

EDUCATION RIGHTS & RESPONSIBILITIES TOOLKIT FOR JUVENILE JUSTICE SYSTEM-INVOLVED YOUTH

All system stakeholders should understand the educational rights of youth and the responsibilities of stakeholders and be willing to coordinate and collaborate to support school success and other positive outcomes for young people involved in California’s juvenile justice system. This toolkit provides education related information and resources regarding the rights of youth and the responsibilities of system stakeholders. The toolkit is organized by stage of juvenile justice system involvement, including detention, transition and release, reentry, community placement, and home supervision. Each stage includes categories of rights/responsibilities and the stakeholder(s) responsible.

Please note that several citations in this toolkit refer to all juvenile court-involved youth in discussing “foster youth” educational rights. These rights apply to students in the community in the dependency or the delinquency system regardless of whether they are currently in a foster care placement. It is a common misconception that certain “foster youth” educational rights are only afforded to youth in the dependency system, despite the fact that most provisions throughout the Education Code define “foster child” or “pupil in foster care” to mean any child who is the subject of a petition filed under Welfare and Institutions Code Section 300 (dependency) *or* Section 602 (delinquency). See, e.g., CAL. EDUC. CODE §§ 48853.5(a), 49069.5(j)(3), 51225.2(a)(5).

Responsibility	Required Stakeholder(s)
STAGE 1: ENTRY INTO DETENTION	
<p>Assessment</p> <p>An initial screening and assessment must be conducted for each student.</p> <p>After admittance into a juvenile detention facility, youth must be interviewed and a record maintained that documents the youth’s educational history, including but not limited to school progress/school history; the student’s Home Language Survey and the results of the state test used for English language proficiency; needs and services of special populations as defined by the State Education Code, including but not limited to, students with special needs; and discipline problems. CAL. CODE REGS. tit. 15 § 1370(e)(1) (2024).</p> <p>An educational assessment must be conducted for each student to determine the youth’s general academic functioning levels in order to place the student in core curriculum courses while in detention. <i>Id.</i> § 1370(e)(2).</p>	<p>County office of education</p> <p>County probation department</p> <p>Other service providers</p>

Enrollment	<p>Youth must be immediately enrolled in school upon entering a detention facility. CAL. CODE REGS. tit. 15 § 1370(e)(2) (2024).</p>	County office of education
Obtaining Records	<p>Court school staff must immediately request incoming court school students' records from prior schools in order to appropriately address their educational needs.</p> <p>A student's educational records include, but are not limited to, transcripts, the student's IEP and/or 504 Plan, language assessment scores, immunization records, exit grades, and partial credits earned. Records from multiple schools may have to be obtained in order to compile the student's complete educational history. CAL. CODE REGS. tit. 15 § 1370(e)(4) (2024); <i>see also</i> CAL. EDUC. CODE § 48647(a).</p>	<p>County office of education</p> <p>School district/ school(s) of origin</p>
Education Plan	<p>A preliminary education plan must be developed for each court school student within <u>five</u> school days of admission to the detention facility. CAL. CODE REGS. tit. 15 § 1370(e)(3) (2024).</p> <p>In addition, students are required to be informed of the credits they need to earn in order to graduate. <i>Id.</i> § 1370(e)(4).</p>	County office of education

STAGE 2: EDUCATION WHILE IN DETENTION

<p>Programming</p>	<p>Youth in detention are entitled to a comprehensive education with quality programming, including A-G courses.</p> <p>Juvenile court school students must be provided with:</p> <ul style="list-style-type: none"> • A rigorous academic curriculum that includes a course of study preparing them for high school graduation, career entry, and <u>fulfilling requirements for admission to the University of California and the California State University</u>. CAL. EDUC. CODE § 48645.3(d); CAL. CODE REGS. tit. 15 § 1370(b)(1) (2024); CAL. WELF. & INST. CODE §§ 224.71(n), 1762(a). • Appropriate level school classes and vocational training. CAL. WELF. & INST. CODE §§ 224.71(n). • A course of study that is tailored to meet the needs of each individual student, with instructional strategies designed to respond to the different learning styles and abilities of students. CAL. EDUC. CODE § 48645.3(c)(2); CAL. CODE REGS. tit. 15 § 1370(b)(5) (2024). • Access to a wide range of post-secondary and vocational educational opportunities and information about the educational options available to them. CAL. CODE REGS. tit. 15 § 1370(h) (2024); CAL. WELF. & INST. CODE §§ 224.71(n), 1762(b)(1). • Access to the academic resources, services, and extracurricular and enrichment activities available to all students, including access to computer technology and the internet for the purposes of education. CAL. EDUC. CODE § 42920(i); CAL. WELF. & INST. CODE § 224.71(n). • Continued educational services while on disciplinary or medical status. CAL. WELF. & INST. CODE § 224.71(n). • A culturally responsive and trauma-informed approach to academic instruction. CAL. CODE REGS. tit. 15 §§ 1302, 1370(a) (2024); CAL. WELF. & INST. CODE § 2200(b). <i>See generally</i> BROWN UNIVERSITY EDUCATION ALLIANCE, CULTURALLY RESPONSIVE TEACHING (2008), https://doi.org/10.26300/vwvh-9p52; MAURA MCINERNEY & AMY MCKLINDON, EDUCATION LAW CENTER, UNLOCKING THE DOOR TO LEARNING: TRAUMA-INFORMED CLASSROOMS & TRANSFORMATIONAL SCHOOLS (2014), https://www.elc-pa.org/wp-content/uploads/2015/06/Trauma-Informed-in-Schools-Classrooms-FINAL-December2014-2.pdf; NATIONAL RESEARCH COUNCIL ET AL., ENGAGING SCHOOLS: FOSTERING HIGH SCHOOL STUDENTS’ MOTIVATION TO LEARN (2003), https://nap.nationalacademies.org/catalog/10421/engaging-schools-fostering-high-school-students-motivation-to-learn. 	<p>County office of education</p> <p>County probation department</p> <p>Other service providers</p>
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Programming	<p>Juvenile court school students must have access to technology and the internet in order to facilitate individualized learning while in detention and to prepare students for a successful transition back into the community where technological skills are highly valued. CAL. WELF. & INST. CODE §§ 851.1(a)(1), 889.1(a)(1), 362.05(a)(1).</p> <p>Education staff should collaborate with the juvenile detention facility administrator to use technology to facilitate learning and ensure safe technology practices. CAL. CODE REGS. tit. 15 § 1370(a), (h)(1) (2024); CAL. WELF. & INST. CODE § 362.05(a)(1).</p>	<p>County probation facility administrator</p> <p>County office of education</p>
Programming	<p>Juvenile court school curricula should be appropriately structured for a highly mobile student population so that students can receive proper academic credits for work completed in detention.</p> <p>Students returning to traditional schools from juvenile justice detention experience immense difficulty attaining credit for school work completed in detention and with having their credits earned transferred to their official transcripts in part because credits earned while in detention often do not align with the content and timelines of traditional school curricula. To ensure appropriate academic progress and credit accumulation for the highly mobile court school student population, court school curricula should be appropriately structured in a way that accurately credits students for knowledge and skills gained in a course regardless of how long a student was enrolled in a court school. This is especially important given the high numbers of highly mobile students enrolled in court schools; for the 2018-2019 and 2022-2023 school years, more than half of the students in California court schools were present for fewer than 31 instructional days at a time. YOUTH LAW CENTER, OUT OF SIGHT, OUT OF MIND: HOW CALIFORNIA’S EDUCATION DATA AND ACCOUNTABILITY SYSTEMS FAIL YOUTH IN JUVENILE COURT SCHOOLS 11 (2023), https://www.ylc.org/resource/out-of-sight-out-of-mind/.</p> <p>For an example of a juvenile court school curriculum that does this well, see James Forman Jr. & David Domenici, <i>What it Takes to Transform a School Inside a Juvenile Facility: The Story of the Maya Angelou Academy</i>, in JUSTICE FOR KIDS: KEEPING KIDS OUT OF THE JUVENILE JUSTICE SYSTEM 283-306 (Nancy Dowd ed., 2011).</p>	<p>County office of education</p> <p>School district</p>
Programming	<p>All educational services, including services provided for in a student’s Individualized Education Program (IEP) or 504 Plan, must be provided to all court school students, regardless of their classification, housing, security status, disciplinary, or separation status. CAL. CODE REGS. tit. 15 § 1370(b)(7) (2024).</p> <p>Probation departments must effectively communicate with juvenile court school staff about serious security concerns regarding a particular student and must inform school staff of any other decisions that may affect the student’s educational programs. Only when a student poses an immediate threat to his own safety or the safety of others may educational services be suspended to address the safety risk. CAL. CODE REGS. tit. 15 § 1370(b)(7), (c)(2) (2024).</p>	<p>County probation department</p> <p>County office of education</p>

<p style="text-align: center;">Discipline</p>	<p>Discipline of court school students must comply with the same rules and regulations that govern traditional schools.</p> <p>Court schools are public schools and must comply with the California Education Code and local and state Board of Education policies, including limitations on school discipline and requirements for due process applicable for all public-school students in California. CAL. EDUC. CODE §§ 48645, 48900-48927; CAL. CODE REGS. tit. 15 § 1370(b) (2024). Expulsions and suspensions from school should only be imposed when other means of correction fail to bring about proper conduct. CAL. EDUC. CODE § 48900.5. When school disciplinary actions are taken, due process safeguards must be followed. <i>Id.</i> § 48900-48927; CAL. CODE REGS. tit. 15 § 1370(c)(3) (2024).</p> <p>Counties are prohibited from depriving youth of education when imposing discipline. CAL. CODE REGS. tit. 15 § 1390(j) (2024); CAL. WELF. & INST. CODE § 224.71(m). The facility administrator, in conjunction with education staff, will develop policies and procedures that address the rights of any student who has continuing difficulty completing a school day. <i>Id.</i> § 1370(c)(4).</p> <p>A positive behavior management plan must be developed and implemented to reduce the need for disciplinary action in the school setting, and must be integrated into the facility’s overall behavioral management plan and security system. CAL. CODE REGS. tit. 15 § 1370(c)(1) (2024).</p>	<p>County office of education</p> <p>County probation department</p>
<p style="text-align: center;">Special Education</p>	<p>Likewise, court schools must afford students with disabilities and suspected disabilities the same protections under state and federal law as a traditional school program.</p> <p>All state and federal laws applicable to students with disabilities or suspected disabilities apply to students in detention. County offices of education and county probation departments are jointly responsible for the provision of education, including special education and related services, to detained students. Statement of Interest of the United States of America at 9, <i>G. F. v. Contra Costa Cnty.</i>, No. 13-cv-03667-MEJ (N.D. Cal. Jul. 30, 2015) (citing CAL. CODE REGS. tit. 15 § 1370(a), (d)).</p> <p>Governing special education legal principles include, but are not limited to, “child find” duties, assessment, continuum of alternative placements, manifestation determination reviews, implementation of Section 504 Plans and Individualized Education Programs, and the provision of related services and transition services. CAL. CODE REGS. tit. 15 § 1370 (d)(1) (2024); 34 C.F.R. § 300.320(b) (2023).</p> <p>For a more detailed explanation of the various special education responsibilities of different agencies, <i>see</i> U.S. DEP’T OF EDUC., DEAR COLLEAGUE LETTER: THE EDUCATIONAL NEEDS OF STUDENTS WITH DISABILITIES WHO ARE IN CORRECTIONAL FACILITIES (2014), https://www2.ed.gov/policy/gen/guid/correctional-education/idea-letter.pdf.</p>	<p>County office of education</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">High School Diploma</p>	<p>Court school students are eligible to earn a high school diploma while in detention, either when the student completes the graduation requirements of the school district of residence or after completing California’s state coursework requirements for graduation. CAL EDUC. CODE § 48645.5(a), (d).</p> <p>When a student completes California’s state coursework requirements for graduation, the county office of education must notify the student, their education rights holder, and the student’s social worker or probation officer of the right of the student to receive a high school diploma; how taking coursework and other requirements or continuing education upon release will affect the student’s ability to gain admission to a post-secondary educational institution; the student’s transfer opportunities through the California community colleges; the right to decline or defer the diploma and pursue additional coursework; and the right to request the diploma at any time after deferring or declining the granting of a diploma. <i>Id.</i> § 48645.7(a), (d).</p>	<p>County office of education</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Post-Secondary Education</p>	<p>Young people detained in juvenile facilities must be afforded access to a wide range of post-secondary and vocational opportunities. CAL. CODE REGS. tit. 15 § 1370(h) (2024).</p> <p>Post-secondary educational opportunities for young people detained in juvenile facilities may be accessed through partnerships with post-secondary education providers, dual enrollment courses, and the use of technology. <i>Id.</i> The provision of post-secondary programming is part of the responsibilities of the county probation department to provide and coordinate services for young people that enable them to be law abiding and productive members of their families and communities. CAL. WELF. & INST. CODE § 1726(a), (b).</p> <p>A county probation department shall ensure that youth with a high school diploma or California high school equivalency certificate who are detained in, or committed to, a juvenile hall, or a juvenile ranch, camp, or forestry camp have access to, and can choose to participate in, public post-secondary academic and career technical courses and programs offered online, and for which they are eligible based on eligibility criteria and course schedules of the public post-secondary education campus providing the course or program. County probation departments, in coordination with county offices of education, may use juvenile court school classrooms and computers to implement such educational offerings. <i>Id.</i> §§ 858(b)(1), 889.2(b)(1).</p>	<p>County probation department</p> <p>County office of education</p> <p>Post-secondary educational institutions</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Post-Secondary Education</p>	<p>Juvenile court school staff should coordinate with post-secondary programs to assist students in completing all paperwork necessary for enrollment, including but not limited to applications for enrollment and financial aid applications.</p> <p>Students who have been adjudicated delinquent and will be attending a post-secondary program while residing in a juvenile facility are eligible for state and federal financial aid. See CAL. STUDENT AID COMMISSION, CAL GRANT HANDBOOK 28 (Jun. 26, 2020), https://www.csac.ca.gov/sites/main/files/file-attachments/calgrant_handbook.pdf; U.S. DEP’T. OF EDUC., <i>Prison Education Programs Questions and Answers: PEP Q-20</i>, https://www2.ed.gov/policy/highered/reg/hearulemaking/2009/pep-q-and-a.html (last modified May 31, 2024).</p> <p>Financial aid applications may include the Free Application for Federal Student Aid (FAFSA), California Dream Act Application (CADAA), California College Promise Grant (CCPG), as well as submitting GPA verification for Cal Grant and screening youth for eligibility for the Chafee Grant for Foster Youth.</p> <p>For additional information, see CAL. EDUC. CODE § 48647 ; Youth Law Center, <i>Financial Aid for Juvenile Justice Impacted Students FAQ</i>, (Aug. 16, 2023), https://www.ylc.org/resource/financial-aid-for-juvenile-justice-impacted-students-faq/; Youth Law Center, <i>Financial Aid Guide for Youth with Juvenile Justice Involvement</i>, (Nov. 24, 2020), https://www.ylc.org/resource/financial-aid-for-jj-youth/ (Youth Law Center’s guide is slated to be updated for the 2025-2026 FAFSA cycle); California Community Colleges, <i>Serving California’s Incarcerated and Formerly Incarcerated Community College Students</i>, https://risingscholarsnetwork.org/ (last visited Sept. 17, 2024).</p>	<p>County office of education</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Joint Coordination</p>	<p>Joint policies shall be implemented to ensure communication and coordination between juvenile court school staff and probation department staff.</p> <p>Court school and facility administrators must develop and implement written policy and procedures to ensure communication and coordination between educators and probation staff. CAL. CODE REGS. tit. 15 § 1370(a) (2024). Court school staff must be advised of administrative decisions made by probation staff that may affect the educational programming of students. <i>Id.</i> § 1370(c)(2).</p> <p>Broadly stated, the probation department is charged with maintaining the health and safety of youth in detention, whereas the county office of education/juvenile court school is charged with providing students appropriate educational services while in detention. In a juvenile detention setting, these seemingly distinct responsibilities often overlap. Therefore, established joint policies governing communication and coordination between the two entities are crucial to ensure that students’ rights are protected.</p>	<p>County office of education</p> <p>County probation department</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Evaluation/Review</p>	<p>Maintenance of quality court school programs.</p> <p>The facility administrator shall request an annual review of school program compliance, deficiencies, and corrective action. Such a review, when conducted, cannot be delegated to the principal or any other staff of any juvenile court school site. Upon receipt of the review, the facility administrator or designee shall review each item with the Superintendent of Schools and shall take whatever corrective action is necessary to address each deficiency and to fully protect the educational interests of all youth in the facility. CAL. CODE REGS. tit. 15 § 1370(a) (2024).</p> <p>Any of the judges of the juvenile court must, at least annually, inspect any facility that was used for the confinement of youth for more than 24 hours in the last year for compliance with the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections. Such an inspection must also be conducted by the Board of State and Community Corrections biennially. If any facility fails to meet the minimum standards, it shall not be used for the confinement of youth until the judge or board finds that the facility is compliant with the minimum standards again. CAL. WELF. & INST. CODE § 209.</p>	<p>Probation facility administrator</p> <p>Superintendent of Schools and qualified outside agency or individual</p> <p>Juvenile court judges</p> <p>Office of Youth and Community Restoration</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Accountability/Investigations</p>	<p>Youth, families, staff, and other parties may report harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation to an ombudsperson of the Office of Youth and Community Restoration (OYCR) who has the discretionary authority to investigate, refer, or resolve complaints. OYCR must publish and provide regular reports to the Legislature about complaints received, subsequent findings, and actions taken. CAL. WELF. & INST. CODE § 2200(d).</p> <p>OYCR must produce an annual report on chronic absenteeism in juvenile court schools and investigate any juvenile court school with chronic absenteeism rates of 15 percent or more. If the office determines that insufficient staff, transportation, punitive policies, or any other factor under the juvenile facility’s control are contributing to chronic absenteeism rates, the office must provide technical assistance to address the identified causes of the chronic absenteeism. <i>Id.</i> § 2200(a).</p> <p>The ombudsperson has the authority to review juvenile facility records; communicate privately with youth, personnel, contractors, and relevant witnesses; provide training and technical assistance to system stakeholders; and access, visit, and observe juvenile detention facilities at any time with or without prior notice. Ombudsperson staff conduct a site visit to every juvenile facility at least once a year. <i>Id.</i></p> <p>The ombudsperson may resolve complaints by providing training and recommending changes to improve services or correct systemic issues. Complaint-related information shall remain confidential under relevant state and federal confidentiality laws. Retaliation is not permitted and properly constitutes the basis for filing a subsequent complaint. <i>Id.</i> § 2200.2.</p>	<p>Office of Youth and Community Restoration</p>

STAGE 3: PLANNING FOR TRANSITION & REENTRY

<p>Collaboration</p>	<p>A key component to a successful student transition is effective communication and collaboration among critical stakeholders.</p> <p>The sharing of important information is the first step in facilitating a successful educational transition. Such information should include, among other things, the student’s expected release date, information about reenrollment in school of origin, and the student’s academic, health, mental health, and social service needs. <i>See</i> CALIFORNIA DEPARTMENT OF EDUCATION, JUVENILE COURT STUDENT TRANSITION STATEWIDE WORK GROUP REPORT AND RECOMMENDATIONS TO THE LEGISLATURE (2016), https://www.cde.ca.gov/sp/eo/jc/documents/juvenilecourtlepreport.doc; <i>see also</i> CAL. EDUC. CODE § 48647.</p> <p>Memoranda of understanding should be entered into between probation, the county office of education, and school districts to create joint policies and procedures facilitating youth transition out of a juvenile detention facility. Such joint policies and procedures should include data sharing systems, transition centers, and other joint structures that will allow for the immediate transfer of educational records, create uniform systems for calculating and awarding course credit, and allow for the immediate enrollment of pupils transferring from juvenile court school. <i>Id.</i> § 48647(a).</p>	<p>County office of education</p> <p>School district</p> <p>County probation department</p>
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Transition Services	<p>A transition plan and related transition services shall be coordinated <i>prior to</i>, and in anticipation of, a youth’s release from detention.</p> <p>In anticipation of a youth’s release from detention, probation is required to undertake discharge planning that includes release notification to the court school, case planning for youth held for 30 days or more that includes a transition plan, and transitional and reentry services for all post-dispositional youth released from the facility. CAL. CODE REGS. tit. 15 §§ 1351, 1355 (2024).</p> <p>Probation departments and court schools must develop joint policies and procedures to meet the transition needs of youth, including but not limited to, the development of an education transition plan, and procedures that improve communication with local educational agencies of justice-involved youths’ dates of release and educational needs, and coordination of immediate school placement and enrollment. <i>Id.</i> § 1370(g); CAL. EDUC. CODE § 48647(b).</p> <p>The county office of education and county probation department must have a joint transition planning policy in place that includes collaboration with school districts to improve communication regarding dates of release and the educational needs of pupils who have had contact with the juvenile justice system, to coordinate immediate school placement and enrollment, and to ensure that probation officers in the community have the information they need to support the return of students who are being transferred from juvenile court schools to public schools in their communities. CAL. EDUC. CODE § 48647(b).</p> <p>Each pupil detained for more than 20 consecutive school days shall have an individualized transition plan developed by the county office of education in collaboration with the county probation department, as needed. The individual transition plan, to be developed before the pupil’s release and reviewed and revised as needed, shall address (but not be limited to) the academic, behavioral, social-emotional, and career needs of the pupil, as well as the identification and engagement of programs, including higher education programs, services, and individuals to support a pupil’s successful transition into and out of the juvenile detention facility. <i>Id.</i> § 48647(e). In addition, school transcripts, an analysis of credits completed and needed, and any applicable individualized learning plans, individualized education programs, federal Rehabilitation Act plans, academic and vocational assessments, and any certificates or diplomas earned by the pupil must be made available to such students’ education rights holder upon their release. <i>Id.</i> § 48647(f).</p> <p>For each pupil detained 20 consecutive school days or fewer, a copy of the pupil’s individualized learning plan, if one exists, shall be made available by the county office of education to the pupil upon the pupil’s release. <i>Id.</i> § 48647(g).</p>	<p>County office of education</p> <p>County probation department</p> <p>School district</p> <p>Community based organizations</p> <p>Other service providers</p> <p>Juvenile courts</p>
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Records Transfer	<p>As part of the transfer process, court schools and schools in the community serving youth involved in the juvenile justice system must compile the student’s complete educational record and forward it to the next educational placement. CAL. CODE REGS. tit. 15 § 1370(f)(1) (2024).</p> <p>The student’s complete educational record includes a determination of seat time, current transcripts with full or partial credits earned, current classes and grades, immunization and other records, and, if applicable, a copy of the student’s 504 Plan or Individualized Education Program. CAL. EDUC. CODE § 49069.5(e).</p> <p>The local educational agency must designate a person competent to handle the transfer procedure and who is aware of the specific educational recordkeeping needs of homeless, foster, juvenile justice system-involved, and other highly mobile children who transfer between schools. <i>Id.</i> § 49069.5(f).</p>	<p>County office of education</p> <p>School district</p>
Transition Services	<p>Local education agencies must designate an educational liaison to facilitate a swift and efficient transition for system-involved students.</p> <p>Local education agencies must designate a staff person as the educational liaison for system-involved youth to facilitate proper educational placement, enrollment in school, transfer from one school or school district to another, and assist with other transitional needs. CAL. EDUC. CODE § 48853.5(c), (e).</p>	<p>School district</p> <p>County office of education</p>
Transition Services	<p>A designated transition specialist should be assigned to support each youth’s transition from detention back into the community.</p> <p>The county office of education must assign transition oversight responsibilities to existing county office of education personnel who will work in collaboration with county probation and relevant local education agencies to ensure the transfer of complete and accurate education records, access to information about post-secondary academic and vocational opportunities, including college financial aid programs, and the implementation of the student’s transition plan, if one exists. CAL. EDUC. CODE § 48647(c).</p> <p>The designated transition specialist shall support the student throughout their entire journey through the court school system and work with the county probation department and school districts to facilitate the student’s immediate enrollment in a public school upon leaving the juvenile court school; the acceptance of any juvenile court school credits; the student’s immediate placement in appropriate courses; and the transfer of complete and accurate education records between school systems. <i>Id.</i> § 48647(d).</p>	<p>County office of education</p> <p>County probation department</p> <p>School district</p>

Preparing for Post-Secondary	<p>Staff should assist students in applying for post-secondary programs and financial aid in preparation for release.</p> <p>A student’s prior juvenile adjudication has no impact on a student’s eligibility for financial aid; students who have been adjudicated delinquent and who will be attending post-secondary education programs in the community have the same eligibility for financial aid as any other student. Financial aid applications may include but not be limited to the Free Application for Federal Student Aid (FAFSA), California Dream Act Application (CADAA), and California College Promise Grant (CCPG), as well as submitting GPA verification for Cal Grant and screening youth for eligibility for the Chafee Grant for Foster Youth.</p> <p>To assist students with applying for post-secondary educational programs, county probation and court school staff should be well-versed in the distinctions between a juvenile record and an adult criminal record, as there may be instances in which an adult criminal record would prevent a student from obtaining a certain type of professional license, but a juvenile record would not.</p> <p>For more information, see Youth Law Center, <i>Financial Aid Guide for Youth with Juvenile Justice Involvement</i>, (Nov. 24, 2020), https://www.ylc.org/resource/financial-aid-for-jj-youth/ (Youth Law Center’s guide is slated to be updated for the 2025-2026 FAFSA cycle).</p>	<p>County office of education</p> <p>County probation department</p>
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STAGE 4: REENTRY INTO THE COMMUNITY & PROBATION SUPERVISION IN THE COMMUNITY		
School Stability	<p>System-involved youth and homeless youth who are changing placement to a community setting (returning home or to a placement) have a right to school stability and to remain or return to their school of origin. CAL. EDUC. CODE §§ 48853.5(f), 48852.7(f)(2).</p> <p>The “school of origin” is the school in which the child was last enrolled, the school the child attended when permanently housed, or any other school the child attended within the immediately preceding 15 months to which the child feels connected. <i>Id.</i> §§ 48853.5(f)(2), 48853.5(g)(3)(A).</p> <p>Stable school placements are a priority. All educational and school placement decisions must be based on the best interests of the child and shall consider, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress. <i>Id.</i> §§ 48850(a)(1), 48853(h). Educational matters must be considered at every court hearing. CAL. RULES OF COURT, RULE 5.651(c).</p>	<p>Juvenile courts</p> <p>County placing agencies</p> <p>Advocates</p> <p>Educators</p>

School Stability	<p>Schools cannot deny a student’s enrollment or readmission solely because they had contact with the juvenile justice system. CAL. EDUC. CODE § 48645.5(b).</p> <p>“Contact” with the juvenile justice system includes any arrest, adjudication, formal or informal probation, detention for any length of time in a juvenile facility, or enrollment in a juvenile court school. <i>Id.</i></p>	School district/ school of origin
School Stability	<p>Students must be immediately enrolled in a public school upon release from detention.</p> <p>Schools cannot delay enrolling a student for any reason, including requiring a meeting prior to enrollment; outstanding fees, fines, or other items or moneys due to the school last attended; inability to produce academic records, medical records, or immunization records; or inability to produce proper uniform/school dress. CAL. EDUC. CODE §§ 48645.5(c), 48647(a).</p> <p>A student shall not owe or be billed for a debt owed to a school or district. If a student owes a debt to a school or district the school or district shall not take negative action against a student, such as withholding grades, transcripts, or a diploma, and the last school attended by the system-involved youth shall provide all required records to the new school even if the youth has willfully damaged or refused to return property. <i>Id.</i> § 49014.</p> <p>The proper and timely transfer of students between schools is the joint responsibility of the local educational agency, including the county office of education, and the county placing agency, which includes the county probation department. <i>Id.</i> § 49069.5(b)-(f).</p>	<p>County office of education</p> <p>School district/ school of origin</p> <p>County placing agency/ county probation department</p>
School Stability	<p>Students with system involvement should be immediately enrolled in comprehensive schools within their home school district and cannot be transferred to alternative school settings such as continuation schools, community day schools, or independent study programs without cause.</p> <p>Students cannot be transferred to alternative schools solely on the basis of their system involvement. There are legal and procedural protections in place governing involuntary and voluntary transfers to alternative school settings. <i>See</i> CAL. EDUC. CODE §§ 48432.5, 1981(b)(1), 48432.3.</p> <p>School districts must develop and consistently implement clear policies and procedures around transfers to alternative school settings. These transfer policies must ensure that no group of students, including foster or probation youth, students of color, English language learners, or special education students, are disproportionately enrolled in alternative school settings. <i>Id.</i> § 48432.3(b)(2).</p>	School district/ school of origin

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Credit Transfer</p>	<p>Students cannot be required to retake full courses and generally cannot be required to retake partial courses they have already completed. CAL. EDUC. CODE § 51225.2(d).</p> <p>The local educational agency cannot require the student to retake partial courses they have completed unless the local educational agency, in consultation with the student’s education rights holder, finds that the student is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the student shall be enrolled in the same or equivalent course so that they may be able to complete the entire course. <i>Id.</i></p> <p>However, students are entitled to retake courses on their own, and schools cannot prevent students from retaking or taking a course to meet the eligibility requirements for admission to the California State University or the University of California. <i>Id.</i> § 51225.2(e).</p>	<p>School district/ school of origin</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Credit Transfer</p>	<p>System-involved youth are entitled to full or partial credit for course work completed.</p> <p>All public schools and juvenile court schools must accept full or partial credits for coursework that a student satisfactorily completes. Foster youth and probation-supervised youth who change schools during the school year have a right to receive partial credit for the work they completed. CAL. EDUC. CODE § 51225.2(b); CAL. CODE REGS. tit. 15 § 1370(f)(2) (2024).</p> <p>County offices of education and school districts within a single local education agency should create uniform systems for calculating and awarding course credit so that court school curricula are aligned with traditional school curricula. CAL. EDUC. CODE § 48647(a).</p> <p>For a partial credit model policy, <i>see</i> ALLIANCE FOR CHILDREN’S RIGHTS, FOSTER YOUTH EDUCATION TOOLKIT 56-59 (2016), https://allianceforchildrensrights.org/wp-content/uploads/2020/07/FosterYouthEducationToolkit_v3.pdf.</p>	<p>School district/ school of origin</p> <p>County office of education</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Absences</p>	<p>System-involved youth cannot be penalized for changes of placement or court-related obligations.</p> <p>If a system-involved youth is absent from school due to a juvenile court/placing agency decision to change placement or due to a court appearance or related court-ordered activity, the student’s grades may not be affected as a result. CAL. EDUC. CODE § 49069.5(g)-(h). In the event of a student’s absence due to a decision to change their placement, the grades and credits of the pupil must be calculated as of the date the student left school. <i>Id.</i> § 49069.5(g). Students, schools, probation and parents/guardians must effectively communicate to ensure that the student’s attendance record accurately reflects excused absences for court-related obligations.</p>	<p>School district/ school of origin</p> <p>County probation department</p> <p>Parent(s)/guardian(s)</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Enrichment Activities</p>	<p>All system-involved youth are entitled to participate in a wide array of age-appropriate extracurricular, enrichment, and social activities. CAL. EDUC. CODE § 42920(i); CAL. WELF. & INST. CODE § 727(a)(4)(F).</p> <p>Extracurricular engagement supports healthy development, helping young people build resiliency and counteract the harmful effects of trauma. Extracurriculars help young people improve academic outcomes, develop skills, and reduce risky behavior. They also increase youth’s lifelong connections and opportunities for permanency. These benefits not only impact youth, but also help their caregivers and the child welfare and juvenile justice systems achieve the goal of improving child well-being and reducing recidivism. For more information on the importance of extracurricular activities for system-involved youth, <i>see</i> YOUTH LAW CENTER, CLOSING THE EXTRACURRICULARS GAP: PRIORITIZING EXTRACURRICULAR ACTIVITIES AS A KEY INTERVENTION FOR CHILDREN AND YOUTH IN FOSTER CARE AND JUVENILE JUSTICE (2022), https://www.ylc.org/wp-content/uploads/2019/01/Closing-the-Extracurriculars-Gap-2022.pdf.</p>	<p>County probation department</p> <p>County office of education</p> <p>School district/school of origin</p>
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SPECIAL ISSUES & CONSIDERATIONS

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Decision Making</p>	<p>Education rights holders make education-related decisions for minors.</p> <p>Parents generally have the right to make educational decisions for their children, unless their child is in a legal guardianship, their parental rights have been terminated, or the juvenile court has limited their educational rights and has appointed an education rights holder. CAL. WELF. & INST. CODE § 726; CAL. RULES OF COURT, RULE 5.649. All educational and school placement decisions should ensure that the child is in the least restrictive educational program with access to the academic resources, services, and extracurricular and enrichment activities available to all students. In all instances, educational decisions shall be based on the best interests of the child. CAL. WELF. & INST. CODE § 726(c)(2). Before placing a child in a juvenile court school, community school, or other alternative school setting, the child’s parent, guardian, or education rights holder must consider placement in a regular public school. CAL. EDUC. CODE § 48853(c).</p> <p>Education rights holders should meet with the child, investigate the child’s educational needs and whether those needs are being met, provide information and recommendations accordingly to the child’s social worker, make written recommendations to the court, or attend the hearing and participate in the portions that concern the child’s education. CAL. WELF. & INST. CODE § 726(c)(2).</p> <p>For more information on education rights holder appointments and responsibilities, <i>see</i> ALLIANCE FOR CHILDREN’S RIGHTS, FOSTER YOUTH EDUCATION TOOLKIT 8-9 (2016), https://allianceforchildrensrights.org/wp-content/uploads/2020/07/FosterYouthEducationToolkit_v3.pdf.</p>	<p>Juvenile court</p> <p>Parent(s)/guardian(s)</p>
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High School Diploma	<p>System-involved youth who transfer schools after their second year of high school are generally exempt from local graduation requirements and may receive a high school diploma if they satisfy state coursework requirements. CAL. EDUC. CODE §§ 51225.1; 51225.3(a).</p> <p>If a foster youth or former juvenile justice system-involved youth transfers between schools (this includes between different comprehensive schools, juvenile court schools, alternative schools, schools in different geographic areas) any time after the completion of the student’s second year of high school, then the student is eligible to receive a high school diploma in accordance with the California state coursework requirements. CAL. EDUC. CODE §§ 51225.1; 51225.3(a).</p> <p>A student’s eligibility to receive a diploma under the state coursework requirements essentially exempts the student from any local school district graduation requirements that are in addition to the statewide requirements, unless the local education agency makes a finding that the student is reasonably able to complete the local graduation requirements in time to graduate from high school by the end of the student’s fourth year of high school. CAL. EDUC. CODE § 51225.1(a). Court-involved students who are reasonably able to complete the school district’s local graduation requirements within the student’s fifth year of high school must be informed of the <i>option</i> to remain in school for a fifth year to complete the school district’s graduation requirements. <i>Id.</i> § 51225.1(b). In addition, if the court-involved student is exempted from local graduation requirements and completes the statewide coursework requirements before the end of their fourth year of high school and that student would otherwise be entitled to remain in attendance at the school, a school or school district shall not require or request that the student graduate before the end of their fourth year of high school. <i>Id.</i> § 51225.1(e).</p> <p>Once a youth is found eligible for an exemption from local graduation requirements, their right to graduate by completing minimum state course requirements may not be revoked, regardless of whether the youth’s foster care or probation case closes or they later change schools again. <i>Id.</i> § 51225.1(i)-(j). The school district shall also consult with the student and the education rights holder regarding how any of the requirements that are waived will affect the student’s ability to gain admission to a post-secondary educational institution; shall provide discussion and information about other options available to the student, including but not limited to, a fifth year of high school, possible credit recovery, and transfer opportunities through the California Community Colleges; and shall provide consideration of the student’s academic data and other information relevant to assist the youth’s education rights holder in making an informed decision. <i>Id.</i> § 51225.1(f).</p>	School district
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Special Education</p>	<p>A significant proportion of youth involved with the juvenile justice system have education related disabilities and may be eligible for special education and related services under the federal Individuals with Disabilities Education Act (IDEA). Compared with their public-school counterparts, students involved with the juvenile justice system are much more likely to have both identified and undiscovered disabilities. THE OFFICE OF JUV. JUST. AND DELINQ. PREVENTION, YOUTH WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES IN THE JUVENILE JUSTICE SYSTEM (2017), https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/youths_with_intellectual_and_developmental_disabilities_in_the_juvenile_justice_system.pdf.</p> <p>The responsibility of providing special education services to court-involved students is shared among court schools, probation, and the school districts and schools. System stakeholders must ensure that all children and youth with disabilities, including those with disabilities who are homeless or are wards of the State, regardless of the severity of their disability, and who are in need of special education and services, are identified, located, and evaluated. 34 C.F.R. § 300.111 (2024). As court-involved students can be highly mobile and may repeatedly transfer schools, clear documentation and communication among providers of special education services is vital to ensuring that all students can meaningfully access their education.</p>	<p>County office of education</p> <p>County probation department</p> <p>Special Education Local Plan Area</p> <p>School district/ school of origin</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">English Learners</p>	<p>There are special legal protections for students who are English learners with which all court schools and local education agencies must comply.</p> <p>Juvenile court schools must take affirmative steps to address, and take appropriate action to overcome, the language barriers of English learner students so that they can participate meaningfully in their schools’ educational programs. 20 U.S.C. § 1703(f); CAL. CODE REGS. tit. 15 § 1370(d)(2) (2024).</p> <p>Juvenile court schools serve a greater percentage of English learner students statewide compared to regular schools and therefore ought to have robust programming and supportive educators to assist students in meaningfully accessing their education. YOUTH LAW CENTER, OUT OF SIGHT, OUT OF MIND: HOW CALIFORNIA’S EDUCATION DATA AND ACCOUNTABILITY SYSTEMS FAIL YOUTH IN JUVENILE COURT SCHOOLS 3 (2023), https://www.ylc.org/resource/out-of-sight-out-of-mind/.</p>	<p>County office of education</p> <p>School district/ school of origin</p>

EDUCATION RIGHTS IN SECURE YOUTH TREATMENT FACILITIES (SYTF)

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Commitment</p>	<p>Courts may only place youth into secure youth treatment facilities when there is no less restrictive alternative placement. CAL. WELF. & INST. CODE § 875(a)(3).</p> <p>Before a youth is placed into a secure youth treatment facility, the court must make a finding that a less restrictive, alternative disposition for the youth is unsuitable. Among other factors, the court must consider whether the programming, treatment, and education provided (<i>emphasis added</i>) in the secure youth treatment facility is appropriate to meet the youth’s needs. <i>Id.</i> § 875(a)(3)(B).</p>	<p>Juvenile courts</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Assessment</p>	<p>Each youth committed to a secure youth treatment facility must be provided with an individual rehabilitation plan.</p> <p>Within 30 judicial days (judicial days exclude weekends and court holidays) of making an order of commitment to a secure youth treatment facility, the county probation department and any other appropriate agencies or individuals should submit an individual rehabilitation plan for the youth to be approved by the court. CAL. WELF. & INST. CODE § 875(d)(1). An individual rehabilitation plan should address the youth’s treatment, education, and development needs, including any special needs; reflect the principles of trauma-informed, evidence-based, and culturally responsive care; and provide an opportunity for the inclusion of the opinions of the youth and their family. <i>Id.</i> § 875(d)(2).</p>	<p>County probation department</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Transfer</p>	<p>Youth may be transitioned out of secure youth treatment facilities under certain conditions.</p> <p>The court may modify or set aside an order of commitment to a secure youth treatment facility upon written application of the youth or the probation department and a showing of good cause that the county or the commitment facility has failed or is unable to provide the youth with treatment, programming, and education consistent with the youth’s individual rehabilitation plan; that the conditions of the facility are harmful to the youth; or that the juvenile justice goals of rehabilitation and community safety are no longer served by confinement in the secure youth treatment facility. CAL. WELF. & INST. CODE § 779.5.</p>	<p>Juvenile courts</p> <p>County probation department</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Less Restrictive Program</p>	<p>Youth may be transferred from a secure youth treatment facility into a less restrictive program.</p> <p>To facilitate the safe and successful reintegration of system-involved youth into the community, the court may order youth be transferred from a secure youth treatment facility to a less restrictive program, such as a halfway house, a camp or ranch, or a community residential or nonresidential service program, upon a motion from the probation department or the youth themselves. Approval of the request may be made upon a showing of substantial progress toward the goals of the individual rehabilitation plan and a consideration of the educational, vocational, counseling, housing, or other services made available through the less restrictive program. CAL. WELF. & INST. CODE § 875(f)(1).</p>	<p>Juvenile courts</p> <p>County probation department</p>