

Out of Sight, Out of Mind

**How California's Education Data &
Accountability Systems Fail Youth in
Juvenile Court Schools**





The Youth Law Center (YLC), established in 1978, is a national public interest law firm that works to protect children in the nation's foster care and justice systems from abuse and neglect, and to ensure that they receive the necessary parenting, support, and services to thrive. Our core belief is that every child and youth has the potential to live a healthy and productive life. Our mission is to ensure justice for every system-involved child and youth through ensuring effective, developmentally appropriate parenting, strong family and community relationships, freedom from abuse or neglect, appropriate educational support and opportunities, effective health and mental health care, and the ability to become thriving adults.

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Executive Summary

California faces many challenges in meeting the needs of students in the state's juvenile justice system. This report analyzes available data – collected through DataQuest, Ed Data, and public records act requests – about juvenile court schools, which primarily operate to serve students detained in juvenile halls or other detention facilities, in the hopes of providing a snapshot of how court schools are serving their students. Due to ongoing issues with the state's data and accountability metrics for these schools, the picture is blurry.

We discussed many of the challenges that juvenile court school students encounter in our original 2016 *Educational Injustice* report. These issues included lack of support for regular school attendance, high suspension rates, high drop-out rates, and poor academic outcomes. Our original report found that some court schools and probation departments failed to adequately provide the most basic level of education to the youth in their care.

This 2023 update, based on data from the 2018-2019 and 2021-2022 school years, notes continued challenges in some of these areas, as well as

some areas of improvement. But, an overarching theme of our analysis of available court school data is the lack of meaningful data that measures the outcomes most relevant to court school students. This lack of data makes it difficult for policymakers and stakeholders, including the court schools themselves, to adequately track successes, as well as areas in need of improvement.

In our full report, we provide more specific recommendations on ways to improve data collection in each of the areas listed below, but our primary recommendation is this:

California must develop metrics that require court schools and other education and juvenile justice stakeholders to be held accountable for the educational outcomes of youth involved in the juvenile justice system; this includes students whose time in a court school may only be a few days or weeks, as well as students who are enrolled in court schools for months or, possibly, years. A failure to design better metrics would be a disastrous choice on the part of California stakeholders to keep these students out of sight and out of mind.



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DEMOGRAPHICS OF STUDENTS IN COURT SCHOOLS

Close to 20,000 students passed through a juvenile court school in 2018-2019, a number that dropped to 10,891 during the 2021-2022 school year. Data shows that vulnerable student groups are disproportionately represented in court schools, and that most students in court schools are enrolled for short periods of time.

- During both of these school years, Black and Latino students comprised over 70% of the total students enrolled in the juvenile court school system.

- Over 20% of youth in both school years were English Language Learners.

- The percentage of students with disabilities rose from 20.1% to 29.8% between 2018-2019 and 2021-2022.

- Youth in foster care made up over 20.06% of students enrolled in court schools, while representing less than one percent of all students enrolled in California schools.

- Data about youth experiencing homelessness is not widely available—some schools report as many as 40% of their students are experiencing homelessness, while others seem to report that none of their students are experiencing homelessness.

- In both school years, the majority of court school students attended for fewer than 31 instructional days.

ACCESS TO SCHOOL

We reviewed four categories of data related to access to school: chronic absenteeism, expulsions, suspensions, and willful defiance suspensions. A common theme that emerged from our public records act requests was the important role that probation departments played in whether students attended school while in a probation facility. Instances in which probation removes or excludes students from school are not tracked in any publicly available data source.

Chronic Absenteeism.

Chronic Absenteeism in the court school context should be considered differently than in the general public school context, because unlike in community-based public schools, students in court schools are almost all incarcerated and under constant supervision. In this context, *any* chronic absenteeism in a court school is concerning, because it indicates that students who literally have nowhere else to go are somehow *still* not attending school.

- In 2018-2019 the average California court school Chronic Absenteeism rate was 12.9%, compared to 12.1% statewide.

- In 2021-2022 the average California court school Chronic Absenteeism rate was 16.8%, compared to 30% statewide.

- During both school years there were a number of court schools where the chronic absenteeism rate exceeded 30%.

- During these same school years around 20% of analyzed court schools reported 0% Chronic Absenteeism rates.

While these findings are alarming, they do not fully reflect the number of students who are chronically absent. Under the state's current definitions, students who attend a school for less than 31 instructional days are not eligible to be considered chronically absent, which means that students who are experiencing educational disruptions due to involvement in the juvenile justice or foster care systems may never be counted as chronically absent, even if they are frequently missing school.

Expulsions.

One encouraging data point is that formal expulsions appear to be rare in juvenile court schools.

- During the 2018-2019 school year there was one student expelled from a juvenile court school.

- Available data indicates that there were no court school students expelled in the 2021-2022 school year.

Suspensions.

Court schools continue to have significantly higher suspension rates as compared to the statewide suspension rate, although the prevalence of suspension has decreased in recent years. While progress has been made in this area, court schools must continue to develop and utilize alternatives to suspensions.

- During the 2018-2019 school year, 9.33% of all juvenile court school students were suspended, more than 2.67 times the statewide suspension rate of 3.5%.

- During the 2021-2022 school year, 6.59% of all juvenile court school students were suspended, more than 2.05 times higher than the statewide suspension rate of 3.2%.

Willful Defiance Suspensions.

While the use of willful defiance suspensions has decreased in schools across the state, they continue to be more common in court schools than in other schools. Historically, willful defiance suspensions have given teachers and administrators broad discretion to suspend students for a wide range of behaviors. Researchers have repeatedly found that this broad discretion has resulted in willful defiance suspensions disproportionately affecting Black, Latino, and Indigenous students, and students with disabilities.

- During the 2018-2019 school year, court schools cited willful defiance as the most serious grounds for suspension for approximately 23.70% of all suspensions, in comparison to the statewide public school rate of 14.44%.

- During the 2021-2022 school year court schools cited willful defiance as the most serious grounds for suspension for approximately 16.34% of all suspensions, in comparison to the statewide public school rate of 7.34%.

ACADEMIC ACHIEVEMENT

Effectively measuring academic achievement for juvenile court school students remains a challenge. We explore academic achievement through the Four-Year Adjusted Cohort Graduation Rate, Adjusted Cohort Dropout Rate, and California Assessment of Student Performance and Progress (CAASPP) Smarter Balanced Summative Assessments of English language

arts (ELA) and mathematics. However, many of the available achievement assessment measures fail to adequately capture achievement because they are not designed to track students who attend schools for a short period of time (as many court school students do) or do not track students after they leave a particular institution. Additionally, many metrics are not fully reported due to data redaction policies that hide data for metrics where the number of students reported on is fewer than ten.

Graduation Rates

Available data struggles to meaningfully capture graduation rates for juvenile court school students; there are four different graduation rate metrics currently available for court schools, each of which can show very different results in the same school, as is discussed in more detail in the full report.

Utilizing the 4-year Adjusted Cohort Graduation Rate:

- In 2018-2019 juvenile court schools' reported graduation rates ranged from 3.6% to 75%, while the statewide graduation rate for all public schools was 84.5%.

- The 2018-2019 graduation rate across all court schools with available data was 30%.

- During the 2021-2022 school year, the reported graduation rates ranged from 0% to 66.7%, while the statewide graduation rate was 87%.

- The 2021-2022 graduation rate across all court schools with available data was 31.8%.

- About a third of court schools did not have available graduation rate data

for the 2018-19 or 2021-2022 school years due to data redaction policies.

We feel confident that this data shows that there are continued issues with ensuring that juvenile court school students graduate from high school, but do not find the available data particularly helpful in determining what, exactly, those issues are. We believe that continued conversation is necessary to capture and communicate the graduation rates of juvenile court school students, and to provide accountability for all entities that bear responsibility for the educational outcomes of juvenile court school students and youth in the juvenile justice system more broadly.

Dropout Rates

Available data shows that far too many youth in juvenile court schools in California end up dropping out of school.

- For the 2018-2019 school year, juvenile court schools had an overall dropout rate of 51.16% as compared to the statewide dropout rate of 9%.

- No court school in 2018-2019 had a drop out rate below 17.4%

- For the 2021-2022 school year, California's juvenile court schools had a dropout rate of 41.11% as compared to the statewide dropout rate of 7.8%.

- No court schools had a dropout rate below 12.5% in 2021-2022.

California Assessment of Student Performance and Progress.

For our current report we analyzed the California Assessment of Student Performance and Progress (CAASPP) Smarter Balanced Summative Assessments of English language arts (ELA) and mathematics. The CAASPP tests are administered when students are in grades 3-8 and again in grade 11. CAASPP assessments have four achievement levels: "Standard Not Met," "Standard Nearly Met," "Standard Met," and "Standard Exceeded."

- In the **best performing** juvenile court school during the 2018-2019 school year, 51.85% of students did not meet the ELA standard and 84.62% did not meet the Mathematics standard.

- In the **best performing** juvenile court school during the 2021-2022 school year, 61.54% of students did not meet the ELA standard and 86.49% failed did not meet the Mathematics standard.

- In both years, the percentage of juvenile court school students who did not meet ELA or Math standards far exceeded the percentage of California public school students who did not meet the standard.

PATHWAYS TO HIGHER EDUCATION

Students attending juvenile court schools need, want, and deserve opportunities to pursue postsecondary education, and we are happy to report that this is a topic in which some meaningful policy changes have been made since the publication of our first report in 2016. Most notably, California has recently allocated \$15 million in the state's budget in ongoing funding to establish and expand community college programs focused on providing both in-custody and on-campus postsecondary education programming for youth impacted by the juvenile justice system. California also passed legislation requiring high school graduates in juvenile justice facilities to have access to online public college courses, and encouraging County Offices of Education to provide financial aid and college counseling services to youth as part of their transition plans. However, close attention must be paid to the implementation of these programs and investments to ensure that access is granted equally to all youth, regardless of the county or facility in which they reside.

Data on this topic is limited for the juvenile court school population, either because it is not collected at all, or because it is redacted for privacy reasons, but we were able to pull available data to provide a baseline analysis of postsecondary access.

College Going Rates

College-going rate data was only available for 21 of the state's court schools, and the most recent school year of available data was 2020-2021. This data indicates that court schools are underperforming with regard to the statewide college going rate, but may be performing better than alternative schools on the whole.

- Only one court school exceeded the statewide college-going rate, which was 62.25%, and that school is a unique boarding school for youth in foster care, rather than a school in a juvenile justice facility.

- Ten court schools exceeded the college-going rate for the state's alternative schools, which was 22.5%. Sacramento and Yuba County Court Schools' college-going rates were more than double the rate for all alternative schools.

- Two court schools reported a college going rate of zero, and an additional four reported rates that were below 10%.

Financial Aid Data

The main takeaway about financial aid data for court schools is that it, largely, does not exist. We pulled 2022 and 2023 data from the California Student Aid Commission's Race to Submit portal, which is a statewide campaign that encourages schools and districts to view and track their submission numbers for the Free Application for Federal Student Aid (FAFSA) and the California Dream Act application. While the database is supposed to include all public high schools, many court schools were not listed.

- In the 2021-2022 school year, only 13 juvenile court schools are listed in the CSAC Cal Grant Success Database, and only two had more than 10 total FAFSA or CADAA applications submitted.

- Only 4 of the schools are listed as completing a single application for Cal Grant in 2022.

- In 2022-2023, 18 juvenile court schools are listed in the CSAC Cal Grant Success Database, 4 of which had more than 10 total FAFSA completions (Riverside, Orange, Fresno, and San Pasqual in San Diego).

- 6 schools submitted at least one application for Cal Grant.

Due to the small sample size, we refrain from generalizing too much from this information. It is likely that some of the schools with higher college going rates also have higher FAFSA/CADAA completion numbers, but that those are simply not reported to this particular data source. On the other hand, it is also likely that some of the lack of data is due to court schools not filling out FAFSA/CADAA applications at all. One area of particular concern is the lack of completed Cal Grant applications, as Cal Grant is California's primary state financial aid program.

CONCLUSION

While there have been some positive developments in court school education and postsecondary access since our 2016 *Educational Injustice* report, there are still areas of concern. Top among our concerns is the lack of metrics that truly allow us to document educational barriers or identify promising practices for youth in the juvenile justice system. California has the ability to develop such metrics, in consultation with stakeholders, including youth and families, and we hope that this report will spark not only conversation, but also action to ensure that all youth in the juvenile justice system receive the education they need to learn, grow, and thrive.



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