

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.

The research in this report was made possible by the generous support of Stanford Law School's Deane F. Johnson Public Interest Fellowship and the California State Bar. We also want to acknowledge the contributions of the following individuals: Chris Middleton, Law Fellow sponsored by the Stanford Law School's Deane F. Johnson Public Interest Fellowship; Jasmine Miller, Staff Attorney; Lauren Brady, Managing Director; Brianna Fluhrer, Summer Law Clerk; Cheyenne Rogers, Summer Law Clerk and Julie Smith of JulieCo Creative. The research in our 2016 Educational Injustice report was generously supported by The California Wellness Foundation.

www.ylc.org info@ylc.org

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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.



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.

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.



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.



Introduction

California will provide a world-class education for all students, from early childhood to adulthood. The Department of Education serves our state by innovating and collaborating with educators, schools, parents, and community partners. Together, as a team, we prepare students to live, work, and thrive in a multicultural, multilingual, and highly connected world.

California Department of Education Mission Statement¹

California is still not living up to the Department of Education's mission when it comes to students in California's juvenile justice system. This updated report re-confirms concerns about the juvenile court school system originally documented in Youth Law Center's 2016 *Educational Injustice* report.² Children in California's juvenile justice system are among some of the most academically at-risk student groups in the state's public school system. We know that they have lower rates of academic achievement and post-secondary enrollment and completion, and higher suspension and dropout rates than the average public school student. It remains true that California cannot fulfill its promise to educate *all students* while failing to ensure that

youth in juvenile detention have adequate access to education.³

Youth in the juvenile justice system have the same rights to education as all students in California. They have a fundamental right to be enrolled in school under California's constitution,⁴ and juvenile court schools must comply with the California Education Code and applicable state and federal laws.⁵ This includes the obligation to respect the rights of detained youth with special education needs. Detained youth with special education needs have the same rights and protections afforded to all other students with disabilities under applicable federal laws, including the Individuals with Disabilities Education Act.⁶ Additionally, detained

youth with disabilities also receive protection from discrimination/harassment on the basis of disability under Section 504 of the Rehabilitation Act of 1973.⁷ Both probation departments and County Offices of Education share responsibility for the provision of special education to students in juvenile court schools.⁸ Additionally, counties are "prohibited by State law from depriving youth of education when imposing discipline."⁹

California's juvenile justice system is also failing to fully meet its promise to the youth and families that come into contact with it. While the wording differs in each department, California's juvenile probation departments consistently pledge to provide care, treatment, and guidance.¹⁰ This shared

mission cannot be fulfilled if young people do not have access to a quality education. Probation departments are entrusted with the responsibility to care for the youth who enter into the juvenile justice system. They are also uniquely positioned to ensure that the youth in their facilities attend school. Juvenile court schools operating inside of juvenile probation facilities cannot function without coordination between school and facility staff. Probation shapes the learning environment for juvenile court school students. Therefore, academic outcomes for juvenile court school students are partially shaped by the facilities and staff that detain them. Plans to improve academic outcomes for juvenile court school students must acknowledge probation's unique responsibilities to court school students.

California can do more to ensure that youth in the juvenile court school system have access to quality education and the necessary educational supports to increase academic success. We believe that education remains a powerful tool for personal and societal transformation. It has the potential to break negative cycles and challenge limited expectations of what is possible. Every classroom should give youth the opportunity to reimagine a better future for themselves. Many of the youth inside California's juvenile detention facilities are in dire need of the transformative force that education can provide. More still must be done to ensure all juvenile court school students have access to such an educational experience, and key to that project is developing high-quality transparency and accountability measures that are tailored to the unique circumstances faced by students in the state's court schools.

A consistent theme throughout this and our last report on court schools is that while it is clear that there are general problems with access to quality education, it is difficult to ascertain what or who is causing those problems. Equally as difficult is ascertaining how systems can or should demonstrate successes. When the Youth Law Center issued our first *Educational Injustice* report in 2016, we received feedback from some Probation Departments and County Offices of Education that the data presented in that report painted an inaccurate picture of how well court schools were doing. These stakeholders had an opportunity to advocate for updated and additional data collection opportunities in order to better showcase their success, and seven years later, there has been very little progress in this regard. Without metrics that target the gaps in the court school and juvenile justice systems, there is little ability to reward improvements, as the hard work of system and community stakeholders is not captured, nor is there an ability to disincentivize practices that lead to poor outcomes. The data in this report presents a concerning picture of educational opportunities for students in court schools, but not a full picture. Our top recommendation is for stakeholders to develop transparency and accountability metrics that not only capture a snapshot of the present moment in court schools, but also set forth a vision to transform educational opportunities for youth impacted by the juvenile justice system in years to come.



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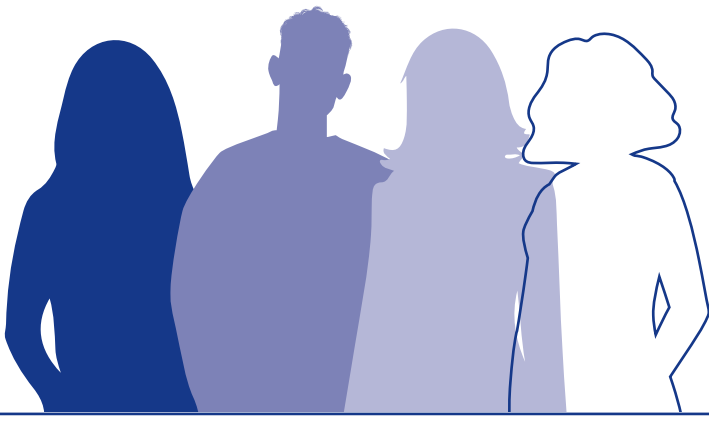


Methodology

This report provides an update to Youth Law Center's 2016 *Educational Injustice* report. The update provides an assessment of California's court school education system using publicly available data from the California Department of Education (CDE), Public Record Act (PRA) requests to several County Offices of Education (COEs) (Sample PRA requests provided in Appendix I), and other publicly available data.¹¹ This report is focused on available data, and we have limited our analysis and recommendations to those issues that are documented

by that data. Due to the COVID-19 pandemic, limited education data was published by CDE for the 2019-2020 and 2020-2021 school years.¹² Additionally, some of the data produced or provided by CDE is redacted to protect student privacy, which limits the depth of our analysis in some areas.¹³ Lastly, our analysis of court schools is limited to those court schools: (1) whose data was accessible via both Ed-Data and Data Quest and (2) were open during both the 2018-2019 and the 2021-2022 school years.

With those limitations in mind, our report focuses on the 2018-2019 and 2021-2022 school years, where the data in which we are interested is both recent and the most complete. We have supplemented our quantitative data review with a review of previously published related reports and a review of relevant research.¹⁴ Throughout this report we identify areas where additional data is needed and where some promising new developments have been made. Finally, we end each section by providing recommendations to remove barriers to educational achievement and support pathways to postsecondary education for youth in the juvenile justice system.



Demographics of Youth

Many of the youth in the juvenile justice system in California will come into contact with the juvenile court school system. Youth attend court school while detained in a juvenile hall under a number of different circumstances. Youth may attend court schools while awaiting adjudication or disposition, after commitment to a local juvenile hall, camp or ranch facility, or, less commonly, while placed under the supervision of probation in the community in a group home or other placement.¹⁵

enrollment of the court schools we analyzed was 10,891 students during the 2021-2022 school year.¹⁸ The average length of stay in 2022 for all youth in camps was 110.43 days and 34.98 for all youth in juvenile halls.¹⁹

Court-involved youth remain one of the most vulnerable student populations in the United States. Youth who enter the juvenile justice system are often from under-performing schools where they struggled academically.

criminal justice systems is also often referred to as the “school to prison pipeline.” While the name implies that students move between the two systems in a linear manner, students often experience multiple moves between schools in their community and the juvenile court schools that are available during detention.²¹ Youth who become engaged with the juvenile justice system, are more likely to stay in the system.²²

Students with disabilities, especially students with learning disabilities, are more likely than their nondisabled peers to be pushed out of school and end up involved in the juvenile justice system.²³ Nationally, researchers estimate between 65% to 85% of youth involved with the juvenile justice system have a disability.²⁴ Many students with disabilities who end up in juvenile detention facilities were already subjected to restrictive and exclusionary disciplinary practices in their home schools.²⁵ The national data consistently suggests that students with disabilities are disproportionately present in juvenile court schools.²⁶

“ Court-involved youth remain one of the most vulnerable student populations in the United States.”

In 2019, California recorded 43,181 juvenile arrests, 31,717 juvenile court dispositions and the total cumulative enrollment of the court schools we analyzed was 19,767 students during the 2018-2019 school year.¹⁶ The average length of stay in 2019 for all youth in camps was 114.93 days and 32.42 days for all youth in juvenile halls.¹⁷ In 2022, California recorded 26,000 juvenile arrests, 36,640 juvenile court dispositions and the total cumulative

Additionally, many students who end up in juvenile detention facilities have experienced school pushout. School pushout refers to punitive school discipline practices that exclude students from class and too often push them out of school altogether.²⁰ Students who have been pushed out of school are more likely to end up in the juvenile justice system. This process in which students are pushed out of school and into the juvenile justice and

TRANSIENT NATURE OF JUVENILE COURT SCHOOL POPULATION

The student population who attend juvenile court schools is highly dynamic. Many students are often in court schools for only a few days or weeks. Moving between school placements can cause disruptions that make it difficult for students to focus on learning. While many stakeholders are anecdotally aware that the court school student experience is often transitory and disrupted, it is difficult to capture the degree of student mobility with data.

One attempt at capturing student mobility is the new California Department of Education "stability rate."²⁷ The recent *Decoding Alternative Education* report by several California advocacy organizations utilized this new measurement and found that the analyzed alternative schools,²⁸ including court schools, had an average "instability rate" eight times higher than the state average.²⁹ Their findings reflect that many students in court schools are

not in their custodial settings for an entire academic year and thus do not complete a full academic year at the court school. But this "stability rate" measure only calculates the number of students who are in a school for less than a full academic year. To address this data gap, we were able to calculate a new measure, which we call (for the purposes of this report) the Transitory Student Rate, for each court school. Our novel measure captures the percentage of students who were enrolled for fewer than 31 instructional days.³⁰ While school instability is generally not desirable, rates of instability for court schools are more complex to evaluate. Having many students in court schools for short periods of time indicates that those students are not being incarcerated for long periods of time, which is on balance a good outcome, even if it results in more school placement changes. Without a more granular analysis at a school by school level the Transitory Student Rate, as applied to court schools, may be better used as a descriptive measure than an evaluative measure.

For the 2018-2019 school year the average Transitory Student Rate for all California juvenile court schools was 60.2%. For the 2021-2022 school year the average Transitory Student Rate for all California court schools was 59.8%. Our findings indicate that in each school year more than half of all analyzed students attending court schools were there for fewer than 31 instructional days at a time.

We are not shocked to find that a majority of students in court schools attend for fewer than 31 instructional days. This conclusion is in line with the findings of the *Decoding Alternative Education* authors, the calculated average length of stays, and the anecdotal understanding in the field that court school students are often present only for days or weeks.

Given these findings, we recommend that instructional and other school programming for court school students reflect the highly mobile nature of the student population. COEs and facility staff must ensure students have any partial credits they earn during their

TABLE 1. 2018-2019 Juvenile Court Schools Transitory Student Rates

COURT SCHOOLS WITH ≤ 30.0% TRANSITORY STUDENT RATES	COURT SCHOOLS WITH ≥ 70.0% TRANSITORY STUDENT RATES
<p>El Dorado COE Rite of Passage: 22.9%³¹</p> <p>Los Angeles COE Afflerbaugh-Paige Camp: 22.7% Dorothy Kirby Camp: 21.8% Glenn Rockey Camp: 22.7% Road to Success Academy at Campus Kilpatrick: 17.4%</p> <p>San Diego COE San Pasqual Academy: 4.3%³²</p> <p>San Mateo COE Margaret J. Kemp: 19.2%</p>	<p>Alameda COE Alameda County Juvenile Hall/Court: 75.4%</p> <p>El Dorado COE Golden Ridge: 70%</p> <p>Imperial COE Imperial County Juvenile Hall/Community: 79.8%</p> <p>Los Angeles COE Barry J. Nidorf: 75.3%</p> <p>Marin COE Marin County Juvenile Court: 72.2%</p> <p>Napa COE Napa County Juvenile Hall/Court: 72.5%</p> <p>Placer COE Placer County Court Schools: 77.3%</p> <p>San Bernardino COE San Bernardino County Juvenile Detention and Assessment Center: 74%</p> <p>San Francisco COE S.F. County Court Woodside Learning Center: 79.8%</p>

time in a court school calculated and included on transcripts as required, ready access to exams, and that they receive transition services during their short terms of attendance. The need for timely action is especially true for students who have an established right to continuous educational support, including students with disabilities who require support via special education services and timely reassessment of their Individualized Education Plans (IEPs), and students who have disabilities and are in need of an initial assessment to begin to receive special education services. We also recognize, however, that there is still

a significant portion of young people who are present in the school for more than 31 instructional days, and some of those are students who may attend the school for months, or potentially, years, given the advent of local Secure Youth Treatment Facilities.³³ Current data does not allow us to differentiate between these populations to better understand potential differences in demographics, needs, or outcomes, which makes it difficult for stakeholders, including schools themselves, to assess the need for differentiated programming.

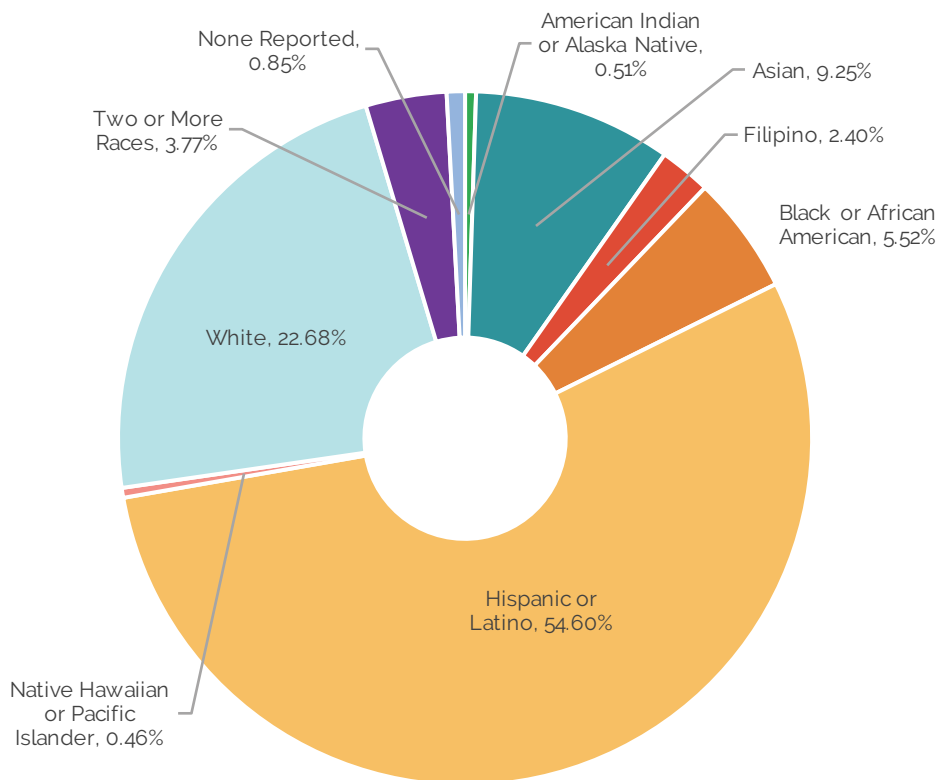
YOUTH OF COLOR ARE DISPROPORTIONATELY IMPACTED BY THE FAILURE TO ADDRESS THE EDUCATIONAL NEEDS OF COURT-INVOLVED STUDENTS

In our original 2016 *Educational Injustice* report we found that youth of color, primarily Black and Latino students, were most impacted by the State's failure to address the academic needs of youth in juvenile court schools. Our original report found that during the 2013-2014 school year Black and Latino students comprised 82% of the total student enrollment in the California

TABLE 2. 2021-2022 Juvenile Court Schools Transitory Student Rates

COURT SCHOOLS WITH ≤ 30.0% TRANSITORY STUDENT RATES	COURT SCHOOLS WITH ≥ 70.0% TRANSITORY STUDENT RATES
<p>Los Angeles COE Afflerbaugh-Paige Camp: 22.6% Dorothy Kirby Camp: 14.8% Glenn Rockey Camp: 23.5% Road to Success Academy at Campus Kilpatrick: 20.8%</p> <p>San Diego COE San Diego County Court: 44.2%</p> <p>Santa Cruz COE Santa Cruz County Court: 17.9%</p>	<p>Alameda COE Alameda County Juvenile Hall/Court: 70.2%</p> <p>El Dorado COE Blue Ridge: 70.8%</p> <p>Imperial COE Imperial County Juvenile Hall/Community: 77.6%</p> <p>Los Angeles COE Central Juvenile Hall: 71.2%</p> <p>Napa COE Napa County Juvenile Hall/Court: 87.5%</p> <p>Placer COE Placer County Court Schools: 76.8%</p> <p>San Bernardino COE San Bernardino County Juvenile Detention and Assessment Center: 73%</p> <p>San Francisco COE S.F. County Court Woodside Learning Center: 89.9%</p> <p>San Joaquin COE John F. Cruikshank Jr: 73.9%</p> <p>Santa Clara COE Santa Clara County Court: 73.3%</p> <p>Solano COE Solano County Juvenile Detention Facility - Evergreen Academy: 72.6%</p> <p>Sonoma COE Sonoma County Court: 74.3%</p>

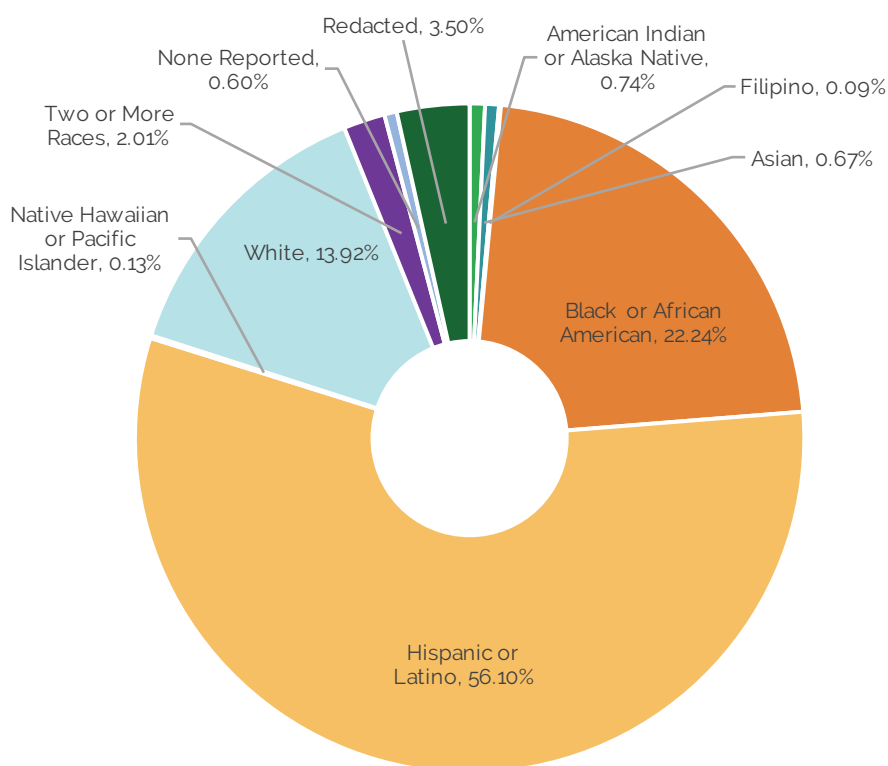
Chart 1: 2018-2019 School Year Race/Ethnicity Breakdown of Cumulative Enrollment for CA Public Schools



juvenile court school system.³⁴ During that school year, Black students comprised only 6% of total California public school enrollment, but they were the most overrepresented group in the juvenile court schools, with 20.6% of the total court school enrollment.³⁵ Black students in court schools were 3.43 times overrepresented in juvenile court schools compared to their percentage of the total California public school student population. Latino students comprised 53.6% of the total statewide public school enrollment and 61.4% of court school enrollment.³⁶ Latino students in court schools were 1.15 times overrepresented in juvenile court schools compared to their percentage of the total California public school student population.

Our current analysis for this report found that youth of color, primarily Black and Latino students, continued to be the most impacted by the State's failure to address the academic needs of youth in juvenile court schools.

Chart 2: 2018-2019 School Year Race/Ethnicity Breakdown of Cumulative Enrollment for CA Court Schools



During the 2018-2019 school year Black and Latino students comprised 78.33% of the total cumulative enrollment in the juvenile court school system.³⁷ As seen in Charts 1 and 2, during that school year, Black students comprised only 5.52% of total California public school enrollment, but they remained the most overrepresented racial and ethnic group in the juvenile court schools with 22.24% of the court school enrollment. This meant Black students were 4.03 times overrepresented in juvenile court schools compared to their percentage of the total California public school student population. In the 2018-2019 school year, Latino students comprised 54.6% of total California public school enrollment and they remained the most prevalent group in the juvenile court schools where they were 56.10% of the juvenile court school enrollment. For this year, Latino students were 1.03

In 2021-2022, Black students were

3.81 TIMES
overrepresented in
juvenile court schools

compared to their percentage
of the total California public
school student population.

times overrepresented in juvenile court schools compared to their percentage of the total California public school student population. American Indian/Alaska Native students, while a small number of students in the court school system, were 1.45 times overrepresented compared to their percentage of the total California public school student population.

Once again during the 2021-2022 school year Black and Latino students comprised the majority of the total cumulative enrollment in the juvenile court school system, at 74.51%.³⁸ As seen in Charts 3 and 4, Black students were 5.20% of the total California public school enrollment, but once again remained the most overrepresented group in the juvenile court schools with 19.79%. This meant that Black students were 3.81 times overrepresented in juvenile court schools compared to their percentage of the total California public school student population. In that same year, Latino students comprised 55.80% of the total California public school enrollment and once again they were the most prevalent group in juvenile court schools at 54.72% of the juvenile court school enrollment. One important caveat about the 2021-2022 data is that the percentage of students for whom race and ethnicity data was redacted skyrocketed from 3.5% in 2018-2019 to 14.6% in 2021-2022. Under data privacy protocols, schools do not report data on student groups whenever the group is 10 or fewer students. While the

Chart 3: 2021-2022 School Year Race/Ethnicity Breakdown of Cumulative Enrollment for CA Public Schools

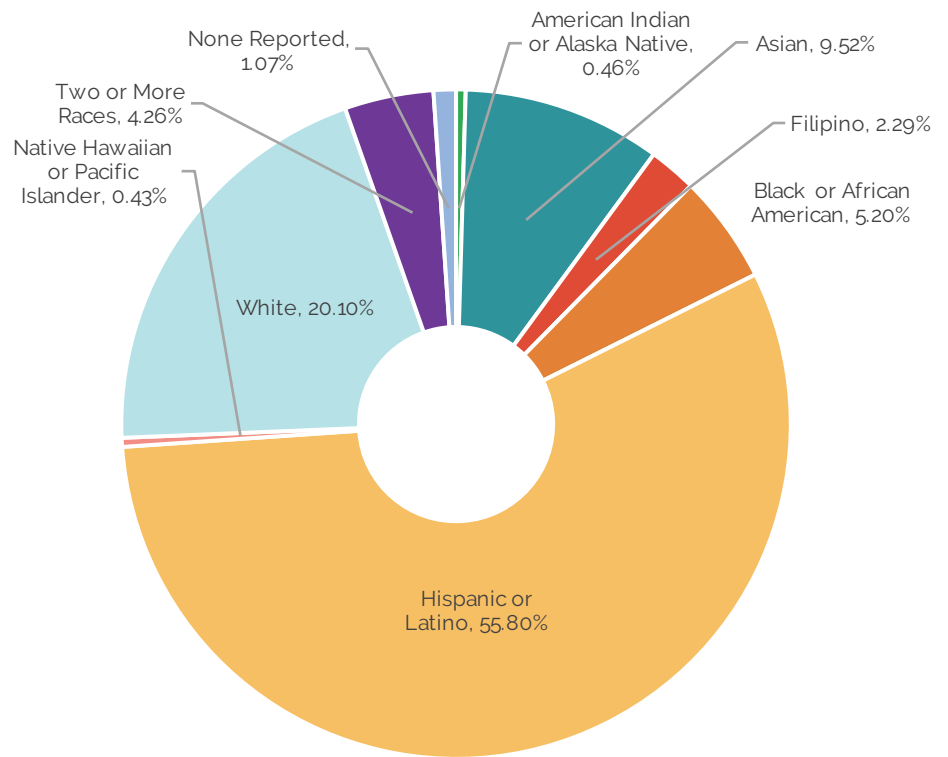
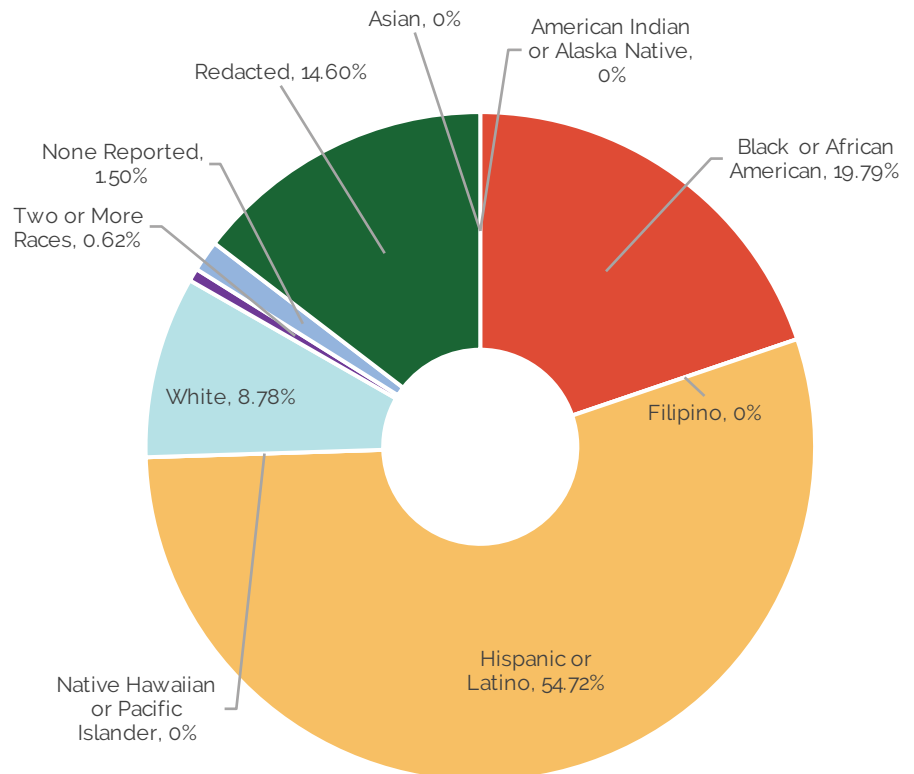


Chart 4: 2021-2022 School Year Race/Ethnicity Breakdown of Cumulative Enrollment for CA Court Schools



available data seems to show a slight decrease in overrepresentation of Black students between those years, the number of schools that redacted data on Black student enrollment increased from 14 to 29 in those years. The number of schools redacting data on White student enrollment increased from 9 to over 30. The 2021-2022 data also showed no students in the American Indian/Alaska Native, Native Hawaiian or Pacific Islander, Filipino, or Asian student categories in a court school, despite the fact that we know this to be untrue. In fact, American Indian/Alaska Native students have historically been overrepresented in California's juvenile justice system.

While we understand the general reasoning behind the data redaction policies and are supportive of protecting student privacy, we are concerned that data redaction policies inadvertently prevent policymakers and communities from addressing racial disproportionality in court schools and/or identifying schools to target for intervention or specialized support services. Juvenile court schools, as well as other alternative schools, tend to be much smaller than traditional public schools, and thus are disproportionately impacted by these data redaction policies, which functionally means that the least amount of data is available for the schools that educate the students at highest risk of school push-out. At present, these policies are a significant barrier to our ability to accurately understand who is enrolled in court schools and what their outcomes are.

STUDENTS WITH DISABILITIES ARE OVERREPRESENTED IN JUVENILE COURT SCHOOLS

Our original 2016 report did not analyze the number of students with disabilities³⁹ attending court schools. However, researchers have found that across the nation students with disabilities, especially students with learning disabilities, are more likely than their nondisabled peers to end up involved in the juvenile delinquency system.⁴⁰ Researchers estimate at the national level that students with disabilities make up one- to two-thirds of incarcerated youth, and that these disabilities are not always appropriately identified or accommodated.⁴¹ In order for court schools to meet the education needs of young people in the juvenile delinquency system, the system must address the needs of students with disabilities.

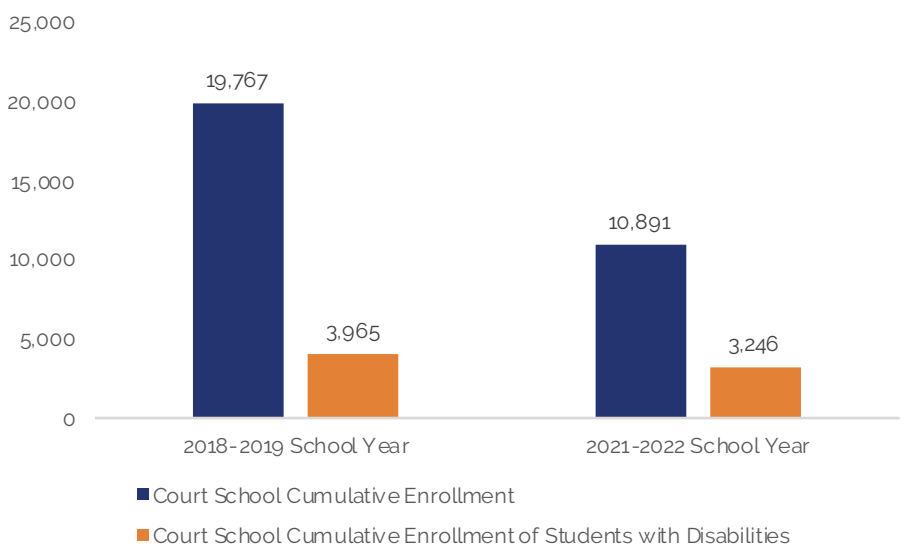
Our current analysis for this report found that students with disabilities are overrepresented in California's

juvenile court schools. Furthermore, we observed a notable increase in the proportion of students with disabilities enrolled in court schools between the 2018-2019 school year and the 2021-2022 school year.

During the 2018-2019 school year students with disabilities comprised 20.06% of the total cumulative enrollment in the juvenile court school system.⁴² During that school year, students with disabilities were only 12.97% of total California public school enrollment. This meant that students with disabilities were 1.55 times overrepresented in juvenile court schools compared to their percentage of the total California public school student population. In this school year, nineteen of the fifty-one court schools we analyzed had a percentage of students with disabilities greater than 25%.

During the 2021-2022 school year students with disabilities comprised 29.80% of the total cumulative enrollment in the juvenile court school system, while students with disabilities were only 13.98% of total California

Chart 5: A Comparison of the Change in Cumulative Enrollment and Cumulative Enrollment of Students with Disabilities



public school enrollment. This meant that students with disabilities were 2.13 times overrepresented in juvenile court schools compared to their percentage of the total California public school student population. And twenty-nine of the fifty-one court schools we analyzed had a percentage of students with disabilities greater than 25%.

We observed a significant increase in the percentage of juvenile court school students with disabilities between the 2018-2019 and 2021-2022 school years; the overall percentage of students with disabilities in court schools increased by 9.74%. This increase in the percentage of students with disabilities occurred at the same time as a significant drop in overall enrollment in court schools. The number of students enrolled in court schools dropped by almost half - 44.9% between those two years - but the number of students with disabilities did not drop at the same rate. As seen in Chart 5, the overall cumulative enrollment of juvenile court schools' students with disabilities decreased from 3,965 in 2019 to 3,246 in 2022, or a decrease of 18.13%. Note that the count of students with disabilities in 2022 is likely a slight undercount, as eighteen court schools' enrollment numbers were unavailable due to data policies that require numbers to be redacted whenever a school reports 10 or fewer students in a particular category.

Of the fifty-one court schools we analyzed, only three court schools had a year-to-year decrease in the percentage of students with disabilities.

Thirty court schools had a year-to-year increase in the percentage of students with disabilities. Of those thirty court schools, twelve schools saw an increase of over 10%. This includes four schools that had an increase of over 30%.

While the available data allows us to observe this significant increase, it does not explain why the increase occurred. There are a few possible explanations; note that these explanations are not necessarily mutually exclusive, and that the explanations could differ from county to county.

One reason that the percentage of students with disabilities in court schools might increase, even as the total population declines, could be that COEs and school districts have improved their identification, screening, and intake processes such that they are correctly identifying students with disabilities who had previously gone undiagnosed or whose disability status was not appropriately communicated as students moved between schools. It seems possible that in at least some of the COEs observed, the increase in students with disabilities could be a result of improved practices, potentially related to legislation that passed in 2019 assigning greater responsibility to COEs for special education records transfer and transition planning between school districts and court schools.⁴³

It is also possible that the increase in the proportion of students with disabilities in court schools is an indication that youth with disabilities are

not benefitting in the same way from changes in juvenile justice system practices that have reduced the overall number of youth in detention. Because court schools educate youth detained in juvenile facilities, enrollment in court schools can be used as a rough proxy for the demographics of youth the juvenile justice system detains or incarcerates, data which is not currently collected or reported on a statewide level by probation departments. While the courts, probation departments, and other juvenile justice system decision-makers have instituted policy changes over the past several years with the effect of reducing overall arrests and the use of detention, and increasing the availability of community and family-based alternatives to detention, this data may reflect that those changes have not had the same effect for youth with disabilities as for their non-disabled peers, and that the already disproportionate incarceration of youth with disabilities has worsened even as overall practices have improved.

Regardless of the cause of the increase, the greater percentage of court school students with disabilities has important implications for the operation of court schools, the facilities in which they are housed, and the juvenile justice system in general. Probation and the juvenile court must ensure that they are appropriately serving youth with disabilities in facilities, communities, and courtrooms just as County Offices of Education and court schools must serve them in the classroom.



Our observed increase in the percentage of court school students with disabilities only heightens the need for court school and probation staff to ensure they are able to meet the needs of students with disabilities.

Probation departments must also ensure that their practices do not prevent COEs from meeting their legal obligations to students with disabilities. A recent report from Disability Rights California (“DRC”) underscores challenges faced by youth with disabilities in the juvenile justice system. DRC’s recent investigation of the Kings County Juvenile Center found that Kings County failed to meet the special education needs of its students.⁴⁴ DRC observed that probation staff, not teachers, would be in the classroom and look over students’ work. DRC also observed that probation and school staff did not regularly meet to discuss and coordinate support for students with disabilities. Lastly, the report found that probation staff regularly conducted informal school removals by either not taking students to class or removing them from the classroom. Despite court school students with disabilities who receive special education being entitled to protection under both federal⁴⁵ and state⁴⁶ laws, DRC’s recent report demonstrates what the failure to respect these rights can look like in a juvenile court school.

Our observed increase in the percentage of court school students with disabilities only heightens the need for

court school and probation staff to ensure they are able to meet the needs of students with disabilities.

ENGLISH LEARNERS IN JUVENILE COURT SCHOOLS

Juvenile court schools, like all California public schools, have a legal obligation to provide English Learners (EL)⁴⁷ with a quality education. Students who speak a language other than English at home must be carefully assessed to determine whether they are an EL in order to properly meet their language needs. Under both state and federal law, schools are obligated to provide EL students with programming that both teaches them academic English and provides equal access to the same curriculum as other non-EL students.⁴⁸ Juvenile court schools have these same obligations to EL students.⁴⁹

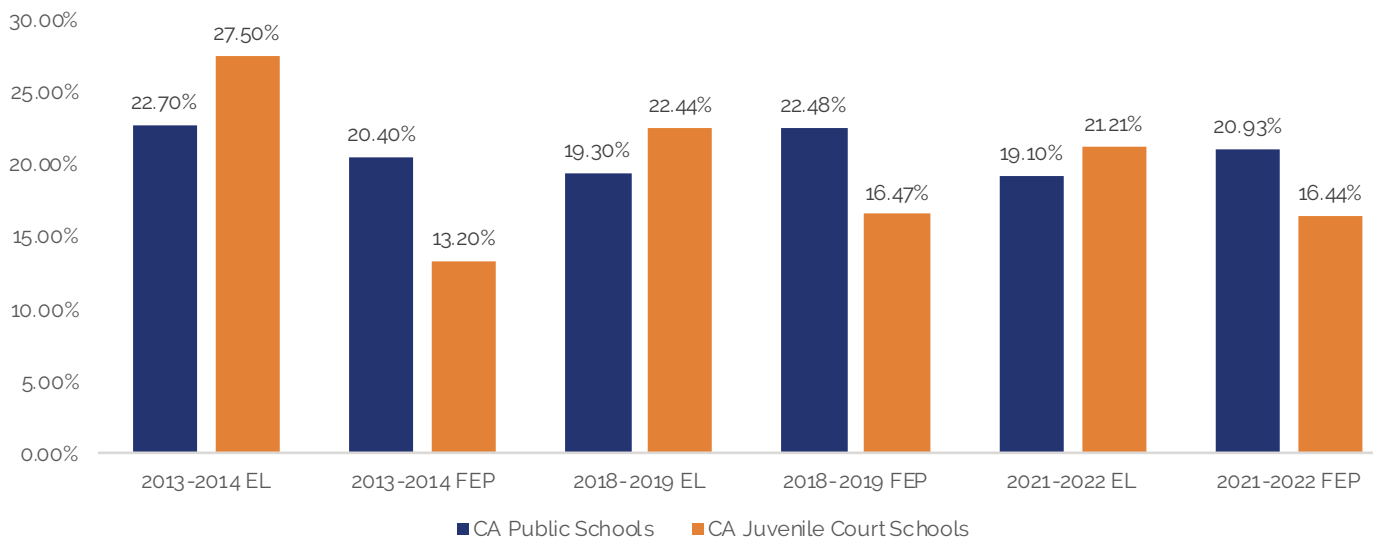
In our original 2016 report we found that juvenile court schools served a greater percentage of EL students statewide than regular public schools, yet served a smaller portion of Fluent English Proficient (FEP)⁵⁰ students.⁵¹ Our current review of the data found that the same trend persisted in both school years we examined, that is, that

juvenile court schools served a greater percentage of EL students statewide than regular public schools, yet served a smaller portion of FEP students.

In the 2018-2019 school year, EL students comprised 19.3% of total statewide enrollment and 22.44% of court school census day enrollment.⁵² During the same period, FEP students accounted for 22.48% of statewide enrollment, yet only 16.47% of the court school population. In the 2021-2022 school year, EL students comprised 19.1% of total statewide enrollment and 21.21% of court school enrollment. During the same period, FEP students accounted for 20.93% of statewide enrollment, yet only 16.44% of the court school population. As with our original 2016 report we believe “[t]he lower rate of FEP students in court schools may be due to the older age and school enrollment history of the court school population or the failure to properly identify or reclassify EL students.”⁵³

Juvenile detention facilities have an obligation to provide language accessible services to the youth who are placed there. While many facilities may struggle to collect this data, court schools often collect it and share it with CDE. Coordination between court

Chart 6: EL and FEP Percentages in CA Public Schools & CA Juvenile Court Schools



school staff and detention facility staff could improve the ability for detention facilities to meet their obligations and better serve EL and FEP youth beyond the classroom.

FOSTER YOUTH AND YOUTH EXPERIENCING HOMELESSNESS IN COURT SCHOOLS

Our 2016 report on court schools did not analyze the overlap between foster youth and youth experiencing homelessness with court school students. Our current analysis of court school data shows that youth in foster care are vastly overrepresented in court schools, and that there is a concerning lack of data regarding the enrollment of students experiencing homelessness in court schools.

In 2018-2019, 4,396 foster youth enrolled in a court school, representing 22.24% of cumulative enrollments in court schools.⁵⁴ In that year data on foster youth enrollment was either redacted or unavailable for five court schools. In 2021-2022, 2,335 foster youth were reported enrolling in court schools, but data was either redacted or unavailable for 27 court schools. Even with over half of court schools not reporting foster youth data, foster youth made up 21.44% of enrollments in court schools that year. By comparison, foster youth made up less than one percent (0.7%) of enrollments in the state of California in both years. In 2021-2022, foster youth were 30.63 times overrepresented in court schools as compared to their overall percentage of enrollments in the state of California. As there are multiple definitions of foster youth in the California Education Code, we note that for the purposes of this section, the count refers to youth who meet the Local Control Funding Formula (LCFF) definition of foster youth.⁵⁵

Crossover between the child welfare and juvenile justice systems is a well-documented phenomenon – youth may come into the juvenile justice system with prior child welfare history, be placed in foster care while involved in the juvenile justice system, or exit the juvenile justice system to the child welfare system. Despite this overlap, and the fact that juvenile court schools have some of the highest concentrations of foster youth of any schools in the state, foster youth attending juvenile court schools are not always included in outreach or services for foster youth. We hope that this data underscores the importance of proactively including foster youth who have encountered the juvenile justice system in initiatives to boost educational attainment and support youth in the transition to adulthood at the state and local levels.

In both years analyzed, the majority of court schools did not have available data for homeless youth due to redaction or other reporting issues. For 2018-2019 homelessness data was available only in 11 schools and in 2021-2022 homelessness data was available only in five schools. For this reason, we are not calculating a rate across all court schools.

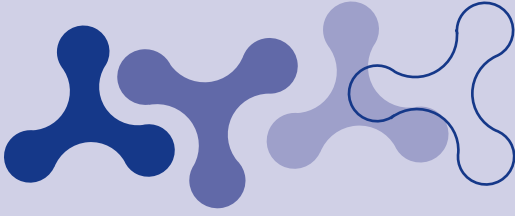
We were, however, able to observe that rates of identification for homeless youth varied significantly between schools. For example, in 2018-2019 13.74% of students enrolled in Alameda County's court school were identified as homeless, and 42% of students enrolled in Humboldt County's court school were identified as homeless, while other schools, even ones with large cumulative enrollment numbers, seemingly identified no homeless students. In 2021-2022, the five schools with available homelessness data were Alameda County Juvenile Court School at 16.8%, Barry J. Nidorf (Los Angeles County) at 3.2%, ACCESS Juvenile Hall



In 2021-2022, foster youth were 30.63 times overrepresented in court schools as compared to their overall percentage of enrollments in the state of California.

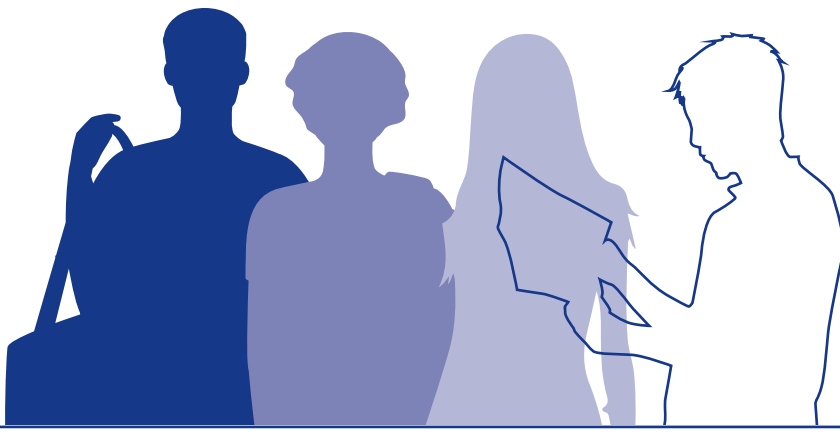
at 2.5% (Orange County), El Centro Jr./Sr. High at 11.77% (Sacramento County), and Santa Barbara County Juvenile Court School at 25.77%. That year, the statewide percentage of homeless students enrolled in California schools was 3.7%.

Given that national data indicates that 46% of youth who have experienced homelessness have been held in a juvenile detention center,⁵⁶ we are more inclined to believe that court schools are undercounting homeless youth than to believe that the schools reporting high percentages of youth experiencing homelessness are extreme outliers. Homeless youth status, unlike foster youth status, is not centrally tracked through a data matching process – in order to identify children and youth experiencing homelessness, school districts must implement processes to screen youth and families for homelessness. It seems possible that youth in court schools might not be screened for homelessness due to a mistaken belief that because they are temporarily residing in a detention facility, they cannot be screened for homelessness status, even if they were homeless prior to being detained or will exit to homelessness.



RECOMMENDATIONS

- 1** Juvenile Court Schools should be required to track distinct populations in their school who are attending for only a short percentage of time (fewer than 31 instructional days) and students who are attending for much longer periods of time (i.e. greater than 31 instructional days and students in a Secure Youth Treatment Facility) in order to fully understand the different demographics, needs, and outcomes of these students.
- 2** County Offices of Education and probation departments should ensure that programs and policies in juvenile court schools reflect the fact that many of their students attend for only a short amount of time. Investments in transition services and relationship building with districts of origin to minimize disruption to student learning are imperative.
- 3** Juvenile justice system stakeholders including, but not limited to courts, probation, and COEs must work together to ensure that the rights of students with disabilities are respected in and out of the classroom, and that the system is not subjecting youth with disabilities to harsher penalties due to their disability status. A first step towards understanding the disproportional representation of youth with disabilities in the juvenile justice system is to collect data and analyze outcomes with attention to disability status.
- 4** Require collaboration between court schools and probation to improve language access assessment and services for youth who are English Language Learners.
- 5** Proactively review or draft policies related to foster youth services that ensure that current and former foster youth in juvenile court schools are connected to educational and other resources that can support their graduation from high school and transition to postsecondary education or work.
- 6** Implement policies and practices to ensure that youth experiencing homelessness are appropriately identified when entering or exiting a court school so that they can be linked to supportive services.
- 7** Work with stakeholders to develop data protocols that protect student privacy without rendering student populations such as students with disabilities, foster youth, homeless youth, and American Indian/Alaska Native students invisible.



Access to School Issues

As we noted in our original report there are many reasons why juvenile court school students miss school.⁵⁷ In this section we will discuss four categories for which we have data: chronic absenteeism, expulsions, suspensions, and willful defiance suspensions. However, there are many underlying causes for these students missing school about which we do not have available data. A common theme that emerged from our PRA requests was the important role that probation departments played in whether students attended school while in a probation facility. Many of the documents provided by COEs to Youth Law Center via our PRA requests outlined thoughtful guidelines regarding the conditions under which a student would be removed from class, which would be followed by a statement regarding probation's ability to act with great discretion. This is true even for COEs with robust Positive Behavior Intervention and Support frameworks.⁵⁸ Furthermore, these removals from class or school are often described in the provided guidelines as explicitly *not* suspensions, and therefore won't be reflected in the data described below. While the data we discuss in this section will partially describe juvenile court school attendance and the prevalence

of exclusionary discipline, it cannot tell the complete story of why juvenile court school students miss class because of all of the data that is not being tracked.

CHRONIC ABSENTEEISM: MISSING INSTRUCTION WHILE INCARCERATED.

In our original *Educational Injustice* report we were shocked to find that there were high truancy rates⁵⁹ for juvenile court schools.⁶⁰ At first one might assume that court schools are designed to limit opportunities for student truancy. Youth attending these schools are frequently secured in a facility under the direct supervision of detention facility staff at all times and school attendance is statutorily

mandated. While we originally found that in the 2013-2014 school year the majority of juvenile court schools in California reported no truant students, we also noted that there were several court schools where the truancy rate exceeded 30%.⁶¹

For this report we analyzed the "Chronic Absenteeism⁶² Rate Indicator"⁶³ data for the 2018-2019 and 2021-2022 school years. We chose to analyze the chronic absenteeism rates because the data were accessible via the Ed-Data.org website for any local educational agency ("LEA") in California. As discussed above on pages 11-12, the chronic absenteeism rate calculation excludes students who were enrolled in a LEA for fewer than 31 instructional days. While the *truancy rates* we



A common theme that emerged from our PRA requests was the important role that probation departments played in whether students attended school while in a probation facility.

TABLE 3. 2018-2019 Juvenile Court School Chronic Absenteeism Rates

HIGHEST TEN CHRONIC ABSENTEEISM RATES

Bishop Unified School District
Keith B. Bright High (Juvenile Hall): 88.9%

Los Angeles COE
Barry J. Nidorf: 69.8%

Mendocino COE
West Hills Juvenile Hall Court: 45.5%

Los Angeles COE
Dorothy Kirby Camp: 27%

Fresno COE
Alice M. Worsley: 23.8%

San Joaquin COE
John F. Cruikshank Jr: 23.1%

Santa Cruz COE
Santa Cruz County Court: 20%

Los Angeles COE
Glenn Rockey Camp: 18.6%

Los Angeles COE
Aflterbaugh-Paige Camp: 18.6%

Orange COE
ACCESS Juvenile Hall: 17.7%

TABLE 4. 2021-2022 Juvenile Court School Chronic Absenteeism Rates

HIGHEST TEN CHRONIC ABSENTEEISM RATES

Ventura COE
Providence: 65.2%

Alameda COE
Alameda County Juvenile Hall/ Court: 63.9%

Santa Cruz COE
Santa Cruz County Court: 48.3%

Placer COE
Placer County Court School: 42.9%

San Joaquin COE
John F. Cruikshank Jr: 42.9%

Kings COE
J.C. Montgomery: 34.5%

Kern COE
Kern County Juvenile Hall Court: 34%

Mendocino COE
West Hills Juvenile Hall Court: 31.3%

Contra Costa COE
Mt. McKinley: 27.8%

Los Angeles COE
Dorothy Kirby Camp: 27.5%

a LEA for less than 31 days are not eligible to be considered chronically absent. Our novel Transitory Student Rate indicated that a majority of court school students in both of the school years we reviewed attended a court school for fewer than 31 instructional days. This means that the lost instruction time for most court school students is simply not captured by the Chronic Absenteeism indicator. While the data we analyzed demonstrates that court school students' missed instructional time remains a significant concern, the available data cannot fully capture the entire population and reflect the gravity of the issue. For these reasons the Chronic Absenteeism indicator alone is not a sufficient indicator of court school students' missed instructional time. A better indicator must be developed in order for all stakeholders to address the enduring issue of missed instructional time.

As we noted in our prior report, youth in juvenile court schools experience unexcused absences, missed classes, and tardiness for many different reasons. Sometimes there exist unlawful facility practices that prevent class attendance, some absences are due to insufficient facility procedures and limited oversight, and there may be instances in which youth decline to attend school. In juvenile court schools, student attendance at school involves coordination among the youth, probation staff, and school staff. Breakdowns in coordination between probation and school staff can cause youth to completely miss school or be brought to school late. Since this issue was noted in our prior report, there has been little progress made to document when breakdowns in probation and school staff coordination result in court school students missing school. Because the resulting loss in instructional time is not tracked, it is difficult for either set of actors to be held accountable and for progress to be appropriately tracked.

analyzed for the 2013-2014 school year and the *chronic absenteeism* rates that were reviewed for this report both measure students' missed instructional time, these rates are not calculated in the same way and direct comparisons between the two rates could not and should not be made.

Unfortunately, our current findings are consistent with prior findings. While in both the 2018-2019 and 2021-2022 school years around 20% of court schools had Chronic Absenteeism rates of 0%, there were a number of court schools where the chronic

absenteeism rate exceeded 30%.⁶⁴ For the 2018-2019 school year the average California court school Chronic Absenteeism rate was 12.9%. For the 2021-2022 school year the average California court school Chronic Absenteeism rate was 16.8%. This year-to-year increase is not surprising as schools across the state are currently experiencing an increase in chronic absenteeism.⁶⁵

While these findings are alarming, they do not fully reflect the percentage of young people in court schools who miss more than 10% of school days. As noted above, students who attend



A necessary element of addressing chronic absenteeism in court schools must include better documentation of missed instructional time and the reasons why students are absent from class.

In a traditional school, there are significant and sometimes severe consequences for truant youth and their parents. “Habitually truant”⁶⁶ students may be referred to a School Attendance Review Board (SARB) where they may be transferred to an alternative school and/or receive helpful interventions. The SARB or school district may also ask their local District Attorney’s Office to file a petition in juvenile court regarding a truant youth. If parents fail to compel their child to attend school, they may have a criminal complaint filed against them and face court-imposed fines. Our public records requests confirmed that several county offices of education viewed the first step in addressing chronic absenteeism in court schools as contacting students’ parents. In publications regarding chronic absenteeism they mentioned the liability parents may face if their student did not attend school. It is important to note that no such consequences exist for the failure of a probation department or detention

staff to ensure the attendance of detained youth who are placed under their care and supervision. Furthermore, the current law allows parents to potentially be held liable for absences that are caused in part by probation and detention staff practices.

Probation and detention facility staffing issues and policy decisions contribute to the high rate of chronic absenteeism in court school programs. Sometimes decisions made by the probation department or facility staff related to entire groups of detained young people prevent youth from attending school. An investigation of the Los Angeles County juvenile halls revealed that there was a practice of barring entire living units of young people from attending school if one of them misbehaved.⁶⁷ Similarly, Kern County probation staff blanketly barred all youths labeled “high security status” from attending school and required them to receive education services in their living units instead.⁶⁸

Other times the action taken by probation staff is a refusal to timely transport students to school. In April 2023, the California Attorney General filed a motion to enforce specific portions of a 2021 stipulated judgment that required Los Angeles County’s probation department to “Iprovide timely transport of youth from their units in the juvenile halls to school daily.”⁶⁹

Because missed instructional time for juvenile court school students is difficult to track, and the reason for the missed instructional time is even harder to discern, fully addressing missed instructional time in court schools remains extremely difficult. Our hope in highlighting how probation in some instances contributes to the alarming chronic absenteeism rates in these schools is not to assign blame. A crucial step in addressing a

problem is understanding the many different factors that contribute to the problem. The solutions to a problem must address all of its different causes. A necessary element of addressing chronic absenteeism in court schools must include better documentation of missed instructional time and the reasons why students are absent from class. Additionally, efficient and effective coordination between probation and school staff is critical to ensuring the basic educational responsibility of students being present in their classrooms is met.

SUSPENSIONS AND EXPULSIONS

Suspensions and expulsions can have broad and long lasting consequences beyond removing students from the classroom or a school. For years studies have confirmed that when youth are subjected to exclusionary discipline policies, including both suspension, expulsions, and arrests at school, they are more likely to drop out of school entirely⁷⁰ and eventually be pushed into the juvenile justice system and adult incarceration.⁷¹ The focus on utilizing exclusionary discipline to address chronic absenteeism/truancy can often result in increased rates of absenteeism/truancy.⁷² It is likely that even before entering the juvenile justice system, court school students experienced prior suspension or expulsions, school attendance issues, and had greater rates of repeating grades than their non-court-involved peers.⁷³ Additionally, there is a growing body of research that suggests exclusionary discipline does little to decrease future misbehavior for the disciplined students or their peers, doesn’t significantly improve educational achievement for peers, and often results in forcing youth off-track.⁷⁴

Expulsions

Today, juvenile court schools in California very rarely expel students. During the 2018-2019 school year there was only one student expelled from a juvenile court school.⁷⁵ During the 2021-2022 school year, available data indicates that there were no students expelled from a juvenile court school.⁷⁶ Court schools often operate inside of a secure facility under the supervision of detention facility staff. The data demonstrates that expelling students from court schools is not an option that is frequently utilized by court schools. Given that expulsions are not being used in the court school context, and the research shows the broad and long lasting negative effects of expulsions, we recommend that the ability of court schools to expel students be eliminated.

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%.⁷⁷ Unfortunately, many court schools have exceptionally high suspension rates. Table 5 shows that ten court schools had suspension rates that are four times the statewide suspension rate for all California public schools. Another eight court schools had suspension rates that are double the statewide suspension rate. Three court schools, all administered by the Los Angeles County Office of Education (LACOE), had suspension rates

exceeding 50%. Two camps within the LACOE court school system recorded the highest suspension rates of any court school in California during the school year, with Glenn Rockey Camp reporting a 61.4% rate and Dorothy Kirby Camp reporting a suspension rate of 69%.

During the 2021-2022 school year, 6.59% of all juvenile court school students were suspended, more than 2.06 times higher than the statewide suspension rate of 3.2%.⁷⁸ Once again, we found that many juvenile court schools had very high suspension rates. Table 6 shows that eight court schools have suspension rates that were more than four times the statewide public school suspension rate. Another five court schools had suspension rates that were more than two times the statewide suspension rate. Two court schools, once again administered by LACOE, had suspension rates exceeding 50%. Similar to the 2018-2019 school year, two camps administered by the LACOE recorded the highest suspension rates that school year, with Glenn Rockey Camp reporting a 55.9% rate and Afflerbaugh-Paige Camp reporting a suspension rate of 69%.

The data suggests that it is possible for juvenile court schools to be run without suspending any students. During the 2018-2019 school year 17 court schools in California reported not suspending any students. During the 2021-22 school year 21 court schools reported not suspending any students. We

also found that since our initial analysis of 2013-2014 school year data in our 2016 *Educational Injustice* report, court schools, as well as all public schools statewide, are suspending students at a lower rate.⁷⁹ We acknowledge, however, that the suspension data may not fully capture removals from school and subsequent lost instructional time, as it appears that, generally, removals from school by probation staff are not tracked in suspension data. We also note that the way that suspension data is tracked could lead to a deflation in suspension rates for court schools, which have a highly mobile student population—suspensions are tracked across cumulative enrollment data, meaning that a student who is in the school for one day, and thus less likely to be present for enough time to be suspended, is given the same weight in the suspension rate calculation as a student who was there for the entire year.⁸⁰

California must continue to do more to address the reality that the most vulnerable students are still disproportionately removed from their classes via suspension. This reality is supported by research, which makes clear that in California there are a number of identified alternatives available beyond suspension.⁸¹ The negative consequences of suspensions are significant, and impact students well beyond their school age years. It should be a goal for California to decrease and ultimately eliminate the use of suspension for all students, including students educated in juvenile court schools.

Willful Defiance Suspensions

Willful Defiance is defined as “[d]isrupt[ing] school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.”⁸² Historically students

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%.

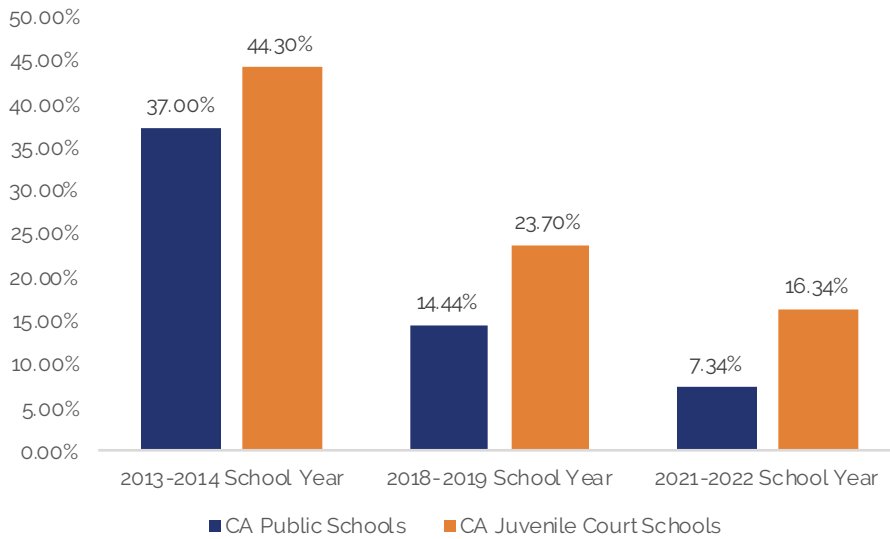
TABLE 5. 2018-2019 Juvenile Court Suspension Rates

COURT SCHOOLS WITH 0.0% SUSPENSION RATE	COURT SCHOOLS WITH 0.0%-5.00% SUSPENSION RATE	COURT SCHOOLS WITH ≥ 10.00% SUSPENSION RATE
<p>Butte COE Table Mountain</p> <p>El Dorado COE Blue Ridge Golden Ridge Rite of Passage</p> <p>Imperial COE Imperial County Juvenile Hall/Community</p> <p>Marin COE Marin County Juvenile Court</p> <p>Orange COE ACCESS Juvenile Hall</p> <p>Placer COE Placer County Court Schools</p> <p>San Benito COE San Benito County Juvenile Hall Court</p> <p>San Francisco COE S.F. County Court Woodside Learning Center</p> <p>San Mateo COE Margaret J. Kemp</p> <p>Santa Cruz COE Santa Cruz County Court</p> <p>Solano COE Solano County Juvenile Detention Facility: Evergreen Academy</p> <p>Stanislaus COE Stanislaus County West Campus</p> <p>Tehama COE Tehama Oaks High</p> <p>Tuolumne COE Gold Ridge Educational Center</p>	<p>Riverside COE Riverside County Juvenile Court: 0.1%</p> <p>Santa Clara COE Santa Clara County Court: 0.1%</p> <p>Merced COE Merced County Juvenile Court: 0.5%</p> <p>Shasta COE Shasta County Juvenile Court: 0.5%</p> <p>San Luis Obispo COE San Luis Obispo County Juvenile Court: 1.6%</p> <p>Tulare COE Tulare County Court: 1.8%</p> <p>Napa COE Napa County Juvenile Hall/Court: 2.0%</p> <p>Mendocino COE West Hills Juvenile Hall Court: 3.0%</p> <p>Sonoma COE Sonoma County Court: 3.2%</p> <p>Santa Barbara COE Santa Barbara County Juvenile Court: 3.4%</p> <p>San Diego COE San Diego County Court: 4.0%</p> <p>Madera COE Juvenile Hall (Endeavor/ Voyager Secondary): 4.1%</p>	<p>Bishop Unified Keith B Bright High (Juvenile Hall): 21.4%</p> <p>Fresno COE Alice M. Worsley: 20.2%</p> <p>Humboldt COE Humboldt County Office of Education Juvenile Hall Court: 16.7%</p> <p>Los Angeles COE Aflerbaugh-Paige Camp: 69.4% Barry J. Nidorf: 17.7% Central Juvenile Hall: 22.5% Dorothy Kirby Camp: 69% Glenn Rockey Camp: 61.4% Road to Success Academy at Campus Kilpatrick: 58.3%</p> <p>Monterey COE Wellington M. Smith Jr.: 10.5%</p> <p>San Diego COE San Pasqual Academy: 30.9%</p> <p>San Joaquin COE John F. Cruikshank Jr.: 13.2%</p> <p>Monterey COE Wellington M. Smith, Jr.: 10.5%</p> <p>Yuba COE Harry P B Carden: 10.2%</p>

TABLE 6. 2021-2022 Juvenile Court Suspension Rates

COURT SCHOOLS WITH 0.0% SUSPENSION RATE	COURT SCHOOLS WITH 0.0%-5.00% SUSPENSION RATE	COURT SCHOOLS WITH ≥ 10.00% SUSPENSION RATE
<p>Butte COE Table Mountain</p> <p>Del Norte COE Elk Creek</p> <p>El Dorado COE Blue Ridge Rite of Passage</p> <p>Imperial COE Imperial County Juvenile Hall/Community</p> <p>Orange COE ACCESS Juvenile Hall</p> <p>Placer COE Placer County Court Schools</p> <p>Riverside COE Riverside County Juvenile Court</p> <p>San Benito COE San Benito County Juvenile Hall Court</p> <p>San Francisco COE S.F. County Court Woodside Learning Center</p> <p>San Mateo COE Margaret J. Kemp</p> <p>Santa Clara COE Santa Clara County Court</p> <p>Santa Cruz COE Santa Cruz County Court</p> <p>Solano COE Solano County Juvenile Detention Facility - Evergreen Academy</p> <p>Stanislaus COE Stanislaus County West Campus</p> <p>Tehama COE Tehama Oaks High</p> <p>Tuolumne COE Gold Ridge Educational Center</p> <p>Yolo COE Dan Jacobs</p> <p>Yuba COE Harry P B Carden</p>	<p>Alameda COE Alameda County Juvenile Hall/Court: 0.6%</p> <p>Contra Costa COE Mt. McKinley: 1.8%</p> <p>Madera COE Juvenile Hall (Endeavor/Voyager Secondary): 1.6%</p> <p>Marin COE Marin County Juvenile Court: 1.8%</p> <p>Monterey COE Wellington M. Smith, Jr.: 1.7%</p> <p>Sacramento COE El Centro Jr./Sr. High: 0.5%</p> <p>San Diego COE San Pasqual Academy: 4.2%</p> <p>Sonoma COE Sonoma County Court: 2.9%</p> <p>Tulare COE Tulare County Court: 0.4%</p> <p>Ventura COE Providence: 2.4%</p>	<p>Bishop Unified Keith B. Bright High (Juvenile Hall): 50%</p> <p>Los Angeles COE Aflerbaugh-Paige: 63.2% Glenn Rockey Camp: 55.9% Road to Success Academy at Campus Kilpatrick: 43.8% Barry J. Nidorf: 26.8% Dorothy Kirby Camp: 21.9%</p> <p>San Joaquin COE John F. Cruikshank Jr: 15.4%</p> <p>San Mateo COE Hillcrest at Youth Services Center: 21.1%</p>

Chart 7: Percentage of Suspensions Where Willful Defiance was the Most Serious Offense Category



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

were suspended for willful defiance for “nonviolent acts such as ignoring the teacher, wearing a hoodie in class, talking back to a teacher or disrupting the class by tapping their feet.”⁸³ The broad definition gives teachers and administrators significant latitude in deciding which behaviors warrant suspension. Researchers have repeatedly found that willful defiance suspensions disproportionately affect Black, Latino, and Indigenous students and students with disabilities.⁸⁴

While willful defiance suspensions remain more common among juvenile court schools in comparison to the statewide rates, there has been a noticeable overall decrease in the use of these suspensions in California court schools since our original report. We previously found that during the 2013-2014 school year, court schools cited “willful defiance” as the most serious grounds for approximately 44.3% of all suspensions, in comparison to the statewide public school rate of 37%.⁸⁵

We also found that many court schools far surpassed the alarming 44.3%.⁸⁶

During the 2018-2019 school year, court schools cited “willful defiance” as the most serious grounds for approximately 23.70% of all suspensions, in comparison to the statewide public school rate of 14.44%.⁸⁷ During the 2021-2022 school year court schools cited “willful defiance” as the most serious grounds for approximately 16.34% of all suspensions, in comparison to the statewide public school rate of 7.34%.⁸⁸ Despite this overall decline in willful defiance suspension rates,

we also once again saw several court schools that far surpassed the overall statewide “willful defiance” suspension rates during each year. During both school years covered in our current analysis we saw several court schools that far exceeded the overall average juvenile court school “willful defiance” suspension rates.

There are several likely explanations as to why the rate of “willful defiance” suspensions has decreased more slowly among juvenile court schools than in the broader public school category. For years advocates

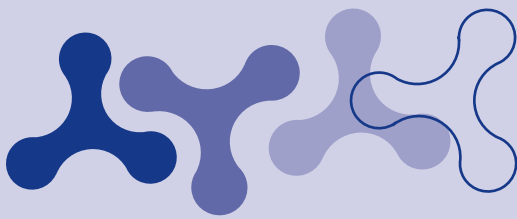
TABLE 7. Percentage of Suspensions where Willful Defiance was Most Serious Offense Category

	CA Public Schools	CA Juvenile Court Schools
2013-2014 School Year	37%	44.3%
2018-2019 School Year	14.44%	23.70%
2021-2022 School Year	7.34%	16.34%

have criticized the broad reach of the willful defiance definition,⁸⁹ the large number of students suspended for willful defiance,⁹⁰ and higher rates of willful defiance suspensions among vulnerable student populations. The enduring decade-long advocacy in California to address the problems caused by willful defiance suspensions has resulted in some positive legislative changes.⁹¹ However, many of these legislative changes have been focused on students who are younger than high school students. Juvenile court schools are less likely to include younger students and therefore less likely to have a corresponding reduction of “willful defiance” suspensions. Additionally, during this same decade

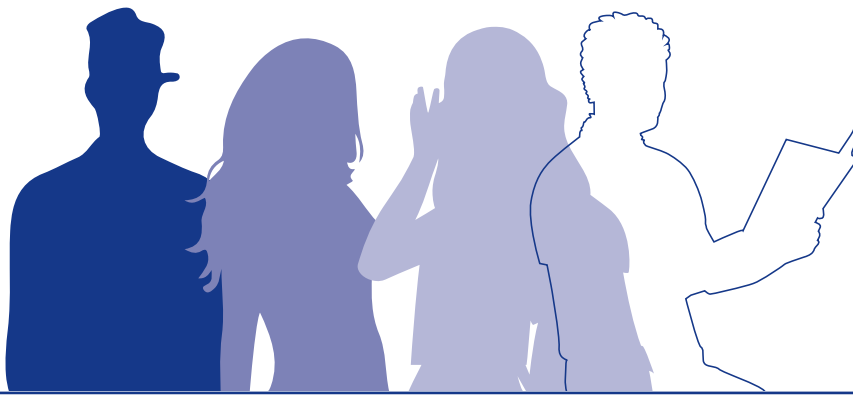
of advocacy several California school districts eliminated willful defiance suspensions completely, including Pasadena,⁹² Oakland,⁹³ Los Angeles,⁹⁴ and San Francisco.⁹⁵ Because these changes were made by the local school district, they do not impact juvenile court schools that are operated by the corresponding County Offices of Education. This means that, broadly, the decrease in willful defiance suspensions that is seen in court schools is likely due to a greater emphasis on utilizing alternatives to suspension,⁹⁶ rather than on state law changes or other local policy requirements.

To finally end the negative effects of willful defiance suspensions on students and school communities we recommend that this suspension category be completely eliminated, for all ages and grade levels. We are pleased to see that California Governor Newsom signed Senate Bill 274 (SB 274).⁹⁷ introduced by State Senator Nancy Skinner, D-Berkeley, shortly before the publication of this report. Starting July 1, 2024, willful defiance suspensions are barred through grades 6-12 in all California public schools, with the ban scheduled to end on July 1, 2029.⁹⁸ We urge the legislature to permanently ban willful defiance suspensions in all California public schools.



RECOMMENDATIONS

- 1** Both the amount of missed instructional time and the reason for the absence, including when probation refuses to timely bring the student to class, must be tracked for all juvenile court school students.
- 2** Both detention facility staff and juvenile court school staff must be held accountable to ensure that detained youth attend school and arrive on time.
- 3** Eliminate expulsions in juvenile court schools.
- 4** Continue to develop and utilize alternatives to suspensions in court schools.
- 5** Eliminate suspensions in juvenile court schools.
- 6** Work with stakeholders, including youth, to design a better tracking and accountability process for times when probation either removes students from school or prevents students from attending school. This could include but not be limited to better facility inspections, audits, or data/reporting systems.
- 7** Permanently eliminate willful defiance suspensions.



Academic Achievement

Effectively measuring academic achievement for juvenile court school students remains a challenge. In this report 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. Many of the measures that are available to track academic achievement, including these three measures, are not designed for the highly dynamic nature of juvenile court school students. As discussed above, we found in our current report that the majority of juvenile court school students attend a court school for fewer than 31 instructional days at a time. However, many of the available achievement assessment measures track students who are in schools on time spans ranging from 90 days to years. While we have collected and analyzed the available data concerning academic performance, new measures are needed in order to truly evaluate the quality of education provided by the juvenile court school system. Any new measures must account for the highly mobile nature of the juvenile court school population.

GRADUATION RATES

Available data struggles to meaningfully capture graduation rates for juvenile court school students. Our original 2016 report did not analyze the graduation rates of juvenile court schools and instead examined the overall percentage of juvenile court students in 2013 who earned a GED or obtained a high school diploma while in custody.⁹⁹ Our analysis of the novel Transitory Student Rate demonstrated that most students in court schools attend for fewer than 31 instructional days at a time.¹⁰⁰ Therefore, many of the students in court schools will ideally transfer from a court school to a school in their home community.

At present, there are a number of different graduation rates calculated by the California Department of Education. For all schools, there is a Four-Year Adjusted Cohort Graduation rate,¹⁰¹ a Five-Year Cohort Graduation Rate,¹⁰² and a combined four-and-five year graduation rate.¹⁰³ For alternative schools, there is also a Dashboard Alternative School Status 1-year graduation rate (DASS rate).¹⁰⁴ These rates are not all reported in one place. The Four-Year Adjusted Cohort is available on Ed-Data and through DataQuest. The Five-Year Cohort Graduation Rate is available on DataQuest. The combined

four-and five year graduation rate and DASS rate are available only on the Dashboard, and only for the 2021-2022 school year.¹⁰⁵

The graduation rate we are using in this report is the Four-Year Adjusted Cohort Graduation rate. We chose this rate for a few reasons. One is that it is easily comparable to California public schools more broadly and is available for multiple years, unlike the combined-four-and-five year graduation rate and the DASS rate. Another is that the current version of the Dashboard does not make it clear that what is described as a "Five Year" rate is actually a different rate than the "Five Year" rate available on DataQuest, which seemed as though it might lead to confusion for any readers seeking to verify data or undertake their own analysis, particularly as the Dashboard states that for 2018-2019 there is no "Five Year" rate for alternative schools. In addition to issues around comparability, the DASS rate has come under recent scrutiny by the Federal Department of Education, which stated in 2022 that the DASS rate would "result in lower expectations on academic achievement for those schools serving greater proportions of high-risk students...than other schools."¹⁰⁶ While we think that the

TABLE 8: 2021-2022 Comparison of Different Graduation Rate Measures at Select Schools

	4 Year Adjusted Cohort Rate¹⁰⁷	5 Year Cohort Rate¹⁰⁸	Combined 4-and-5 Year Rate¹⁰⁹	DASS 1-Year Rate¹¹⁰
Road to Success Camp Kilpatrick (Los Angeles)	63.6%	42.1%	71.4%	66.7%
San Diego County Court School	26.2%	48.7%	44.4%	94.7%
Stanislaus County West Campus	0%	15%	5.9%	5.9%
Tehama Oaks High	63.6%	50%	71.4%	Unavailable

information provided in the DASS rate may still be of value, we are unsure whether and in what capacity the DASS rate will continue to exist in future years.

We provide this detailed context in order to demonstrate that we found it difficult to track and understand different graduation rates that are not available via the same platforms, are not clearly differentiated and defined in all platforms, are not available for all schools or school years, and (as demonstrated in Table 8) can vary significantly within the same year and same school. We understand that California is in a period of change around graduation rate calculations – the Combined 4-and-5 year Rate and DASS rates have only been implemented in the past few years, which may be contributing to the confusion, but we hope that in future years there is clearer communication about graduation rates across platforms.

As Table 8 shows, there are significant differences between graduation rates depending on the metric used. A full analysis of different graduation rate metrics across all court schools could easily fill its own report, and so is outside the scope of this one. However, we wished to include this sample of different graduation metrics in a handful of court schools to illustrate that

there can be a wide range of variation in how graduation rates are reported that may paint a different picture of a school's "success" depending on which metric is prioritized. Across all court schools for which we have 2021-2022 graduation rate data available, the combined 4-and-5 year graduation rate was higher than the 4 year adjusted cohort graduation rate; on average, the combined 4-and-5 year graduation rate was 7.31% higher than the 4 year graduation rate. This difference is not insignificant, and for some schools there was more or less variation, however, on balance we did not find that the combined 4-and-5 year rate told a dramatically different story about graduation rates than the 4 year rate.

We are using the 4-yr Adjusted Cohort Graduation Rate, which counts the graduation rate based on the number of students entering grade 9 for the first time plus any student who transfers in, subtracting students who transfer out, emigrate to another country, or pass away. This rate does not include students who transfer to another school and graduate there, but does include students who enrolled in a court school, but did not return to school upon release from the facility. As stated previously, the juvenile court school student population is highly mobile, so most students who enroll in a court school during high school

are unlikely to be present at a court school for long enough to graduate from that school. Therefore, the 4-year graduation rate of a juvenile court school is more appropriately used as a descriptive measure than an evaluative measure, meaning that we believe that the rate may help us to understand whether there are significant numbers of students who enter court schools and never return to school again, but may not be an appropriate measure of a court school's contribution to students' graduation or lack thereof. Other juvenile justice system players who may contribute to low graduation rates among court school students could include, but not be limited to, students' prior schools and districts, the school or district that is supposed to receive the students, probation departments and/or child welfare agencies, and the juvenile court.

For the 2018-2019 school year, juvenile court schools' reported graduation rates range from 3.6% to 75%.¹¹¹ The overall graduation rate of all court schools with available data was 30%. In comparison, the statewide public school graduation rate for the 2018-2019 school year was 84.5%.¹¹² Fifteen juvenile court schools reported graduation rates below 33 percent and two juvenile court schools had graduation rates exceeding 67 percent. No juvenile court school had a graduation

TABLE 9. 2018-2019 Juvenile Court School Lowest & Highest Reported 4-Year Graduation Rates

Lowest Five Graduation Rates		Highest Five Graduation Rates	
Tulare COE Tulare County Court 3.6%	Yolo COE Dan Jacobs 5.6%	Placer COE Placer County Court Schools 75%	Merced COE Merced County Juvenile Court 70%
Los Angeles COE Central Juvenile Hall 8.4%	Fresno COE Alice M. Worsley 10.7%	El Dorado COE Rite of Passage 65%	Monterey COE Wellington M. Smith, Jr 57.1%
Yuba COE Harry P B Carden 17.6%		San Diego COE San Pasqual Academy 56.5%	

TABLE 10. 2021-2022 Juvenile Court School Lowest & Highest Reported 4-Year Graduation Rates

Lowest Five Graduation Rates		Highest Five Graduation Rates	
Stanislaus COE Stanislaus County West Campus 0%	Tulare COE Tulare County Court 4.8%	Monterey COE Wellington M. Smith, Jr 66.7%	Santa Barbara COE Santa Barbara County Juvenile Court 63.6%
Los Angeles COE Central Juvenile Hall 7.3%	Orange County COE ACCESS Juvenile Hall 13.9%	Tehama COE Tehama Oaks High 63.6%	Los Angeles COE Road to Success at Camp Kilpatrick 63.6%
Alameda COE Alameda County Juvenile Hall/Court 16.3%		Sacramento COE El Centro Jr/Sr High 57.1%	

rate that met or exceeded the statewide rate.

For the 2021-2022 school year, juvenile court schools' reported graduation rates ranged from 0% to 66.7%.¹¹³ The overall graduation rate of all court schools with available data was 31.8%. In comparison, the statewide public school graduation rate for the 2021-2022 school year was 87%.¹¹⁴ Eleven juvenile court schools had graduation rates below 33 percent. No juvenile court schools in the 2021-2022 school year had graduation rates that met or exceeded the statewide graduation rate.

Graduation rates were not available for many of the state's court schools during both the 2018-2019 and 2021-2022 school years. To protect student privacy, Cohort Reports, including the Four-Year Adjusted Cohort Graduation

Rate, are redacted when the number of students in the cohort is 10 or fewer.¹¹⁵ A number of cohorts in juvenile court schools have fewer than ten students and are therefore redacted. In both school years around one third of court schools had their graduation rate data redacted, or it was not provided by the LEA. While we reviewed all publicly available data for this report, there is a significant subset of data that is missing due to either redaction or the information otherwise not being provided by the LEA.

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, not just court schools. The current landscape is both

overpopulated with data, in that there are multiple rates and it is not necessarily clear how each one captures or does not capture information about court schools, and underpopulated in that so much data goes unreported. We agree with the underlying value of protecting student information; however, around a third of the court schools analyzed each school year did not have publically available graduation rate data for any graduation metric. We also agree with prior policy conversations indicating that the dynamic nature of the juvenile court school student population limits the utility of the Four-Year Adjusted Cohort Graduation Rate because of how many students will transfer out of a juvenile court school during the four-year period, but we are uncertain as to whether the DASS or combined four-and-five year rates are the appropriate replacement

measures for accountability, descriptive, or comparative purposes.

We would also raise that none of the currently available metrics are able to answer this key question: *how many youth impacted by the juvenile justice system go on to graduate from high school?* Neither schools nor probation departments, to our knowledge, collect and publicly report educational outcomes for youth in the juvenile justice system writ large, which forces advocates and policymakers to attempt to parse court school data as the best available proxy for juvenile justice system outcomes.

We believe that new measures must be created that publicly track graduation rates, and other outcomes, for students who have come into contact with the juvenile justice system. These measures should allow the public

to understand the impact of varying levels of juvenile justice system involvement upon graduation and other outcomes – challenges and successes may differ between students served in community based placements, students who experience short term detention, and students who may be detained for longer periods of time in the newly established Secure Youth Treatment Facilities. Measures such as these could be reported and tracked through a juvenile justice entity such as the Office of Youth and Community Restoration, or through the California Department of Education.

DROPOUT RATES

Far too many youth in juvenile court schools end up dropping out of school. During the 2016-2017 school year the California Department of Education

changed how it calculated the Adjusted Cohort Graduation Rate, which is also used to calculate the Adjusted Cohort Dropout Rate.¹¹⁶ Because different methodologies were used, our results in our 2016 *Educational Injustice* report for the 2013-2014 school year¹¹⁷ should not be compared to our current findings.

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%.¹¹⁸ In the 2018-2019 school year the juvenile court school student dropout rate was 5.68 times higher than the statewide dropout rate. As noted in Table 11, dropout rates varied very widely among court schools, but no school had a dropout rate below 17.4%. Ten schools had dropout rates higher than or equal to 60%. Another eleven schools had dropout rates between

TABLE 11. 2018-2019 Juvenile Court School Dropout Rates

Schools with Dropout Rates <20%	Schools with Dropout Rates between 40%-59%		Schools with Dropout Rates ≥ 60%	
San Diego COE San Pasqual Academy: 17.4%	Butte COE Table Mountain: 47.1%	San Joaquin COE John F. Cruikshank Jr: 50%	Alameda COE Alameda County Juvenile Hall/Court: 67.5%	Sonoma COE Sonoma County Court: 60%
	Los Angeles COE Central Juvenile Hall: 56.8% Road to Success Academy at Campus Kilpatrick: 45.5%	Santa Barbara COE Santa Barbara County Juvenile Court: 53.6%	Fresno COE Alice M. Worsley: 73.6%	Stanislaus COE Stanislaus County West Campus: 66.7%
	Madera COE Juvenile Hall (Endeavor/Voyager Secondary): 57.1%	Santa Cruz COE Santa Cruz County Court: 54.5%	San Bernardino COE San Bernardino County Juvenile Detention and Assessment Center: 69.4%	Tulare COE Tulare County Court: 85.7%
	Orange COE ACCESS Juvenile Hall: 56.6%	Solano COE Solano County Juvenile Detention Facility - Evergreen Academy: 48.4%	San Diego COE San Diego County Court: 67.8%	Yolo COE Dan Jacobs: 88.9%
	Riverside COE Riverside County Juvenile Court: 49.5%	Ventura COE Providence: 44.2%	San Francisco COE S.F. County Court Woodside Learning Center: 64.3%	Yuba COE Harry P B Carden: 76.5%

TABLE 12. 2021-2022 Juvenile Court School Dropout Rates

Schools with Dropout Rates <20%	Schools with Dropout Rates between 40%-59%	Schools with Dropout Rates ≥60%
<p>Los Angeles COE Aflerbaugh-Paige Camp: 12.5%</p> <p>Sonoma COE Sonoma County Court: 15.4%</p>	<p>El Dorado COE Rite of Passage: 45.5%</p> <p>Fresno COE Alice M. Worsley: 52%</p> <p>Kern COE Kern County Juvenile Court: 52.2%</p> <p>Kings COE J.C. Montgomery: 50%</p> <p>Los Angeles COE Central Juvenile Hall: 47.3% Dorothy Kirby Camp: 41.2%</p> <p>Madera COE Juvenile Hall (Endeavor/Voyager Secondary): 46.2%</p>	<p>Merced COE Merced County Juvenile Court: 41.2%</p> <p>Orange COE ACCESS Juvenile Hall: 48.6%</p> <p>San Bernardino COE San Bernardino County Juvenile Detention and Assessment Center: 42.1%</p> <p>Tulare COE Tulare County Court: 47.6%</p> <p>Ventura COE Providence: 41.2%</p> <p>Yuba COE Harry P B Carden: 55%</p> <p>Alameda COE Alameda County Juvenile Hall/Court: 63.3%</p> <p>San Francisco COE S.F. County Court Woodside Learning Center: 75%</p> <p>Stanislaus COE Stanislaus County West Campus: 75%</p>

40% and 59%. Only one school had a dropout rate below 20%.

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%.¹¹⁹ In the 2021-2022 school year the juvenile court school student dropout rate was 5.27 times higher than the statewide dropout rate. As noted in Table 12, dropout rates varied widely among court schools, but no schools had a dropout rate below 12.5%. Three schools had dropout rates higher than 60%. Another thirteen schools had dropout rates between 40% and 59%. Only two schools had dropout rates below 20%.

While the available data reflects concerning rates of juvenile court students dropping out, a full picture is not available. To protect student privacy, Cohort Reports, including Dropout

Rates, are redacted when the number of students in the cohort is 10 or less.¹²⁰ A number of cohorts in juvenile court schools have fewer than ten students and are therefore redacted. In the 2018-2019 school year around 27% of juvenile court schools had their dropout data redacted or it was not provided by the LEA. In the 2021-2022 school year around 35% of juvenile court schools had their dropout data redacted or it was not provided by the LEA. While we reviewed all publicly available data for this report, there is a significant subset of data that is missing due to either redaction or the information otherwise not being provided by the LEA.

We believe that a more complete data set is needed to truly measure the concerning high dropout rates for juvenile court school students. We agree with the underlying value regarding

the importance of protecting student information. However, we also believe that cohort data for juvenile court school students should be adjusted in the DataQuest Four-Year Adjusted Cohort Outcome Statewide Report as a category to fully capture the overall dropout rate for juvenile court schools. This fairly simple change in policy would both protect student privacy and provide a more complete picture of dropout rates for all juvenile court school students. There are already a number of available filters for race, gender, foster care status, English learners, and Students with Disabilities.¹²¹ While there is a filter for alternative school students,¹²² we do not believe that this filter is sufficient to capture the unique experience of juvenile court school students who nearly all attend school while detained.

While the available data is bleak, one should not assume that high dropout rates mean youth exiting the court school system are not trying to reenroll in school. Youth impacted by the juvenile justice system frequently face challenges when attempting to re-enroll in school. As discussed above, a slim majority of the juvenile court school student population are present for fewer than 31 instructional days. This means that the majority of juve-

CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS

In our original report we found that young people in juvenile court schools were making limited progress in reading and math based on assessments given upon entry and exit for long-term juvenile court school students.¹²⁵ These assessments were given

For our updated analysis in this current report we turned to the California Assessment of Student Performance and Progress (CAASPP) Smarter Balanced Summative Assessments of English language arts (ELA) and mathematics in order to attempt to better evaluate the academic achievement of court school students without using the Title I, Part D assessments, which are difficult to obtain as they are not publicly available for both years of

TABLE 13. Percentage of California Public School & Juvenile Court School Students Who Did Not Meet Standard for CAASP ELA & CAASP Mathematics

	CA Statewide % CAASP ELA Standard Not Met	CA Statewide % CAASP Mathematics Standard Not Met	Range of Juvenile Court Schools % CAASP ELA Standard Not Met	Range of Juvenile Court Schools % CAASP Mathematics Standard Not Met
2018-2019 School Year	26.63%	34.86%	51.85% to 100%	84.62% to 100%
2021-2022 School Year	30.33%	44.96%	61.54% to 100%	86.49% to 100%

nile court school students must make the transition (or several transitions) from a juvenile court school to another school. Transition planning is therefore essential in order to ensure that these young people do not fall through the cracks.¹²³ California school districts are statutorily prohibited from denying enrollment based solely on a youth's involvement in the juvenile justice system.¹²⁴ Yet involvement in the juvenile justice system carries a stigma, and too often students struggle to reenroll in school after release from detention. Intentional support and assistance is necessary if juvenile court school students are going to rise above the many barriers they too often encounter re-enrolling in school.

pursuant to federal law requirements that recipients of Title I, Part D funding must track academic progress while in custody.¹²⁶ We originally obtained this data for our 2016 report by submitting Public Records Act requests to each court school.¹²⁷ Over 29% of the students tested demonstrated a loss in reading ability during their period of incarceration, while 27.7% exhibited diminished math skills. We believed these statistics were likely low because the court schools failed to assess nearly 60% of the long-term students served by these programs. Despite the requirement to complete assessments for long-term students, we found that many COEs did not complete both entry and exit assessments for the majority of court school students.

analysis. Additionally, we know that during the 2018-2019 and 2021-2022 school years a slim majority of court school students stayed for less than 31 instructional days. This means that this group of students would not be considered "long-term" and would not be assessed pursuant to Title I, Part D requirements.

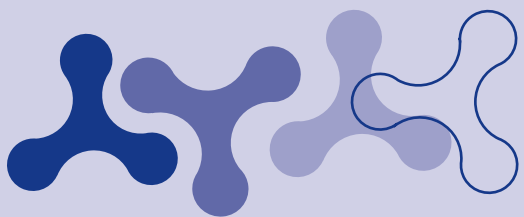
The CAASPP tests are administered when students are in grades 3-8 and grade 11 and are meant to track students' long term academic progress. Therefore our analysis in this report should not be directly compared to the analysis we conducted for the original *Educational Injustice* report. The CAASPP assessments have four achievement levels: "Standard Not Met," "Standard Nearly Met," "Standard Met," and "Standard Exceeded."¹²⁸ Our

analysis was focused on comparing the percentage of students at each juvenile court school who failed to meet their CAASPP ELA and mathematics standards with the percentage of students statewide in public schools who scored at the “Standard Not Met” achievement level. We note that, similar to many other metrics in this report, data was unavailable due to redaction or lack of reporting for many court schools.

During the 2018-2019 school year 26.63% of statewide public school students assessed via the CAASPP failed to meet the ELA standard and 34.86% failed to meet the standards of the CAASPP mathematics assessment.¹²⁹ (See Table 13.) In comparison we found that during the same school year even in the best performing juvenile court school 51.85% of students failed to

meet the CAASPP ELA standard and 84.62% failed to meet the CAASPP Mathematics standards. We similarly found that during the 2021-2022 school year 30.33% of statewide public school students assessed failed to meet the standards of the CAASPP ELA and 44.96% failed to meet the standards of the CAASPP mathematics assessment. (See Table 13.) In comparison we found that during the same school year even in the best performing juvenile court school 61.54% of students failed to meet the CAASPP ELA standard and 86.49% failed to meet the CAASPP Mathematics standards. During both school years we found that there were several juvenile court schools where 100% of the assessed students at the juvenile court school failed to meet the standards of the CAASPP ELA and mathematics.

Our current analysis supports that many students who attend juvenile court schools are not meeting achievement levels. While the CAASPP assessments reflect juvenile court school students' educational levels, they are not designed to capture the quality of the education students receive while they are detained. These assessments cannot capture what students learn while they are attending juvenile court school. Similarly, the entry and exit assessments that are required pursuant to Title I, Part D are of limited utility because many COEs do not fully assess their long-term students and many court school students do not stay in the facilities long enough to be considered long-term attendees. Ultimately, we believe additional measures of educational quality are needed to capture knowledge acquisition in court schools.



RECOMMENDATIONS

1 Clarify how the state's different graduation metrics appear on the California School Dashboard, as well as how they apply to juvenile court schools, in order to aid community members, advocates, and policymakers in understanding what is captured or left out in different metrics.

2 Develop measures to track statewide outcomes, including graduation rates, for all youth who spend any time attending a juvenile court school, as well as for youth in the juvenile justice system more broadly.

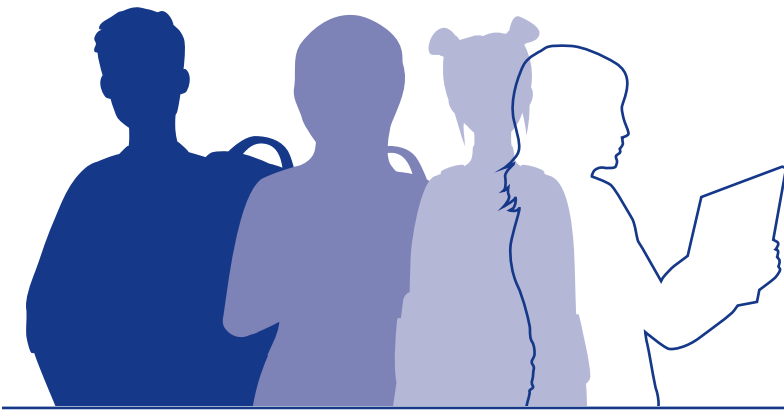
3 Expand upon efforts to support and assist youth transitioning into the community after release from detention, including assistance with enrolling in school and accessing available post-secondary education opportunities.

4 CDE should maintain school level small cohort redactions, but should create a juvenile court school student category for its Graduation Rate and Outcome Data that is filterable to facilitate better tracking of overall juvenile court school dropout rates.

5 Increase compliance with Title I, Part D entry and exit assessments for juvenile court school students.

6 Create new measures to capture knowledge acquisition among short term students who are not assessed via the Title I, Part D entry and exit assessments for juvenile court school students.

7 Increase coordination between the federal Department of Education and the California Department of Education to better utilize data collected under Title I, Part D for state and public accountability purposes.



Pathways to Higher Education

Students attending 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. These programs have been slowly growing in the state since 2013, and California's commitment to ongoing funding will allow a faster expansion to reach more students. 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.

As a reminder for readers, postsecondary education is not limited to programs preparing students for 4-year college degrees; it includes 2-year programs that prepare students for transfer to a four year program, 2-year programs that prepare students to enter the workforce, and shorter term certificate programs that can also provide a workforce credential. Programs in California are generally aligned to ensure that shorter-term coursework can be built upon towards a higher level credential,¹³⁰ so that students can return to school throughout their lives in order to reskill and/or advance their careers. Given the breadth of offerings in California's public community college and university systems, there is almost certainly a postsecondary program that would be a good match for the interests of each individual student attending a court school. In the early phases of implementation of college support programs, as described above, programs have supported students who pursued 4 year degrees and are now entering graduate

school programs, as well as students who have pursued career technical pathways.

We hope that the expansion of higher education programs focused on the unique needs of youth in the juvenile justice system results in positive change in outcomes such as obtaining financial aid and enrolling in postsecondary education programs. 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. These data were not, to our knowledge, available at the time of our first report, and so we cannot provide a meaningful comparison. We can, however, provide the analysis below as a baseline for future years of analysis.

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 data was 2020-2021. Data on college-going rates is available through the Department of Education's

DataQuest portal, and is calculated based on the number of high school completers who enroll in any college within 12 months. A major limitation of this data is that it is only available for schools that report more than 10 high school completers for the school year, and can only capture students who were reported as completing high school at the court school, not students who left the court school and then completed high school at another school in the community.

The available data indicates that court schools are underperforming with regard to the statewide college going rate. The college-going rate for the state of California was 62.2% for the 2020-2021 school year; the only court school that exceeded the statewide rate was San Pasqual Academy in San Diego, which is a unique court school in that it is a boarding school for youth in foster care, not a school that primarily serves youth impacted by the juvenile justice system, or a school located within a juvenile detention facility. All other California court schools had college going rates significantly below the statewide rate.¹³¹

However, when compared against the statewide college-going rate for all *alternative* schools, some court schools fared better. The statewide college-going rate for alternative schools was 22.5% in 2020-2021. The Sacramento and Yuba County court schools' college-going rates were more than double the college-going rate for all alternative schools; 10 of the court schools with available data had college-going rates higher than the rate for all alternative schools.

That being said, there were still court schools who reported college going rates that were concerningly low – two court schools reported a college going rate of zero, and an additional four reported rates that were below 10%.

What is heartening is that the data we have suggests that counties that have had established college support programs for youth with experience with the juvenile justice system have higher college going rates than those that don't have such programs. The top five court schools in terms of college-going rates (other than San Pasqual), are Sacramento, Yuba, Alameda, San Diego, and Riverside, four of which had community colleges in their area with dedicated support programs for formerly incarcerated students in 2020-2021, and a number of which had dedicated program liaisons working in partnership with probation and the county office of education at that time. Sacramento in particular has one of the oldest dedicated support programs, at Sacramento City College, for youth impacted by the juvenile justice system, which operates both in the juvenile facility as well as on campus.

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,¹³² 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; it is unclear where the source of the issue is, although there is an ability for schools to request to be added to the database so they can participate in the Race to Submit. The availability of the data is thus somewhat dependent upon whether or not particular schools or districts are aware of the campaign and have chosen to participate. We found that, generally, court schools

Two court schools reported a college going rate of

zero,
and an additional four reported rates that were **below 10%.**

were excluded from the Race to Submit Database and/or were unaware or chose not to participate, although participation did seem to grow between 2022 and 2023.

In the 2021-2022 school year, only 13 juvenile court schools are listed in the CSAC Cal Grant Success Database,¹³³ and only two had more than 10 total FAFSA or CADAA applications submitted – those schools are Riverside and ACCESS Juvenile Hall in Orange County. Only 4 of the schools are listed as even 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), and 6 of which 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 high 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.

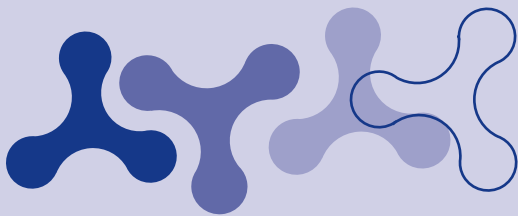
It is, generally, concerning that court schools do not appear to be included in or engaged with this data reporting tool as it is one of the main mechanisms used by the California Student Aid Commission to encourage schools (and thereby students and families) to fill out the FAFSA, as is now required by law for high school seniors.

One area of particular concern is the lack of completed Cal Grant applications. The FAFSA is the gateway to federal financial aid programs such as the Pell Grant, and completing it is a required component of eligibility for Cal Grant. However, in order to complete a Cal Grant application, students must have a GPA (or high school equivalency score) on file with the California Student Aid Commission by March 2nd of the application cycle. Schools are supposed to submit these GPAs on behalf of students in October

of the application cycle. If schools are submitting FAFSAs, but not Cal Grant applications, there is likely some sort of breakdown in the GPA submission process that is resulting in students losing out on eligibility for Cal Grant, which is the state's primary source of financial aid for students. The only two schools who reported completing Cal Grant applications for most or all of the students who completed FAFSAs in both 2022 and 2023 were Riverside and Orange.

One last note on FAFSA completion – due to the quirks of the federal and state financial aid systems and how they work (or don't work) for students who are incarcerated while enrolled in college, postsecondary programs that work with students who will be taking college coursework while in a juvenile facility do not always have those students fill out the FAFSA. The reason for

this is that FAFSA eligibility is limited to the equivalent of 6 years of full-time enrollment in college, and in-facility college programs are largely able to use tuition waivers to cover the costs of education while students are detained in facilities. In order to maximize an individual student's aid eligibility for the time they need it most – which is when they are re-entering the community and thus need money for living expenses – students may choose not to fill out a FAFSA for the period of time that they are taking college courses while incarcerated. If students are doing this as a result of high-quality financial aid counseling that is encouraging them to weigh potential options about how to finance their postsecondary education and re-entry, this is a good sign, even though it might result in lower FAFSA completion rates in a particular court school.



RECOMMENDATIONS

- 1** Develop accountability metrics that allow data about college-going rates for court schools to be made publicly available.
- 2** Continue to expand and improve upon dedicated postsecondary support programs for youth impacted by the juvenile justice system.
- 3** Ensure that all court (and alternative) schools are included and engaged with statewide efforts to increase postsecondary education and financial aid application completion.
- 4** Develop high-quality trainings on financial aid and postsecondary access for juvenile justice and court/alternative school stakeholders.
- 5** Identify and address barriers that are resulting in low Cal Grant application numbers for court school students.



Conclusion

California has still not properly made education a priority for youth in the juvenile court school system. The stated purpose of juvenile court intervention is to rehabilitate youth; instead, the state allows their education to languish. While some progress has been made, especially regarding the utilization of willful defiance suspensions in juvenile court schools, the more recent data analyzed for this report present a continued concerning picture of education in the juvenile court school system.

Additionally, our analysis suggests that the full scope of many issues are not captured by the available measures that are used to generate data concerning juvenile court school students. If we want education and access to post-secondary learning to be tools for both personal and societal transformation, then we must ensure that we are able to fully understand and address the entirety of the current challenges that exist for court school students.

The state has a legal and moral responsibility to ensure that youth who have some of the most challenging childhood experiences receive the support and guidance necessary to ensure they have space to dream and reach their full potential. Every young person deserves the support they need to grow into a healthy and happy adult, and consistent access to a quality education makes space for youth to imagine who they want to be. California cannot expect education to exponentially uplift the lives of youth in the juvenile justice system without making a similar investment in their education; these students must be supported to pursue education in court schools, in community-based schools, and in colleges and universities. These youth are part of our state's future and the education they receive must prepare them to live, work, and thrive, in the bright future California envisions for all of its children.



The state has a legal and moral responsibility to ensure that youth who have some of the most challenging childhood experiences receive the support and guidance necessary to ensure they have space to dream and reach their full potential.

Appendix I

SAMPLE PRA RECORDS REQUEST

Records Requested:

Pursuant to the CPRA, please provide us with the records described below [within 10 days, as required by Government Code section 6253 (c), to [your name here] at [your email address or mailing address].

1. The names and addresses of all juvenile court schools operated by the __COE where youth under the jurisdiction of the court pursuant to Welfare and Institutions Code § 602 receive educational instruction or services.
2. Records maintained for public inspection pursuant to Education Code § 51040 regarding "courses of study" available in each _COE entity identified in response to Item No. 1 for the 2018-2019 and 2021-2022 school years.
3. The names of all courses offered by each _COE entity identified in response to Item No. 1 during the 2018-2019 and 2021-2022 school year.
 - a. The names of all "A-G courses," as defined by Education Code § 41590(i)(2), offered by each _COE entity identified in response to Item No. 1 during the 2018-2019 and 2021-2022 school years.
4. Any records that reflect all policies, rules and procedures used by each __COE entity identified in response to Item No. 1 to implement and document "other means of correction" prior to suspending students pursuant Education Code § 48900.5.
5. Any records that reflect the policies and practices of _COE related to the identification and prevention of, as well as interventions and response to, chronic absenteeism.
6. For each __COE entity identified in response to Item No. 1, all records that reflect all policies, rules and procedures which govern how it is determined when a student is deemed truant.
7. For each entity identified in response to Item No. 1, all records that reflect the number of students that were placed in an Independent Study program.
8. For each __COE school, entity or program identified in response to Item No. 1, all records that reflect or comprise the annual evaluation of all educational programs to be conducted pursuant to 15 CCR § 1370(a) for the 2018-2019 and 2021-2022 school years.

Endnotes

1. California Department of Education, Belief & Purpose, <https://www.cde.ca.gov/eo/mn/mv/> (last reviewed Sep. 08, 2023).
2. Youth Law Center, *Educational Injustice: Barriers to Achievement and Higher Education for Youth in California Juvenile Court Schools*, (2016), <https://www.ylc.org/wp-content/uploads/2019/05/EDUCATIONAL-INJUSTICE.pdf>.
3. Id at 1.
4. *Butt v. State of California*, 4 Cal.4th 668 (1992).
5. Educ. Code § 48645, et seq.; 15 Cal. Code Reg. § 1370(b).
6. Individuals with Disabilities Education Act, 20 U.S.C. § 1400.1).
7. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.
8. Dear Colleague Letter from the U.S. Department of Education, Office of Special Education and Rehabilitative Services on "The Educational Needs of Students with Disabilities Who Are in Correctional Facilities," dated 12-05-14, <http://www2.ed.gov/policy/gen/guid/correctional-education/idea-letter.pdf>.
9. 15 Cal. Code Reg. § 1390(j).
10. See e.g., San Francisco Juvenile Probation Department, Values, Vision and Mission, <https://sfgov.org/juvprobation/node/183> (last visited Aug. 15, 2023).
11. The CDE data was compiled from data made available via <https://www.ed-data.org/> and reports from DataQuest <https://dq.cde.ca.gov/dataquest/dataquest.asp>. The COE data not provided via the previous CDE sources was collected by YLC via Public Records Act requests sent to ten COEs operating juvenile court schools in California. See Appendix I Sample PRA Template.
12. California Department of Education, *2020 and 2021 Data Releases Releases*, <https://www.cde.ca.gov/ta/ac/cm/datarelease.asp> (last reviewed Feb. 16, 2023).
13. "Data such as student demographics, performance, graduation and dropout rates, chronic absenteeism and suspensions and expulsion data come from the California Department of Department of Education (CDE) and are redacted to protect student privacy in accordance with state and federal privacy policies." Ed-Data, *Terms of Service*, (Jan. 15, 2021), <https://www.ed-data.org/article/Terms-Of-Service>. See also California Department of Education, *Data Privacy*, <https://www.cde.ca.gov/ds/ed/dataprivacy.asp> (last reviewed May 9, 2022).
14. This report does not include detained youth or schools in state facilities operated by the Division of Juvenile Justice ("DJJ"). While DJJ has closed as of July 1, 2023, the data analyzed concerns years when youth were still detained in facilities operated by DJJ.
15. Educational Injustice, supra note 2, at 3.
16. California Department of Justice, *Juvenile Justice in California 2019*, iv (2019), <https://data-openjustice.doj.ca.gov/sites/default/files/2022-08/Juvenile%20Justice%20In%20CA%202019.pdf>. Juvenile court school total cumulative enrollment was calculated via Ed-Data with data collected by CDE through the California Longitudinal Pupil Achievement Data System (CALPADS). Data regarding average length of stay was publicly available in the form of averages for each facility.
17. Obtained via querying the Board of State and Community Corrections Juvenile Detention Profile Survey Online Querying website for the 2019, 4th Quarter reporting period and calculating weighted averages for the average length of stay for all camps and juvenile halls, available at <https://jpd-reporting.bscc.ca.gov/jds-query>.
18. California Department of Justice, *Juvenile Justice in California 2022*, iv (2022), <https://data-openjustice.doj.ca.gov/sites/default/files/2023-06/Juvenile%20Justice%20In%20CA%202022f.pdf>. Juvenile court school total cumulative enrollment was calculated via Ed-Data with data collected by CDE through the California Longitudinal Pupil Achievement Data System (CALPADS).
19. Obtained via querying the Board of State and Community Corrections Juvenile Detention Profile Survey Online Querying website for the 2022, 4th Quarter reporting period and calculating weighted averages for the average length of stay for all camps and juvenile halls, available at <https://jpd-reporting.bscc.ca.gov/jds-query>.
20. See Aryana Richardson, *What You Need to Know About School Pushout and How to Combat It*, Girls Inc., <https://girlsinc.org/school-pushout-and-how-to-combat-it/> (last visited Aug. 14, 2023).
21. Students often experience multiple instances of punitive school discipline practices that include: suspensions, expulsions, referrals to school based law enforcement, and criminal arrests on school grounds. See Jessica Snyderman, *Unlocking futures: Youth with learning disabilities and the juvenile justice system*, 3, 7 (2022), <https://www.nclcd.org/wp-content/uploads/2022/12/NCLD-Unlocking-Futures-Final-7th-Dec-Updated-.pdf>.
22. See Christopher Mallett et al., *The "Learning Disabilities-to-Prison" Pipeline: Evidence From the Add Health National Longitudinal Study*, 1-35 (Mar. 10 2022), available at: <https://www.productivity.govt.nz/assets/Submission-Documents/DR-145-Attachment-2.pdf>.
23. See Katherine Taylor, *A Summary of Research on Youth with Disabilities & the Juvenile Justice System*, 2 (2016), <https://ies.ed.gov/ncser/pdf/JuvenileJustice.pdf>.
24. See Jessica Snyderman, supra note 21 at 2; National Council on Disability, *Breaking the School-to-Prison Pipeline for Students with Disabilities* 39 (2015), <https://nccd.gov/publications/2015/06182015>.
25. "Currently, students served by IDEA represent 12 percent of the student population but 58 percent of those placed in seclusion, 75 percent of those physically restrained, and 25 percent of those arrested at school." National Council on Disability, supra note 24 at footnote 96.
26. Jessica Snyderman, supra note 24 at 8-13.
27. California Department of Education, Chief Deputy Superintendent Mary Nicely, Lead for Information and Technology Branch, *Announces First Ever Report on Student Stability Rates*, (Oct. 26, 2021), <https://www.cde.ca.gov/nr/ne/yr21/yr21rel85.asp> (The stability rate is defined as the percentage of all public school students enrolled during the academic year (July 1 to June 30) who completed a "full year" of learning in one school.)
28. Alternative schools are publicly funded schools that are designed and operated to provide students with a different learning environment from traditional public schools. See Educ. Code § 58500.
29. ACLU of Southern California, East Bay Community Law Center, & National Center for Youth Law, *Decoding Alternative Education: Student Demographics, Course-*

work and Budgeting in the Five Largest California County Offices of Education & Tools for Transparency, 9 (2023), <https://youthlaw.org/sites/default/files/attachments/2023-03/2023%20Decoding%20Alternative%20Education%20FINAL.pdf>.

30. To capture court school student mobility in the 2018-2019 and 2021-2022 school years we calculated the novel Transitory Student Rate for each court school. The Transitory Student Rate is calculated using CDE's Cumulative Enrollment and Chronic Absenteeism Eligible Enrollment measurements. Cumulative Enrollment "consists of the total number of unduplicated primary and short-term enrollments within the academic year (July 1 to June 30), regardless of whether the student is enrolled multiple times within a school or district." Ed-Data, Chronic Absenteeism, (May 20, 2020), <https://www.ed-data.org/article/Chronic-Absenteeism#:~:text=Chronic%20Absenteeism%20Eligible%20Enrollment%3A%20This,chronically%20absent%20at%20that%20entity.> The Chronic Absenteeism Eligible Enrollment "uses the Cumulative Enrollment as the baseline and removes students that are not eligible to be considered chronically absent." *Id.* Non-eligible students include students who are enrolled at a Local Education Agency (LEA) for fewer than 31 instructional days, students who are enrolled in a Nonpublic school, students who are receiving instruction through a home or hospital instructional setting, or students who are attending community college full-time. *Id.* The only eligibility limitation that generally applies to juvenile court school students is attending a school for fewer than 31 instructional days. Thus we can utilize both the Cumulative Enrollment and the Chronic Absenteeism Eligible Enrollment to find an imperfect but useful calculation of the percentage of students who attended the court school for fewer than 31 days.

31. Note that Rite of Passage, while categorized as a court school, is a school associated with a Short Term Residential Treatment Program (STRTP) that works with youth in both the child welfare and juvenile justice systems, not a school within a detention facility.

32. Note that San Pasqual Academy, while categorized as a court school, is a boarding school for foster youth, not a school within a detention facility.

33. In May 2021, Governor Gavin Newsom Signed SB 92, which created a "Secure Youth Treatment Facilities" track for youth found to have committed serious offenses. This change was part of the realignment process after SB 823 announced the

closure of the state Division of Juvenile Justice ("DJJ"). The Legislature passed SB 823 with the intent to protect against transfer of youth to the adult system once DJJ was closed. Under SB 92, youth age 14 and older may be committed to a secure youth treatment facility if they are adjudicated and found to be a ward of the court for an offense on the Welfare and Institution Code § 707(b) list of serious offenses and it is the most recent offense for which they have been adjudicated. See S.B. 92, 2021-2022 Ca. Leg., Reg. Sess., available at : https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=20210220SB92; S.B. 823, 2019-2020 Ca. Leg., Reg. Sess., available at: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB823; Pacific Juvenile Defender Center, Legislature Enacts "Secure" Track to Prevent Transfer to Adult Court, (May 24, 2021), <https://www.pjdc.org/legislature-enacts-secure-track-to-prevent-transfer-to-adult-court/>.

34. *Educational Injustice*, *supra* note 2 at 14.

35. *Id.*

36. *Id.*

37. All data obtained and/or calculated through Ed-Data.org.

38. *Id.*

39. Throughout this section we define students with disabilities utilizing the definition from the California Longitudinal Pupil Achievement Data System (CALPADS). CALPADS defines students with disabilities as "[s]tudents with a qualifying enrollment who have an associated qualifying Special Education Record (SPED) and who are receiving services at any time during the report period." See California Department of Education, *CALPADS Glossary Students with Disabilities*, <https://documentation.calpads.org/Glossary/CASEMIS/StudentswithDisabilities/> (last visited Sept. 15, 2023).

40. See Jessica Snyderman, *supra* note 24 at 2.

41. *Id.* at 6-10. See also Deneil Christian, *Education Behind Bars: A Review of Educational Services in Juvenile Correctional Facilities* (Mar. 28, 2022), <http://csesjournal.columbiasouthern.edu/education-behind-bars-a-review-of-educational-services-in-juvenile-correctional-facilities/>; California Council on Criminal Justice and Behavioral Health, Juvenile Justice Factsheet (Jul. 1, 2020), <https://www.cdcr.ca.gov/ccjbh/wp-content/uploads/sites/172/2020/07/Juvenile-Justice-Factsheet-6.30.2020.pdf>

42. All data obtained and/or calculated via Ed-Data.org.

43. See A.B. 1354, 2019-2020 Ca. Leg., Reg. Sess., available at: https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1354

44. Disability Rights California, *Youth in Crisis: How Kings County Locks Up Youth With Disabilities* (Sept. 5, 2023), <https://www.disabilityrightsca.org/custom-page/youth-in-crisis-how-kings-county-locks-up-youth-with-disabilities>.

45. Applicable federal laws include: The Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.; Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132; and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.

46. Applicable state laws include: Cal. Govt. Code § 1135, Cal. Welf. & Inst. Code § 851, Cal. Code Regs. tit. 15 §§ 1370(d), 1390.

47. According to EdData, English Learner refers to "a student in kindergarten through grade twelve who, based on objective assessment, has not developed listening, speaking, reading, and writing proficiencies in English sufficient for participation in the regular school program. State and federal law require that Local Education Agencies administer a state test of English language proficiency to newly enrolled students whose primary language is not English and to ELs as an annual assessment. Since 2001, this test for California's public school students has been the California English Language Development Test (CELDT)." EdData, *English Learner Glossary Entry*, (last visited Aug. 14, 2023).

48. *Castaneda v. Pickard*, 648 F.2d 989 (5th Cir., 1981); Equal Education Opportunity Act, 20 U.S.C. § 1703; Educ. Code §§ 300-340; 5 Cal Code Reg. §§ 11300-11316.

49. 15 Cal. Code Reg. § 1370 (d)(2).

50. According to EdData, "[t]he Fluent English Proficient (FEP) category includes both students who were redesignated as fluent English proficient in the prior year and students whose primary language is not English but who scored high enough on a state test of English proficiency to not be classified as an English learner." EdData, *Fluent English Proficient (FEP) Glossary Entry*, (last visited Aug. 14, 2023).

51. "In 2013-2014, EL students comprised 22.7% of total statewide enrollment and 27.5% of court school enrollment. During the same period, FEP students accounted for 20.4% of statewide enrollment, yet only 13.2% of the court school population." *Educational Injustice*, *supra* note 2 at 15-16.

52. All data pulled from Ed-Data.org census day counts of ELL and FEP students. Note that we use census rather than

cumulative enrollment because cumulative enrollment data that differentiated between ELL and FEP students was not available.

53. *Educational Injustice*, *supra* note 2 at 16.

54. All foster youth and homeless youth data obtained or calculated via Ed-Data.org

55. Cal. Ed. Code § 42238.01. Separately, all youth subject to a WIC § 602 petition in juvenile court, which generally includes all youth attending juvenile court schools, are included in the definition of foster youth in Cal. Ed Code § 48853.5. This definition is used to describe those youth for whom foster youth education rights apply, sometimes referred to as "AB 490" education rights.

56. Center for Coordinated Assistance to the States, *Youth Homelessness and Juvenile Justice System Involvement*, (March 22, 2023). <https://ccastates.org/system/files/CCAS-YouthHomelessSnapshot-508.pdf>

57. *Educational Injustice*, *supra* note 2 at 4-11.

58. Positive Behavioral Interventions and Supports (PBIS) is an evidence based framework for supporting schoolwide practices that promote a safe school environment by supporting all needs of all students. For more information regarding PBIS in California schools see California Department of Education, *Core Component 4: Positive Behavioral Support*, <https://www.cde.ca.gov/ci/cr/ri/corecomp4.asp> (last reviewed Jul. 24, 2023).

59. California's Education Code defines a truant as "a pupil subject to compulsory full-time education . . . who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30 minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. . . ." Educ. Code § 48260.

60. *Educational Injustice*, *supra* note 2 at 4-6.

61. "[D]uring the 2013-2014 school year, the Fresno County Court school had a truancy rate of 68.55%, well above the state average of 31.14%. In 2013-2014, Alameda COE's truancy rate jumped to 58.12% from 0.96% for the prior year. Two of San Mateo's court school sites recorded truancy rates of over 50% in 2013-14." *Educational Injustice*, *supra* note 2 at 4. See also *Educational Injustice*, *supra* note 2 at 6.

62. California's Education Code defines a chronic absentee as "a pupil who is absent on 10 percent or more of the schooldays in the school year when the total number of days a pupil is absent is divided by the total number of days the pupil is enrolled

and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays." Educ. Code § 60901(c)(1).

63. "The chronic absenteeism rate calculated for LEAs, schools, and student groups reflects the percentage of students who are absent at least 10 percent of the instructional days in which the student was expected to attend." California Department of Education, *Chronic Absenteeism Rate Indicator*, <https://www.cde.ca.gov/ta/ac/cm/dashboardchronic.asp> (last reviewed Jun. 6, 2023).

64. Data obtained or calculated via Ed-Data.org.

65. Ali Tadayon, *California districts see more chronic absenteeism than before pandemic*, EdSource (Apr. 17, 2023), <https://edsources.org/2023/california-districts-still-see-more-chronic-absenteeism-than-before-pandemic/688787>.

66. California's Education Code defines habitual truant as any pupil "who has been reported as a truant three or more times per school year, provided that no pupil shall be deemed an habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil himself, after the filing of either of the reports required by Section 48260 or Section 48261. . ." Educ. Code § 48262.

67. Complaint for Injunctive and Other Equitable Relief ¶ 108, *People v. Los Angeles County*, No. 21STCV013019 (Cal. Supr. Ct., Los Angeles Div. Jan. 13, 2021).

68. Class Action Complaint for Declaratory and Injunctive Relief ¶ 45, *T.G. v. Kern County*, No. 1:18-at-0012145 (E.D. Cal. Feb. 21, 2018). See also Disability Rights Advocates, *T.G. v. Kern County*, <https://dralegal.org/case/t-g-et-al-v-kern-county-et-al/> (last visited Aug. 14, 2023).

69. See California Attorney General's Office, *Attorney General Bonta Brings Enforcement Action Against Los Angeles County Due to Illegal and Unsafe Conditions, Lack of Outdoor Exercise and Education at County's Juvenile Halls*, (Apr. 12, 2023), <https://oag.ca.gov/news/press-releases/attorney-general-bonta-brings-enforcement-action-against-los-angeles-county-due>.

70. California requires compulsory education through age 18 and students may drop out legally once they turn 18. Students who are 16 or 17 may also leave school if they have parents'/guardians' permission and they pass the California High School Prof-

iciency Exam. Educ. Code §§ 48200, 48412. Despite these legal requirements, students still "drop out" before 18 and without fulfilling the aforementioned requirements.

71. See Paul Hemez et al., *Exploring the School-to-Prison Pipeline: How School Suspensions Influence Incarceration During Young Adulthood*, 18 *Youth Violence and Juvenile Justice* 1, 12-15 (Jul. 13, 2021), <https://journals.sagepub.com/doi/10.1177/1541204019880945>; J. Guillermo Villalobos & Theresa Bohannon, *The Intersection of Juvenile Courts and Exclusionary School Discipline*, National Council of Juvenile and Family Court Judges, 9-10 (2017), https://www.ncjfcj.org/wp-content/uploads/2017/10/NCJFCJ_SJP_Courts_SchoolDiscipline_Final.pdf.

72. Christopher Kearney et al., *School attendance and school absenteeism: A primer for the past, present, and theory of change for the future*, 7 *Frontiers in Education* 1, 7-9 (Nov. 7, 2022), <https://www.frontiersin.org/articles/10.3389/feduc.2022.1044608/full>.

73. Daniel Losen et al., *Suspended Education in California*, footnote 23 (Apr. 16, 2012), <https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/suspended-education-in-california/SuspendedEd-final3.pdf> ("[F]or students with similar demographic, achievement, and socioeconomic profiles, those with one or more suspensions or expulsions were 5 times more likely to drop out—and 6 times more likely to repeat a grade level—than those students with no disciplinary actions . . . even students with minimal disciplinary troubles . . . were nearly 3 times more likely to have contact with the juvenile justice system within a year.").

74. Julie Gerlinger et al., *Exclusionary School Discipline and Delinquent Outcomes: A Meta-Analysis*, 50 *Journal of Youth and Adolescence* 1493 (2021), <https://link.springer.com/article/10.1007/s10964-021-01459-3> (findings indicate exclusionary discipline as a significant predictor of increased delinquency, meaning exclusionary discipline may inadvertently exacerbate delinquent behaviors); Christina LiCalsi et al., *An Empirical Examination of the Effects of Suspension and Suspension Severity on Behavioral and Academic Outcomes*, American Institutes for Research, 32-44 (Aug. 2021), <https://www.air.org/sites/default/files/2021-08/NYC-Suspension-Effects-Behavioral-Academic-Outcomes-August-2021.pdf> (finding that more severe discipline does not deter students future reported misbehavior and may exacerbate it among younger students); Elizabeth Chu & Douglas Ready, *Exclusion and Urban*

Public High Schools: Short- and Long-Term Consequences of School Suspensions, 124 *American Journal of Education*, 479-509 (2018), <https://www.journals.uchicago.edu/doi/pdf/10.1086/698454> (finding that suspended students had decreased attendance, lower standardized test scores, were less likely to graduate within 4-6 years, and more likely to drop out); Elizabeth Jones et al., *Disciplined and Disconnected: How Students Experience Exclusionary Discipline in Minnesota and the Promise of Non-Exclusionary Alternatives*, Center for Promise, 3 (Jun. 2018), <https://files.eric.ed.gov/fulltext/ED586336.pdf> (noting that exclusionary discipline has been shown to undermine academic outcomes and does not make schools safer).

75. The total number of juvenile court school students expelled during the 2018-2019 school year was calculated via Ed-Data with data collected by CDE through the California Longitudinal Pupil Achievement Data System (CALPADS).

76. The total number of juvenile court school students expelled during the 2021-2022 school year was calculated via Ed-Data with data collected by CDE through the California Longitudinal Pupil Achievement Data System (CALPADS).

77. Both the overall juvenile court school suspension rate and the statewide public school suspension rate during the 2018-2019 school year were calculated via Ed-Data with data collected by CDE through the California Longitudinal Pupil Achievement Data System (CALPADS).

78. Both the overall juvenile court school suspension rate and the statewide public school suspension rate during the 2021-2022 school year were calculated via Ed-Data with data collected by CDE through the California Longitudinal Pupil Achievement Data System (CALPADS).

79. See *Educational Injustice*, *supra* note 2 at 7-11.

80. An upcoming report by the National Center for Youth Law on lost instructional time due to out of school suspensions may provide insight as to alternative ways to capture the impact of suspensions that would be more appropriate for the court school population.

81. See Educ. Code §§ 48900.5(b), 48900.6.

82. Educ. Code § 48900(k)(1).

83. Vanessa Arredondo, *California lawmakers consider banning willful defiance' suspensions from school*, L.A. Times, (April 24, 2023 5:00 am PT), <https://www.latimes.com>

[com/california/story/2023-04-24/california-lawmakers-consider-banning-willful-defiance-suspensions-schools](https://www.latimes.com/california/story/2023-04-24/california-lawmakers-consider-banning-willful-defiance-suspensions-schools).

84. J. Luke Wood et al., *Get Out! Black Male Suspensions in California Public Schools*, (2018), <https://cdn.givingcompass.org/wp-content/uploads/2018/04/18164240/Black-Male-Suspention-California.pdf>; Daniel J. Losen & Amir Whitaker, *Lost Instruction: The Disparate Impact of the School Discipline Gap in California*, 4-5 (2017), <https://files.eric.ed.gov/fulltext/ED578997.pdf>; Daniel J. Losen et al., *Closing the School Discipline Gap in California: Signs of Progress*, ii-v (2015), https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/ccrr-school-to-prison-pipeline-2015/UCLA15_Report_g.pdf.

85. *Educational Injustice*, *supra* note 2 at 8. 86. *Id.*

87. The overall percentages of suspensions with willful defiance as the most serious grounds for suspension for both juvenile court schools and across statewide public schools during the 2018-2019 school year were calculated via Ed-Data with data collected by CDE through the California Longitudinal Pupil Achievement Data System (CALPADS).

88. The overall percentages of suspensions with willful defiance as the most serious grounds for suspension for both juvenile court schools and across statewide public schools during the 2021-2022 school year were calculated via Ed-Data with data collected by CDE through the California Longitudinal Pupil Achievement Data System (CALPADS).

89. See e.g., *Fix School Discipline, AB 420 - Fact Sheet*, (2014), <http://www.fixschooldiscipline.org/wp-content/uploads/2014/11/AB-420-Fact-Sheet-Implementation.pdf>.

90. See e.g., ACLU NorCal, *California Enacts First-in-the-Nation law to Eliminate Student Suspensions for Minor Behavior*, (2014), <http://www.fixschooldiscipline.org/wp-content/uploads/2014/11/AB-420-Fact-Sheet-Implementation.pdf> ("Willful defiance accounts for 43% of suspensions issued to California students, and is the suspension offense category with the most significant racial disparities.")

91. See A.B. 420, 2013-2014 Ca. Leg., Reg. Sess., available at: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB420 (amended California Education Code Section 48900(k) by eliminating the authority to expel a student for "disruption" and "willful defiance" and suspend a student out of school or in-

school in kindergarten through third grade for "disruption" and "willful defiance" until July 2018); 2018-2019 Trailer Bill (made the K-3 ban on suspensions for willful defiance permanent); S.B. 419, 2018-2019 Ca. Leg., Reg. Sess., available at: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB419 (expanded the ban on willful defiance suspension to grade 4 and 5 statewide and prohibited willful defiance suspensions for grades 6-8, sunseting in five years).

92. Vanessa Arredondo, *supra* note 83.

93. Susan Frey, *Oakland ends suspensions for willful defiance, funds restorative justice*, EdSource, (May 14, 2015), <https://edsources.org/2015/oakland-ends-suspensions-for-willful-defiance-funds-restorative-justice/79731>.

94. Carolyn Jones, L.A. *Unified's ban on willful defiance suspensions, six years later*, EdSource (Dec. 13, 2019), <https://edsources.org/2019/how-l-a-unifieds-ban-on-willful-defiance-suspensions-turned-out-six-years-later/620949>.

95. Evie Blad, *San Francisco Bans 'Defiance' Suspensions*, Education Week (Mar. 11, 2014), <https://www.edweek.org/leadership/san-francisco-bans-defiance-suspensions/2014/03>.

96. For a detailed description of currently available alternatives to suspension please see Educ. Code §§ 48900.5(b), 48900.6; California Department of Education, *State Guidance for New Laws on Discipline* (Aug. 19, 2021), <https://www.cde.ca.gov/nr/el/le/yr21ltr0819.asp>; California Department of Education, *Behavioral Intervention Strategies and Supports*, <https://www.cde.ca.gov/ls/ss/se/behavioralintervention.asp> (last reviewed May 2, 2023).

97. S.B. 274, 2023-2024 Ca. Leg., Reg. Sess., available at: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB274.

98. CBS News, *California law will make student suspensions for "willful defiance" illegal*, <https://www.cbsnews.com/sanfrancisco/news/california-law-will-make-student-suspensions-for-willful-defiance-illegal/> (last updated Oct. 10, 2023).

99. "In 2013, 1.2% of juvenile detention students served by this funding stream earned a GED and 2.8% obtained a high school diploma while in custody. Court schools have the highest aggregate dropout rate of all schools in the state at 37.7%. A mere 0.3% of students were accepted to or enrolled in post-secondary education programs upon release." *Educational Injustice*, *supra* note 2 at 19.

100. See *supra* subsection III(A).

101. "The Four-Year ACGR [(Adjusted Cohort Graduation Rate)] is the number of students who graduate from high school in four years with a regular high school diploma, divided by the number of students who form the adjusted cohort for the graduating class. The four-year cohort is based on the number of students who enter grade 9 for the first time adjusted by adding into the cohort any student who transfers in later during grade 9 or during the next three years and subtracting any student from the cohort who transfers out, emigrates to another country, transfers to a prison or juvenile facility, or dies during that same period." California Department of Education, *Information about Adjusted Cohort Graduation Rate*, <https://www.cde.ca.gov/ds/ad/acgrinfo.asp> (last reviewed Feb. 13, 2023).

102. "The methodology for calculating the five-year cohort graduation rate is a process to determine the year 5 high school outcomes for non-graduates included in the four-year adjusted cohort graduation rate (ACGR) from the preceding year. As such, the four- and five-year cohort graduation rates share the same cohort of students in common, all of whom started grade 9 at the same time and were expected to graduate on-time four years later. Unlike the four-year ACGR, the five-year cohort is not adjusted by adding students who transferred in during year 5, subtracting students who transferred out during year 5, or removing students who emigrated to another country or transferred to a prison or juvenile facility during year 5." California Department of Education, *Information about Five Year Cohort Graduation Rate*, <https://www.cde.ca.gov/ds/ad/fycgrinfo.asp> (last reviewed Sept. 21, 2023).

103. "On the California School Dashboard (Dashboard), comprehensive (or traditional) high schools and Dashboard Alternative School Status (DASS) schools receive a combined four- and five-year graduation rate for the Graduation Rate Indicator. This rate is based on the number of high school students who graduate with a regular high school diploma in either four or five years. The 2022 Graduation Rate Indicator includes students from the most recent graduation cohort (Class of 2022) as well as students from the prior cohort (Class of 2021) who graduated in their fifth year of high school." California Department of Education, *2022 Dashboard Toolkit: Graduation Rate Indicator*, <https://www.cde.ca.gov/ta/ac/cm/documents/graduationrate22.pdf> (last reviewed Sept. 21, 2023).

104. "The DASS one-year graduation rate is the percentage of students who are enrolled in grade twelve (along with early grade eleven graduates) and meet specific enrollment requirements." California Department of Education, *2022 Dashboard Toolkit: DASS Graduation Rate*, <https://www.cde.ca.gov/ta/ac/documents/dassgrad-rate22.pdf> (last reviewed Sept. 22, 2023)

105. There is a graduation rate reported on Dashboard for 2018-2019, but we were not able to confirm what the definition of the rate was. Dashboard reported that there was no "Five Year" rate available, but it is unclear which Five Year rate they were referring to.

106. United States Department of Education, *Response to California Department of Education Request for Waiver* (July 27, 2022) <https://oese.ed.gov/files/2022/08/CA-Alt-Acct-Waiver-Response-July-2022.pdf>

107. Obtained via Ed-Data.org.

108. Obtained via DataQuest.

109. Obtained via California School Dashboard.

110. *Id.*

111. All numbers obtained or calculated through 2018-2019 Four-Year ACGR reporting via Ed-Data.org unless otherwise noted.

112. See California Department of Education, DataQuest, <https://dq.cde.ca.gov/dataquest/dqcensus/CohRate.aspx?cds=00&aggllevel=state&year=2018-19> (last visited Sept. 24, 2023).

113. All numbers obtained or calculated through 2021-2022 Four-Year ACGR's via Ed-Data.org unless otherwise noted.

114. See California Department of Education, DataQuest, <https://dq.cde.ca.gov/dataquest/dqcensus/CohRate.aspx?cds=00&aggllevel=state&year=2021-22> (last visited Sept. 24, 2023)

115. See e.g., DataQuest, 2021-22 Four-Year Adjusted Cohort Outcome Statewide Report, <https://dq.cde.ca.gov/dataquest/dqcensus/CohOutcome.aspx?cds=00&aggllevel=state&year=2021-22> (last visited Aug. 14, 2023) ("To protect student privacy, data are suppressed (*) on the Cohort Reports if the cell size within a selected student population (cohort students) is 10 or less.").

116. Today, a cohort of students is described as follows: "[t]he four-year cohort is based on the number of students who enter grade 9 for the first time adjusted by adding into the cohort any student who transfers in later during grade 9 or during the next three years and subtracting any student from the cohort who transfers out, emigrates to another country, transfers to

a prison or juvenile facility, or dies during that same period." A student is considered a dropout when they are a cohort student "who (1) do not graduate with a regular high school diploma, (2) do not otherwise complete high school, or (3) are not still enrolled as a "fifth year senior." The dropout rate is a calculation of the percentage of cohort students who are considered dropouts. DataQuest, 2021-2022 Four-Year Adjusted Cohort Outcome Statewide Report, <https://dq.cde.ca.gov/dataquest/dqcensus/CohOutcome.aspx?cds=00&aggllevel=state&year=2021-22> (last visited Aug. 14, 2023).

117. In our original report we found that in the 2013-2014 school year juvenile court schools had an dropout rate of 37.7% as compared to the statewide adjusted dropout rate of 11.6%. We also found that dropout rates varied widely between court schools with ten court schools having dropout rates exceeding 60%. *Educational Injustice*, *supra* note 2 at 12-13.

118. Both the overall juvenile court school dropout rate and the statewide public school dropout rate during the 2018-2019 school year were calculated via Ed-Data with data collected by CDE through the California Longitudinal Pupil Achievement Data System (CALPADS).

119. Both the overall juvenile court school dropout rate and the statewide public school dropout rate during the 2021-2022 school year were calculated via Ed-Data with data collected by CDE through the California Longitudinal Pupil Achievement Data System (CALPADS). Calculated using 2021-2022 Four Year Adjusted Cohort Outcomes via CDE's DataQuest.

120. See e.g., DataQuest, *supra* note 115.

121. See e.g., DataQuest, 2021-22 Four-Year Adjusted Cohort Outcome Statewide Report, <https://dq.cde.ca.gov/dataquest/dqcensus/CohOutcome.aspx?cds=00&aggllevel=state&year=2021-22> (last visited Aug. 14, 2023).

122. *Id.*

123. Improving transition planning requirements has been the subject of legislative interest in the past few years, including the passage of AB 1354/2276, which requires California's County Offices of Education to enter into a Memorandum of Understanding with the local Probation Department around transition planning and practices, and delineates certain required practices. Full implementation of this law, which passed shortly before the COVID-19 pandemic, is still ongoing. Some COEs have made significant progress in developing practices in alignment with this law.

124. Educ. Code § 48645.5(b).

125. See *Educational Injustice*, *supra* note 2 at 14-15.

126. Under Title I, Part D, "long-term students" are those students enrolled in a program for 90 consecutive calendar days or longer." This data is submitted to CDE on a yearly basis. See California Department of Education, Instructions: Title I, Part D Students Served, (July 13, 2023), <https://www.cde.ca.gov/FG/aa/co/ca23sinst1pd-stuserved.asp>.

127. See *Educational Injustice*, *supra* note 2 at 14-15.

128. For a detailed explanation of what each category means at the different grade levels when the assessments are given see *CAASPP, Understanding Smarter Balanced English Language Arts/Literacy and Mathematics Summary Reports*, <https://caaspp-elpac.ets.org/caaspp/UnderstandingSBResults> (last visited Aug. 15, 2023).

129. CAASPP data obtained through Ed-Data.org and DataQuest.

130. To be clear, there is still work to do to ensure that college coursework is aligned, however, California is, as compared to many other states, much further along the pathway of providing coursework that builds upon itself, rather than requiring students to start over completely if they choose to return to college after completing a shorter-term certification program.

131. All data pulled from DataQuest 2020-2021 College Going Rates reports.

132. Data pulled from the CSAC Race to Submit Dashboard is available here: <https://webutil.csac.ca.gov/dashboard/> (Last visited Aug 16, 2023).

133. Cal Grant is California's primary state financial aid program, which has a specific focus on assisting low-income recent high school graduates and community college transfer students with costs related to higher education.