

**EDUCATION RELATED DUTIES IN
CALIFORNIA JUVENILE DELINQUENCY CASES
(WELFARE & INSTITUTIONS CODE 602)**

Note that A.B. 490 (Steinberg), effective January 2004, imposes new responsibilities for delinquent wards placed in foster care or group homes. Those changes are too extensive to present in this abbreviated format, but are addressed in a separate analysis.

RESPONSIBILITY	DUTY	AUTHORITY
Juvenile Justice System	Delinquent minors shall, in conformity with the interests of public safety and protection, shall receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and is appropriate for their circumstances.	Welf. & Inst. Code 202(b)
Juvenile Justice System	Participants in the juvenile justice system shall hold themselves accountable for its results. They shall act in conformity with a comprehensive set of objectives established to improve system performance in a vigorous and ongoing manner.	Welf. & Inst. Code 202(d)
Probation Officer	Is authorized to maintain counseling and education centers, or contract with (or make referrals to) private or public agencies for vocational training or skills in lieu of filing formal proceedings.	Welf. & Inst. Code 654(c)
Probation Officer	Shall take into account the minor's educational background in its investigation into whether the minor would benefit from the education, treatment and rehabilitation available through deferred entry of judgment for a first time felony offense.	Welf. & Inst. Code 791
Probation Officer	Prepare case plan within 30 days of removal (or by the time of disposition hearing) if minor is in danger of entering foster care [or group home]. Plan must describe strengths and needs of minor and services to be offered to reduce or eliminate need for foster care and enable minor to return safely home.	Welf. & Inst. Code 636.1, 706.6
Probation Officer	If foster care [or group home] recommended, social study report for disposition must include case plan including whether the minor has been or will be referred to educational services; what services the minor is receiving, including special education; and probation or child advocate must solicit comments from appropriate local education agency before social study completed.	Welf. & Inst. Code 706.5 (c)(5)
Probation Officer	If foster care [group home] recommended, and parent or guardian unable or unwilling to make educational decisions, decide whether rights should be limited and identify responsible adult to make educational decisions.	Welf. & Inst. Code 706.5(c) (6)

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Probation Officer	If foster care [group home] recommended, case plan must include health and education information, including "...school records...names and addresses of the minor's ...educational providers; the minor's grade level performance; assurances that the placement in foster care takes into account proximity to the school in which the minor was enrolled in at the time of placement; and other relevant ...educational information."	Welf. & Inst. Code 706.6(j)
Probation Officer	If minor is placed in foster care [group home], provide reunification services to address the needs of the minor while in care and facilitate safe return to home; provide updated case plans for six month reviews showing compliance with reasonable efforts to return the minor safely home; and at review hearings determine whether there is a need to limit educational rights of the parent or guardian and appoint a responsible adult. Reasonable efforts include vocational training, educational services and transportation (WIC 727.4(d)(5).	Welf. & Inst. Code 727.2
Juvenile Court	May join in the proceedings any agency the court determines has failed to meet a legal obligation to provide services to the minor.	Welf. & Inst. Code 727(a)
Juvenile Court	Shall hear evidence on the proper disposition of the case, including the probation officer's social study and any other relevant and material evidence.	Welf. & Inst. Code 706
Juvenile Court	May order probation to obtain the services of experts needed to determine the appropriate treatment of the minor.	Welf. & Inst. Code 741
Juvenile Court	At disposition may make "any and all reasonable orders for the care, supervision, custody, conduct, maintenance and support of the minor..."	Welf. & Inst. Code 727(a)
Juvenile Court	At disposition, if educational rights of the parent or guardian are limited, the court shall appoint a responsible adult to make educational decisions for the minor. Individuals with a conflict of interest that might restrict or bias educational decisions may not be appointed. Long-term foster parents have the right to make educational decisions for minors in their care.	Welf. & Inst. Code 726(b), 727(a)(1) [relatives]; Government Code 7579.5
Juvenile Court	May commit minors to Youth Authority only if fully satisfied that it is probably that the minor will be benefited by the reformatory educational discipline or other treatment provided.	
Juvenile Court	Shall not order a minor identified as having a disability conveyed to Youth Authority until the IEP has been furnished to Youth Authority; and shall assure that probation officer communicates with the appropriate educational agency to facilitate process.	Welf. & Inst. Code 1742

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Juvenile Court Schools (including Juvenile Hall Schools)	Operated for students in juvenile halls, ranches, camps, day centers, or group homes with 25 or more children, but nothing prevents group home students from enrolling in public school. Minimum school day of 240 minutes must be provided except for students in vocational or work experience programs. County board of education must adopt, enforce, and evaluate the program of study. Public schools must accept coursework credit from juvenile court schools.	Education Code 48645, 48645.3 48645.5
Juvenile Hall School (Probation and County Board of Education)	Probation shall operate juvenile court school in the facility in conjunction with county board of education, and shall request annual evaluation from superintendent that the program complies with this regulation.	15 California Code of Regulations, (hereafter CCR) 1370(a)
Juvenile Hall School (Probation and County Board of Education)	Facility school program must meet Education Code and county board of education requirements and must include English/language arts, social sciences, physical education, science, health, mathematics, fine arts/foreign language, and electives including career education. GED preparation shall be provided for all eligible youth.	15 CCR 1370(b)
Juvenile Hall School (Probation and County Board of Education)	Minimum school day shall be 240 minutes except for pupils in approved vocational education programs.	15 CCR 1370(b)(3)
Juvenile Hall School Probation and County Board of Education)	Suspension from school shall follow Education Code safeguards; education shall be provided on high security or restricted units.	15 CCR 1370(c)(3), 1370 (d)(1)
Juvenile Hall School (Probation and County Board of Education)	State and federal special education laws shall be observed for individuals with special education needs; non-English speaking and limited English speaking minors shall be afforded an education program.	15 CCR 1370(d)(2), 1370 (d)(3)
Juvenile Hall School (Probation and County Board of Education)	After admittance minors shall be interviewed and written record prepared including grades, credits, special needs, and discipline problems. Minors shall be enrolled not later than 3 days after admission to the facility, and assessed on academic functioning, with a preliminary education plan developed within 5 school days. If the minor is detained, transcript will be requested from prior school and upon receipt, the plan shall be reviewed and modified as needed.	15 CCR (e)
Juvenile Hall School (Probation and County Board of Education)	Upon request by the school or parent, the minor's (juvenile hall) educational record shall be forwarded to the school district. The county Superintendent shall provide credit for coursework completed in juvenile hall.	15 CCR 1370(f)

RESPONSIBILITY	DUTY	AUTHORITY
California Youth Authority	Legislature intends to insure an appropriate educational program for Youth Authority wards. Objective of program is to improve the academic, vocational, and life survival skills to enable wards to return to the community as productive citizens.	Welf. & Inst. Code 1120(a)
California Youth Authority	May accept commitment of minor only if fully satisfied that it is probably that the minor will be benefited by the reformatory educational discipline, and if it has adequate facilities to provide that care.	Welf. & Inst. Code 736(a), 1731.5 (18-21year olds) [and see Welf. & Inst. Code 1700]
California Youth Authority	Shall assess educational needs of each ward upon commitment and at least annually until parole. Initial assessment shall include academic, vocational, and psychological needs and shall be used to determine appropriate program, and as a measure of progress in subsequent assessments.	Welf. & Inst. Code 1120 (b)
California Youth Authority	Shall address needs of educationally handicapped or limited English speaking.	Welf. & Inst. Code 1120(b)
California Youth Authority	Educational program shall include academic preparation in verbal communication, reading and arithmetic; vocational preparation including counseling, training in marketable skills, and job placement assistance; and life survival skills including consumer economics, family life, personal and social adjustment.	Welf. & Inst. Code 1120(c)
California Youth Authority	Educational program shall focus on value-based character education leading to a crime-free lifestyle.	Welf. & Inst. Code 1120.1 (a)
California Youth Authority	Must ensure that each ward who has not attained a high school diploma or equivalent shall be enrolled in an appropriate educational program. Must develop a high school graduation plan for every such ward.	Welf. & Inst. Code 1120.1 (b), 1120.1(c)
California Youth Authority	Course of study for wards in grades 7 through 12 shall include courses specified by Education Code 51220 et. seq, and curriculum shall meet standards adopted by Superintendent of Public Instruction (51226). Correctional educational authority shall adopt standards of proficiency in basic skills for grades 7-12; differential standards and assessments may be used for wards with a disability.	Welf. & Inst. Code 1120.2 (b), 1120.2(c)
California Youth Authority	The correctional education authority at Youth Authority may issue high school diplomas or award GEDs.	Welf. & Inst. Code 1120.2 (d)

RESPONSIBILITY	DUTY	AUTHORITY
California Youth Authority	Has extensive policies on delivery of education/special education services in Youth Authority facilities. Many of the policies address responsibilities of specific staff or administrators for assuring that particular services are provided, and timelines for delivery. See, California Youth Authority web site for contact information for Administrative Headquarters or Education Services Branch: http://www.cya.ca.gov/	CYA Manuals including Education Services Branch Manual and Institutions and Camps Branch Manual
Educators, Placing Agencies, Care Providers, Advocates, Juvenile Courts	The Legislature intends for educators, placing agencies, care providers, advocates and juvenile courts to work together on behalf of pupils in foster care [group homes] and homeless pupils to have a meaningful opportunity to meet state academic achievement standards, maintain stable school placements, to ensure that pupils are in least restrictive educational programs, and have access to the academic resources, services and extracurricular and enrichment activities available to all pupils. All educational and school placement decisions must be based on the best interests of the child.	Education Code 48850(a) (AB 490) See separate analysis of AB490