AB 2176 (Berman)
Juveniles: Access to Education

SUMMARY

AB 2176 increases transparency of court school chronic absenteeism rates and authorizes investigations and provision of technical assistance for sites with excessive rates of absenteeism.

BACKGROUND

The California Supreme Court held that Article IX, Section 5 of the California Constitution establishes a fundamental right to an equitable education for all youth, including those who are incarcerated.[1] Welfare and Institutions Code (WIC) Article 23 requires that county probation departments operate all juvenile halls and camps. WIC Section 889 requires the county office of education (COE) to provide for the operation of a school at juvenile halls and camps, generally known as court schools.

As a result, court schools are dually staffed and operated by probation and the COE. The probation department owns and maintains the facility, employs the security and administrative staff, sets schedules and policies, and generally operates and directs all aspects of the site that are not directly related to educational instruction. The COE employs qualified teachers who provide core academic instruction.

SB 823 (2021) closed the Department of Juvenile Justice and required that all current and future incarcerated youth be served in county juvenile halls. It also created the Office of Youth and Community Restoration (OYCR) to support the transition of the juvenile justice system to a health-based approach. OYCR's responsibilities include: publishing annual reports on the outcomes of incarcerated youth; employment of ombudsmen to investigate youth complaints; review of county realignment plans; and provision of technical assistance.

PROBLEM

There is a long history of incarcerated youth being denied access to education services. Despite the fact that incarcerated students should have nearly perfect attendance rates, more than a dozen California court schools reported chronic absenteeism rates higher than 25% in 2021/22 and 2022/23.[2]

Punishment and isolation practices at some juvenile halls are the primary driver of high chronic absenteeism rates.[3] For example, in Los Angeles County the probation department barred entire juvenile units from attending school if one youth misbehaved. In Kern County, "probation staff blatantly barred all youths labeled "high security

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[1] LAUSD v. Garcia Los Angeles Unified Sch. Dist. v. Garcia, 669 F.3d 956 | Casetext Search + Citator [iv] https://www.ylc.org/resource/out-of-sight-out-of-mind/
[2] https://www.ed-data.org/
[3] As evidenced by various complaints for injunctive relief over the last decade, including as recent as 2023: 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 | State of California - Department of Justice - Office of the Attorney General

status" from attending school."[4]

THIS BILL

This bill would require OYCR to include court school chronic absenteeism data in its annual reports and would authorize OYCR to investigate the causes and contributing factors at sites with excessive rates of absenteeism. It would also allow OYCR to offer technical assistance and expertise to counties that are struggling to provide students with consistent access to educational services.

SUPPORT

Santa Clara County Office of Education (Sponsor)
Alliance for Children's Rights
California County Superintendents
California Federation of Teachers AFL-CIO
American Civil Liberties Union (ACLU)
Los Angeles County Office of Education
Association of California School Administrators
Youth Law Center
California Public Defenders Association (CPDA)

Oppose

None.

FOR MORE INFORMATION

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[4]https://www.ylc.org/resource/out-of-sight-out-of-mind/