



August 20, 2014

The Honorable Edmund G. Brown, Jr.  
Governor, State of California  
State Capitol, First Floor  
Sacramento, CA 95814

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**RE: Request for Signature for Senate Bill 1111 (Lara) – Ensuring Fair and Successful School Placements**

Dear Governor Brown:

The Youth Law Center is a national, public interest advocacy organization that works to protect the rights of children and youth in the child welfare and juvenile justice systems. We are pleased to co-sponsor SB 1111 and write to voice our strong support for this bill. SB 1111 addresses the transfer rights of students referred to county community schools, makes the statute consistent with state and federal laws governing the educational placement rights of foster care and homeless youth, and closes an existing loophole in the discipline code which allows students who have won their expulsion hearing to be denied their right to return to a comprehensive school.

Although originally intended to serve as a “safety net” for our most vulnerable students, county community schools have some of the highest dropout rates in the state, with an aggregate one year adjusted dropout rate of 34.6%.<sup>1</sup> These schools also disproportionately enroll youth of color. Black and Latino students comprised 68.8% of total student enrollment in county community schools during 2013-14.<sup>2</sup>

Focusing on the high dropout rates, a report by the “California Dropout Research Project” raised serious concerns about California’s alternative school system:

[D]espite implementation of a design meant to create safety nets for those unsuccessful in traditional public schools, alternative schools in California represent a place from which many students exit the educational system . . . The numbers [higher dropout rates] raises the question whether alternative schools have become the mechanisms by which to rid mainstream schools of ‘problem students,’ those whom school administrators no longer want . . . In general, alternative schools, including continuation and community schools, should not be regarded as state policy strategies for reducing dropout rates. On the contrary, there is some evidence . . . that schools use alternative education programs as ‘dumping grounds’ for students who display difficulty and

<sup>1</sup> DataQuest, “2012-13 Adjusted Grade 9-12 Dropouts With Adjusted 1–year Dropout Rates” (County Community Schools)  
<http://data1.cde.ca.gov/dataquest/dropoutreporting/OtherSchDropsByGrade.aspx?s=2012-13>

<sup>2</sup> DataQuest, “Enrollment In California Public Schools by Ethnic Designation, 2013-14” (Community Schools)  
<http://data1.cde.ca.gov/dataquest/DQ/SchEnrOtherEth2.aspx?TheYear=2013-14&SortBy=a&cCounty=all&cSchType=10>



vulnerability in relation to school completion. . . Referring students to alternative programs throughout the year creates a way for high schools to avoid responsibility for the progress of low-performing students.<sup>3</sup>

SB 1111 addresses the educational rights of those student groups who are currently subject to transfer to these schools. Reference to homeless and foster youth has been removed because their educational placement rights are governed by the federal McKinney-Vento Act and/or AB 490. The probation-referral provisions have been updated so that they are consistent with the Welfare and Institutions Code and recognize the responsibilities of those appointed by a juvenile court to make educational decisions for such youth. Reference to the Education Code provisions governing independent study has been added to clarify that county community schools are not exempt from these provisions. Language has also been added to ensure that the educational rights of special needs and English Learners are observed in these schools.

Based on Youth Law Center's personal experiences representing juvenile justice youth, the probation and independent study related provisions of SB 1111 will be particularly helpful. It is not unusual for youth exiting a juvenile hall to be summarily placed in a county community school without regard to their educational needs and then immediately placed on independent study.<sup>4</sup> Often these youth have no choice but to accept these options or otherwise face the prospect of not attending school at all. This predicament is documented in a recent report issued by the Georgetown Law Human Rights Institute concerning educational barriers faced by juvenile justice youth in Los Angeles County:

"Several professionals shared stories about schools preventing students on probation from reenrolling. One individual working at a Los Angeles juvenile hall explained that schools 'won't verbally tell me [that they won't take the kid back]. They say, 'You can go,' but when you get there, they recognize the kid and say, 'No, they can't go.'" Similarly, an individual working in the L.A. County juvenile justice system said: 'The transitional counselor for the on-site [juvenile justice] school calls and asks if the minor is welcome back [to the traditional school]. They'll often say, 'No' or 'We're full' . . . They're not allowed to do that, but that's what happens. So you find a continuing school, alternative education, vocational training, job placement, a less-than-comprehensive school."<sup>5</sup>

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<sup>3</sup> "Does State Policy Help or Hurt the Dropout Problem in California" (Timar, Biag, Lawson – California Dropout Research Project Report #3 – Oct. 2007) [http://www.cdrp.ucsb.edu/pubs\\_reports.htm](http://www.cdrp.ucsb.edu/pubs_reports.htm)

<sup>4</sup> According to the Legislative Analyst's Office (LAO) "About 35 percent of community school students were enrolled in independent study. . . While many educators question the effectiveness of independent study for these types of students, community schools nonetheless use this approach." "Improving Alternative Education in California" (LAO – Feb. 2007) [http://www.lao.ca.gov/2007/alternative\\_educ/alt\\_ed\\_020707.pdf](http://www.lao.ca.gov/2007/alternative_educ/alt_ed_020707.pdf)

<sup>5</sup> "Kept Out – Barriers to Meaningful Education in the School-to-Prison Pipeline" (Georgetown Law Human Rights Institute, April 2012)



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For students transferred to community schools, SB 1111 requires that the school be geographically accessible to the student, that there is space available for the student and that such a placement meet the educational needs of the student. These provisions will hopefully improve the success rate of such transfers and ensure that such referrals do not target any particular racial, ethnic or other vulnerable student group.

Finally, under current law, students who win their expulsion hearings can be involuntarily transferred to these schools without the due process protections provided to expelled students, including an individualized rehabilitation plan and timely opportunity to seek return to their original school. SB 1111 closes this loophole in the discipline code.

Thank you for your consideration and the Youth Law Center respectfully urges your approval. If you require additional information, please do not hesitate to contact me.

Sincerely,



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