youth law center

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Darline P. Robles, Superintendent of Schools
Los Angeles County Office of Education
9300 Imperial Highway
Downey, California 90242

**Re: Lack of Educational Services for Youth Enrolled in Barry J. Nidorf High School**

Dear Dr. Robles:

We write to express our concerns about several educational policies and practices that we believe adversely impact youth enrolled in Barry J. Nidorf High School, located within the juvenile hall in Sylmar. Specifically, our concerns focus on the approximately 250 youth who are currently detained within Units W, X, Y, and Z, commonly referred to as the "Compound."

Our concerns are outlined below and are based on our direct observations, our conversations with detention and education staff, parents and other concerned individuals, as well as our review of education-related public record documents.

The California Constitution, state statutes and regulations guarantee youth detained in juvenile detention facilities the right to education that includes quality education and training, a full school day (240 minutes of instructional time) and access to a full course of study. Detained youth are entitled to access regardless of their housing or disciplinary status within the detention facility.

## 1. The Denial to Compound Youth of Access to Basic Education Programming.

Youth in the Compound are regularly denied access to a full instructional day and to a full course of study. School is provided in the dayroom of each unit in the Compound (with the exception of three classrooms: two for Special Education and one for English Language Learners located in a trailer behind the Compound buildings.) Educational services or programming are not made available to youth who are confined to their cells. Many youth are sequestered in their cells and denied access to school for a significant portion (if not all) of each school day for a variety of reasons, including:

a. Individual youth are locked in their rooms for disciplinary reasons and are not allowed to attend school either because of school referrals (school behavior) or probation referrals (behavior outside of school).

b. Some units are placed by probation staff on "lock-down" for months at a time and no educational services are provided for the entire term of the lock down.

c. When units do not have enough probation staff to meet the state required 1:10 supervision ratio, probation staff will bring out only a half or a third of the unit at a time, resulting in a shortened school day for every youth on the unit.

d. Sometimes there are not enough teachers to serve all the students in a unit. (During our first visit to the facility, one unit had only one teacher, but during our return visit a second teacher was present on that unit.) Although the school principal informed us that physical education is part of the course of study, everyone else, including probation staff, confirmed that Compound youth are not provided physical education as part of the school program.

In addition to educational access issues, we are also concerned about the following issues:

**2. The Failure to Provide Compound Youth with Dedicated Academic Classroom Space.**

The state juvenile hall regulations require that every juvenile facility provide dedicated classroom space for every juvenile in every facility and the "primary purpose for the academic classroom shall be for education."

Additionally, "[d]ayrooms cannot serve as academic classrooms." When Compound youth are in school on the unit, they are forced to sit on metal, backless stools for hours at a time. There are no dividers available to accommodate two classroom configurations when two teachers are made available. One education staff commented to us that the space was not conducive to learning nor was the space "designed to be a classroom. There is dedicated classroom space available for these students, which remains unused. These classrooms should be made available to Compound youth without further delay.

**3. The Failure to Provide Parents Access to their Children's Educational Records.**

Under state law, parents of currently enrolled or former students have an "absolute right to access to any and all pupil records related to their children. . ." However,

parents of Compound youth are routinely denied access to their children's records. When they have sought to review their children's records, the Nidorf education staff have informed them that they do not have the authority to release the information and/or that the information can only be obtained from LACOE's main office in Downey. When parents contacted LACOE's main office, they were informed that such information was only available when a student transferred out of Nidorf to another school. Although state law requires that a request to review or inspect student records by a parent must be granted no later than five business days following such a request, one parent had to wait several weeks before she was given limited access to information concerning her child. Although she explicitly requested to review her child's school attendance records, that information was never provided.

**4. The Failure to Provide Notice to Parents Concerning their Children's Educational Progress or Status.**

At a minimum, parents are entitled to be notified of the following: 1) if their child is absent from school; 2) the results of their child's performance on standardized tests and statewide tests; 3) their child's academic progress in school; 4) their right to have access to their child's school records; 5) information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish; 6) school rules, including disciplinary rules and procedures, attendance policies, and procedures for visiting the school; 7) if their child has been suspended or recommended for expulsion; and 8) their right to participate as a member of a parent advisory committee or school-site council, in accordance with any rules and regulations governing membership in these organizations. Parents of Compound youth do not receive all the required notices regarding the educational status of their children, who are typically detained at Nidorf for periods that extend for more than a school year.

**5. The Failure to Ensure that Compound Parents Have the Opportunity to Participate in State Mandated Parent Advisory Committees.**

The parents of youth enrolled in juvenile court schools are entitled to participate in all of the same state-mandated advisory committees in which other parents participate. We are aware that Nidorf has a school site council that has developed Nidorf's "Single Plan for Student Achievement", but Compound parents have not been apprised of the existence of the school site council, nor have they been notified of any public meeting where the plan was to be adopted.

There are over one hundred limited English proficient or English Learner students enrolled in Nidorf, which would mandate the establishment of an English Learner Advisory Committee (ELAC). The Compound parents have never been informed of the existence of an ELAC, nor have they ever been given notice of any ELAC meetings or of the opportunity to elect parent representatives to the ELAC. The same holds true for other parent advisory committees required under state law,

including, but not limited to, a School Advisory Committee for State Compensatory Education Programs, or a Community Advisory Committee for Special Education Programs.

The denial of basic educational services and the other violations summarized above are egregious violations of the Constitutional and statutory rights of the youth relegated to the Compound and of their parents. These are violations that must be addressed immediately by LACOE. Juvenile court schools must be administered and operated in conjunction with the Chief Probation Officer. Therefore, we have sent a similar letter to Chief Taylor, outlining the education issues referenced above, as well as additional issues.

The Youth Law Center is committed to ensuring that these illegal practices and policies are corrected as expeditiously as possible. We believe that all of these deficiencies can be easily remedied. We ask that you give us assurances within the next ten (10) days that you are committed to implementing changes to remedy these deficiencies in a timely manner including: (1) within 30 days, providing youth in the Compound regardless of classification or disciplinary status access to a full school day (at least 240 minutes of instruction) and all of the educational programming and services to which they are entitled by State and federal law and (2) within 30 days, ceasing the use of the Compound day rooms for regular classrooms and using the available dedicated classroom space for regular school instruction.

We are willing to discuss remedial plans and any real barriers that might make compliance with these time frames impossible, if you commit to taking the actions described above. If you cannot make such a commitment, we will have no choice but to immediately seek to enforce these remedial actions.

We thank you for your consideration of these urgent issues and look forward to hearing from you.

Sincerely,

Deborah Escobedo

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cc: Robert Taylor, Chief Probation Officer, Los Angeles County Probation
Members, Los Angeles County Board of Education
President, Nidorf PTA