in court school, it is unfair to ignore these dramatic changes in living conditions and assume that it is the failure of dedicated court school and probation staff.

The report's recommendation for mitigating dropouts is to, *"Provide support and assistance to youth transitioning into the community after release, including assistance with enrolling in school."* Many court school programs have taken proactive steps to ensure this support and assistance is given. For example, the San Diego County Office of Education (SDCOE) has cultivated a strong working relationship with the probation department, justice department, juvenile hall and school

district personnel. Every school district has a designated juvenile court school liaison whose duty it is to work with students transitioning out of the hall and into a district. A robust student information database is updated daily that lets district personnel know when a student was released from juvenile hall, and in what district and school he or she plans to enroll. The district liaison tracks that student's progress, and will even make house calls in the event the youth doesn't report to school. Another of our county programs has hired a Coordinator of Student Transitions to provide support and information to students leaving the hall. That county has also developed a program to help youths in the hall complete applications for colleges and trade schools, and for financial aid opportunities. The county implementing these support and assistance programs was also one listed in the "highest suspension rate" column within the report, which highlights our concern that misleading numbers and statistics are poor mechanisms to gauge the relative success or failure of a program.

Suspension Rates:

The data on suspension rates was presented out of context and seemingly without a full understanding of the manner in which juvenile hall programs operate. Juvenile hall personnel have a responsibility to keep their students safe – if an incident occurs in a classroom that puts children or staff in danger, it may be necessary to remove him or her from the classroom setting. Oftentimes, an out-of-class suspension is the last disciplinary resort after several other options have been exhausted.

An additional issue is that in presenting data from only one academic year, your readers were unable to see patterns and improvement over time. To highlight just one of many examples, the Riverside County Office of Education (RCOE) has been implementing Positive Behavioral Intervention Services (PBIS) practices for the past six years, and also introduced those practices to their juvenile hall school. Between the 2013-14 and 2014-15 school years, the RCOE juvenile court school program saw a decline in both suspensions, broadly, and in suspensions based on willful defiance. RCOE projections for the 2015-16 school year show another drop in suspension rates (5.1%), and in the willful defiance suspension rate (25%). Within the SDCOE and RCOE juvenile court school programs, both the probation staff and the instructors are trained in trauma-informed care, PBIS techniques, and redirection strategies, and by all

accounts, the results are overwhelmingly positive. As new and innovative intervention training expands throughout the state, we are confident that suspension rates will continue to fall.

Truancy Rates and Demographics:

The report also offers an analysis of juvenile court school truancy and student demographic data. The truancy data varies widely, with over 25 COEs reporting 0% truancy, and a handful reporting over 50%. In such instances, it would have been particularly beneficial for a consultation with county offices prior to the report's release, as it is likely that the disparity in rates among programs is more indicative of difficulties in reporting data, and not of poor program quality. The Fresno County Office of Education (FCOE) is a prime example.

FCOE had the highest truancy rate in the report. However, upon further investigation of their own data, FCOE staff realized that an error in their reporting software was defaulting all absences to "unverified" (i.e. truant). FCOE has fixed that error, and has also done outreach to their court school teachers to make certain that they follow up on all students' whereabouts when they miss class. Per Education Code 48260, a student is considered truant after missing either three full days of school in one school year, or absent for more than 30 minutes of class on three or more occasions without a valid excuse. However, there are many valid reasons why a court school student might be out for that amount of time (nurse visit, court appointment, meeting with lawyer, etc.) Again, we found that the high rates of truancy were the result of errors in communication and reporting, and *not* reflective of poor service to and care of students. On average, through May of this year, FCOE court programs recorded 95% attendance. Clearly, this is in conflict with their reported truancy rate, and depicts yet another example of how using data in isolation, and without interpretation, is dangerous. (As another note, FCOE also found that suspensions were being marked as unexcused absences, which artificially inflated their truancy rates. That too, has been rectified.)

In terms of the demographics, juvenile hall programs serve the students they are given. The overrepresentation of youth of color within juvenile hall programs is not a trend that the administrators or instructors within those programs can influence. The problems that the report cites as contributing to this overrepresentation ("lack of educational resources, biased

school discipline policies, the criminalization of youthful behavior and ‘uneven policing’) are problems that need robust, comprehensive solutions that impact students well before they run the risk of landing in a juvenile court school setting.

Next Steps:

We understand the intent and spirit of the report – to shed light on the trials of the state’s highest-need learners, and to examine ways to better meet those needs. Our county office court school administrators have used the Youth Law Center report as an opportunity to ratchet up and continue those conversations, and to take a deep look at their data and reporting techniques to identify and fix problem areas.

The report does highlight a handful of juvenile court programs that are using innovative and impactful practices that benefit their students and improve achievement. However, those anecdotes are overshadowed by the other components of the report. With a deeper dive, you will find far more cases like Los Angeles’s Road to Success Academy, or the Endeavor Secondary School in Madera. We encourage you to speak to programs that are phasing out the old model of “packet” curriculum in exchange for the higher-rigor curriculum available on tablets. We also think it would be beneficial for you to come to a meeting of the Student Programs and Services Steering Committee (SPSSC) or Juvenile Court and Community School Administrators of California (JCCASAC) subcommittee to hear firsthand about the exciting new academic and behavioral policies being implemented across the state.

We look forward to receiving an updated report, and we gladly offer our partnership to you as you work to revise this publication and develop additional reports in the future. You will be hard pressed to find a group of people who are more familiar with, or passionate about, the outcomes of the students in juvenile court settings than our school administrators. Please consider them a resource.



Lastly, we ask that in the future, you give key stakeholders an advanced notice prior to the publication of reports, especially when they are as scathing as *Educational Injustice*. Had that professional courtesy been extended prior to the release of the report, we would likely have been able to avoid the situation in which we currently find ourselves.

Sincerely,

Peter Birdsall, Executive Director