

# FIX SCHOOL DISCIPLINE BILLS

## SB 1088 – FACT SHEET

(Ensures Juvenile Justice Youth Reentry into School; Amends Education Code § 48645.5)

### WE DID IT. WITH YOUR HELP, FIVE SCHOOL DISCIPLINE-RELATED REFORM BILLS WERE SIGNED INTO LAW THIS YEAR!

Now the hard work begins! We need your help to make certain that school districts around the state change their local policies to follow the law and educate everyone about the changes.

#### What Does SB 1088 Do And How Does It Help Students?

Existing law specifies enrollment prerequisites, such as residency and age for all youth, but does not allow a school district to deny enrollment to a youth based on the fact that he or she has had contact with the juvenile justice system, through an arrest, court appearance, or incarceration. (See, EC §§ 48200 *et seq.*) Unfortunately, even though the law does not permit it, many youth who have had some contact with the juvenile justice system are summarily denied enrollment at their neighborhood school. They are told they can't come back and are sometimes given a list of alternative schools, where school enrollment may not be available. Even if it is, they are stigmatized, frustrated and likely to drop out. Such alternative schools have some of the highest drop-out rates in the state.

The youth most impacted by the failure to ensure subsequent enrollment in school are youth of color, primarily Black and Latino youth, who comprised 80% of the total student enrollment in the juvenile court school system during 2011-12.

**SB 1088** gives youth, parents, probation officers, and advocates a specific tool to use when enrolling these youth back into a comprehensive or neighborhood school. SB 1088 removes barriers to educational attainment for one of California's most vulnerable student groups and, in so doing, reduces the probability that these youth will return to the juvenile justice system. Specifically, SB 1088:

1. Prohibits a school from denying enrollment or readmission to a student because they have had contact with the juvenile justice system.
2. Juvenile justice-related contact includes: arrest, adjudication by a court, probation supervision, and detention for any length of time.

At the end of this fact sheet, you can find the exact text of SB 1088. The bill goes into effect on January 1, 2013!

#### How can you help make certain your school district follows the new law?

California law is clear: school board rules and policies governing enrollment must be consistent with law and parents have a right to be informed in advance about school rules, including those related to attendance options and residency requirements. Educ. Code §§ 51101; 48980.

When the new law takes effect on January 1, 2013, you can help make certain your school district is following it by:

1. **Requesting a copy of the district's policies, rules, and procedures governing enrollment and attendance.**
  - Where can you find them?
    - Parent/student handbook
    - School district's website
    - Requesting them from the Superintendent
2. **Checking:** Do they include the new law?
3. **Advocating** for the school district and your local school to change the policies and to educate all school personnel, parents, and students!
4. **Meet with the Superintendent (and/or principal)** and request that your school board members hold a hearing on the changes and update discipline policies. Bring other parents, students and community members who care about fixing school discipline.
5. **Spread the word:** Educate parents and students about these new laws.
6. **Report any problems:** If you see that students' rights are being violated or a school district refuses to follow the law, go to [FixSchoolDiscipline.org](http://FixSchoolDiscipline.org) and click on "I Need Help" to report any problems you see.

### **What can I do to help?**

With support from the new law, you can advocate for the district to:

- Add a provision to its current rules or policies governing enrollment, stating that:  
A pupil shall not be denied enrollment or readmission solely on the basis that he or she has had contact with the juvenile justice system, including, but not limited to:
  - (1) Arrest;
  - (2) Adjudication by a juvenile court;
  - (3) Formal or informal supervision by a probation officer;
  - (4) Detention for any length of time in a juvenile facility or enrollment in a juvenile court school.
- Remove any provision that conflicts or contradicts this provision.
- Educate all staff, school leaders and school board members about the policy.
- Ask the district to set up a monitoring process to ensure that these youth are able to reenroll.
- Ask the school board to hold a hearing on educational issues impacting juvenile justice youth returning to the district and what can be done to help them succeed in school once they return.
- Ask the district about the number of former juvenile justice youth currently enrolled in its alternative schools and ask that these youth be provided with the opportunity to transfer to a comprehensive school.
- Do outreach to youth leaders, parent groups, community based programs for at risk youth, Public Defenders, Juvenile Probation and people attending juvenile court informing them about the new law and the rights of these youth.

**So, what EXACTLY does the law say?**

The specific changes to existing law are in bold, in italics and underlined below:

**EC § 48645.5. (a)** Each public school district and county office of education shall accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. The coursework shall be transferred by means of the standard state transcript. If a pupil completes the graduation requirements of his or her school district of residence while being detained, the school district of residence shall issue to the pupil a diploma from the school the pupil last attended before detention or, in the alternative, the county superintendent of schools may issue the diploma.

**(b) A pupil shall not be denied enrollment or readmission to a public school solely on the basis that he or she has had contact with the juvenile justice system, including, but not limited to:**

**(1) Arrest.**

**(2) Adjudication by a juvenile court.**

**(3) Formal or informal supervision by a probation officer.**

**(4) Detention for any length of time in a juvenile facility or enrollment in a juvenile court school.**