



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 31, 2012

Title	Agenda Item Type
Children in Foster Care: Report from the California Blue Ribbon Commission on Children in Foster Care	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
N/A	As soon as possible
Recommended by	Date of Report
California Blue Ribbon Commission on Children in Foster Care Hon. Richard D. Huffman, Chair	July 30, 2012
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Executive Summary

This report provides an update on the ongoing work of the Blue Ribbon Commission on Children in Foster Care and recommends that the Judicial Council direct staff of the Blue Ribbon Commission to seek private foundation funding to hold a California summit on truancy and school discipline. Chief Justice Tani G. Cantil-Sakauye led a team of judicial officers, including Justice Richard D. Huffman, at a conference in New York in March 2012 convened by retired New York Chief Judge Judith Kaye with private foundation funding: the National Leadership Initiative of School-Justice Partnerships: Keeping Kids in School and Out of Court. The conference focused on issues of truancy and school discipline. Following the conference, Chief Justice Cantil-Sakauye charged the Blue Ribbon Commission with taking up the issues of truancy and school discipline as they affect children and youth in the juvenile court system, and expressed her interest in hosting a California summit on these issues if private funding can be identified and secured.

Recommendation

The Blue Ribbon Commission recommends that the Judicial Council direct AOC staff to the commission to take the following actions:

1. Undertake a search for private foundation funding sources that have demonstrated an interest in truancy and school discipline issues and may be interested in funding a convening of statewide stakeholders to focus on truancy and school discipline issues facing California, with an emphasis on those issues as they affect children and youth in the juvenile court system; and
2. Provide a progress report on these efforts to the Judicial Council in December 2012.

Previous Council Action

The Blue Ribbon Commission last reported to the Judicial Council on its implementation progress in December 2011.

Rationale for Recommendation

Subsequent to the commission's last implementation report in December 2011, Chief Justice Tani Cantil-Sakauye led a delegation, including Justice Huffman, chair of the Blue Ribbon Commission, at a conference in New York in March 2012, the National Leadership Initiative of School-Justice Partnerships: Keeping Kids in School and Out of Court. Other court-related members of the delegation included Judge Stacy Boulware Eurie, Presiding Juvenile Court Judge in the Superior Court of Sacramento County, and Judge Richard Blake, Chief Judge of the Hoopa Valley Tribal Court. The California delegation also included a representative of the State Superintendent of Public Education, Jeannie Oropeza. The conference focused on building partnerships between education and the courts around issues of truancy and school discipline.

The conference built on efforts that have been emerging across the nation at the local, state, and federal levels, including the federal Supportive School Discipline initiative announced in 2011 by Attorney General Eric Holder and Secretary of Education Arne Duncan. That initiative was launched to address the disciplinary policies and practices that can push students out of school and into the justice system. The New York event represented the first convening of top education and judicial leaders from around the country to address this urgent problem, with a focus on the school-court connection.

The two-day summit was framed by the growing body of research indicating that suspensions and expulsions are not effective in improving student behavior, but instead have a negative effect on academic performance and are associated with greater involvement in the juvenile and criminal justice systems. In 2011, 30 percent of all public school students in California were truant, and 12 percent were suspended or expelled—this represents the highest rate of expulsion

and suspension for any state in the nation. Data released by Texas has documented a “School-to-Prison Pipeline,” demonstrating a pattern of school disciplinary problems escalating from suspension to removal from school, juvenile justice system involvement, and school dropout. In Texas, more than 80 percent of adult prison inmates are school dropouts. Children in foster care have more behavior problems and suspensions than comparison groups.

These issues affect the courts in a number of ways. Truants or school dropouts who become involved in the juvenile justice system will come before a court. Children in foster care who are struggling with school discipline issues, truancy, suspensions, or expulsions have their cases reviewed by a judge on a regular basis. Discretionary expulsion of students for nonviolent, non-criminal misbehavior can also result in students coming into contact with the justice system when they have not broken any laws, and the impact on these students can be far-reaching. At the conference there was a call to action for members of the judiciary to use their powers of convening and of persuasion to begin forging and maintaining productive collaborations with key stakeholders to curb this disturbing trend. There are examples of different communities successfully using this collaborative approach; for example, in some cases this has been done by forming court/school partnerships and modifying disciplinary policy to effectively address behavior problems earlier so that students can successfully remain in school and out of court.

Upon her return, the Chief Justice charged the Blue Ribbon Commission with creating an initiative to keep kids in school and out of court. She expressed an interest in having the state host a California-focused summit similar to the one held in New York if we are able to secure outside funding.

Blue Ribbon Commission’s Truancy/School Discipline Workgroup

In response to the Chief Justice’s charge, Justice Huffman appointed Judge Boulware Eurie to chair a Truancy/School Discipline Workgroup to include members from within and outside of the judiciary and the Blue Ribbon Commission. That group has formed and held its first conference call to set objectives and direction. Membership includes representatives from the judiciary, the Department of Education, private foundations, and a California Native American tribe. One member of the Judicial Council, Miriam Krinsky (also a member of the Blue Ribbon Commission), is participating on the workgroup as well. In that first call, participants shared information about what was happening in California in this area and welcomed the idea of active judicial involvement with the issue.

In addition to reviewing successful work on the issues of truancy and school discipline from other states, the workgroup saw the benefit of focusing some attention on the already existing local blue ribbon commissions that have been formed in more than 40 counties to address local issues and work to implement the Blue Ribbon Commission’s recommendations. The workgroup is specifically looking to those local commissions that already have a focus on education with participation by the courts, superintendents of education, and other stakeholders to share their

practices at the summit. These local commissions are particularly important in light of the recent realignment to the local level of child welfare and other services in California that will result in much more local control over resources and policy, and may significantly affect families and children.

Work advances implementation of the Blue Ribbon Commission's recommendations

The Judicial Council unanimously accepted the recommendations of the Blue Ribbon Commission in 2008, and both the former Chief Justice and the current Chief Justice have extended the commission and its charge to work on implementing those recommendations. Key among the commission's recommendations are those on education. Too many of our children in foster care drop out of school and may end up in the criminal justice system. Education of our foster children and youth is critical to ensure a bright future for them. That is why the commission made its education recommendations a top priority for early action. Among the early action steps adopted by the commission is that trial courts, local foster care commissions, local education agencies, and other stakeholders collaborate to assess and eliminate barriers to ensuring full educational opportunities for foster children. Current truancy and school discipline policy is often a barrier to full educational opportunity for these children and fits squarely into the commission's purview for implementation activities.

Comments, Alternatives Considered, and Policy Implications

Given the realities of the judicial branch budget, the proposed summit will not be possible without the full support of outside funding.

Implementation Requirements, Costs, and Operational Impacts

The summit would be covered by private foundation funding.