

# **THE EDUCATION AND REHABILITATION OF AT-RISK JUVENILES AN OPPORTUNITY FOR POSITIVE CHANGE**

## ***SUMMARY***

There is a segment of the population of youths who live apart from the rest of society in various levels of controlled environments. The 2013-2014 San Diego County Grand Jury (Grand Jury) investigated the existing educational opportunities provided to these youths in San Diego County's various detention facilities and other special purpose community schools serving at-risk juveniles.

In the County of San Diego, there are two distinct categories of schools serving those youths who are outside the educational mainstream. The first, custodial sites, includes the schools in the detention facilities run by the San Diego County Probation Department (SDCPD) for youths who were criminally involved. The second, the noncustodial sites, includes the Juvenile Court and Community Schools (JCCS) in different sites in which the SDCPD has no involvement. The school programs, at both custodial and noncustodial sites, are under the auspices of the San Diego County Office of Education (SDCOE).

SDCOE is responsible for the operation of juvenile educational programs ensuring that each student is provided a year-round education with the best teachers available. Even juveniles who are committed to short-term stays at detention facilities should be offered a good chance for success and rehabilitation. In particular, a major challenge of providing worthwhile educational programs to every student is to avoid the inclination to make all programs conform to one protocol.

To meet the California Education Code requirement of "year-round" education, all classes should be part of one "year-round" program. With recent changes at these facilities, the year-round educational program requirement is no longer being met. The juvenile population in the County's detention facilities has recently declined. This raises the prospect that some facilities might be closed or consolidated and other successful endeavors such as the San Pasqual Academy program be made accessible to non-foster children coming out of the detention system who would benefit from the education at a residential school. The opportunity to make under-utilized facilities available for at-risk juveniles is supported by the San Diego County Juvenile Justice Commission (SDCJJC).

Upon completion of intensive research throughout the County's schools for institutionalized juveniles, the Grand Jury is making recommendations for significant changes which could affect that youthful population, giving them a better opportunity to succeed whether they are in custodial facilities or in less restrictive environments such as Monarch or San Pasqual Academy.

## ***INTRODUCTION***

In July 1924, a historic little red school house was closed down in Houston, Texas<sup>1</sup>. The public and historians might say that the days of the one room school house are over. Providing education in them was a challenge then. Today, a hundred years later, in spite of the availability of computers and handheld devices, it is no less a challenge to the teachers at the Kearny Mesa Juvenile Detention Facility, and all the detention facilities in San Diego County. In some cases those teachers run a “one room school house,” complete with many of the same issues faced in the early part of the last century. Space was a scarcity, so were teachers and teaching materials.

## ***PROCEDURE***

As is required by California Penal Code §919(b), the Grand Jury visited and observed the physical condition and management of the various adult and juvenile detention facilities in the County. This report builds on that statutory inquiry and expands it with a concentrated focus on the difficult job of education and rehabilitation within the juvenile justice facilities and schools.

The Grand Jury undertook its investigation by visiting all the juvenile detention facilities in San Diego County, and talked to staff and students at the following:

- Kearny Mesa Juvenile Detention Facility (Boys’ Unit)
- Kearny Mesa Juvenile Detention Facility (Girls’ Unit)<sup>2</sup>
- Kearny Mesa Girls Rehabilitation Facility
- East Mesa Juvenile Detention Facility
- Camp Barrett Juvenile Detention Facility
- Rancho Del Campo Juvenile Ranch Facility

Additionally, the Grand Jury visited other facilities for children who were not in the mainstream of society, foster children and homeless children, to evaluate educational programs that might be suitable for use at the SDCPD facilities:

- San Pasqual Academy (for foster children)
- Phoenix House Academy in Descanso (for drug rehabilitation)
- Second Chance Facility (for those released from detention)
- Monarch School (for homeless children)

The Grand Jury was interested in the education programs operated by the SDCOE in each of the facilities visited. The Grand Jury considered how homework was utilized in the custodial facilities, how teacher evaluations were conducted, how parents are brought in for Individual Education Plans (IEPs) and other parent conferences, and whether teachers participate in Professional Learning Communities (PLCs) or Instructional Leadership Teams (ILTs).

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<sup>1</sup>Historic little red school house facing final bell; Bayou City Chronicles, Tony Freemantle, October 30, 2013, [www.houstonchronicle.com/news/columnists/chronicles/article](http://www.houstonchronicle.com/news/columnists/chronicles/article)

<sup>2</sup> This unit was not visited.

## PROBATION DEPARTMENT CUSTODIAL SITES

### *DISCUSSION*

Although the SDCPD operates the juvenile detention facilities, it is the SDCOE which provides the teachers and educational programs for a five-days-a-week year-round school program. Since most of the juvenile commitments are short term (from 21 days to one year), the challenge is to provide meaningful education and integrate it into a rehabilitative model that contributes to the well-being and motivation of the at-risk juvenile to succeed in the community.

The Grand Jury concluded that the quality and enthusiasm of teachers is the most important element of the learning environment. To develop a lesson plan that is directed to a wide age group, to be evaluated on a basis somewhat different from teachers in mainstream schools, to have little parent involvement in the education of at-risk juveniles, and to sometimes be behind locked doors for the entire school day, is a real challenge for teachers. Because of the decline in the juvenile offender population, the student-to-teacher ratio is much lower in the juvenile detention facilities than at other specialized schools.

Although each class is self-contained, there are fewer resources such as up-to-date text books, library books, or modern computer equipment available. Some text books were more than ten years old. The computers, when available, were mostly computers-on-wheels rather than desktops. However with the advent of the Common Core curriculum, the SDCOE is prepared to provide more computers and computer-based resources.

California Education Code Section 48645 provides guidelines for the operation of juvenile court schools, determining a school day to be at least 240 minutes.<sup>3</sup> Furthermore, the section mandates that “the schools shall not be closed on any weekday of the calendar year”<sup>4</sup> except school holidays. Prior to the 2012-2013 school year, summer sessions were taught by the regular teachers of the facilities, thus maintaining continuity of teachers and programs throughout the year. However with the recent change in policy by the SDCOE, the school year is now divided into regular periods and “intersessions” in the summer, and at other vacation times. These intersessions not only disrupt the continuity of instruction but create disciplinary problems as well, as students had not established the level of respect and quality of relationship they had with their regular teachers. A regular teacher with a 225 day juvenile court contract was reduced to a 195 day contract while the intersessions were offered to substitute teachers who often lacked training and experience in teaching in the juvenile detention facility system. This may have been done as a cost saving measure, as substitute teachers would only be paid per diem without benefits, although most of them were teaching full time elsewhere during the year. But, providing the best education to the children should be the paramount concern. The law states that this requires a full time year-round program.<sup>5</sup> The regular teachers interviewed do not support breaking up the school year with intersessions conducted by substitute teachers.

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<sup>3</sup> California Education Code Section 48645.3; <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=48001-49000&file=48645-48646>

<sup>4</sup> Ibid

<sup>5</sup> January 7, 2013 Report of the Fiscal Crisis and Management Assistance Team; <http://www.static.kern.org/gems/fcmat/SanDiegoCOEfinalreport955.pdf>

Homework was not assigned, as the after school time was controlled by the SDCPD and its designated programs. The students were given no time to spend reading or studying, do computer research or other school-initiated projects. Common Core-based education may require more research and independent study time.

All the administrators and most teachers interviewed were opposed to classes based on “packet” work. (“Packets” are educational materials to be read with questions to be answered without teacher-pupil interaction.) Yet it was observed that in at least one facility, the students were still given “packet” work instead of actual teaching in the classroom.

Amid all the obvious challenges insidious to the system, one historical exception was noted. At the Sarah Anthony School at Kearny Mesa Juvenile Detention Facility, one of the 2010 California Teachers of the Year has made a real difference.<sup>6</sup> In this social studies classroom, there is use of an interactive whiteboard and an instant test-taking “clicker” which provides immediate feedback on subject matter testing.<sup>7</sup>

### ***KEARNY MESA JUVENILE DETENTION FACILITY***

The Grand Jury visited the Kearny Mesa Juvenile Detention Facility (Juvenile Hall) on October 4, 2013. The complex (along with the attached Girls’ Rehabilitation Facility) is next to the San Diego Superior Court’s Juvenile Court building. The boys’ facility has a capacity of 359; the average daily population over the last year has been 218. The San Diego County Office of Education runs the Sarah Anthony School at Juvenile Hall. There were 20 teachers and aides and, as of December 9, 2013, the number of students was 127, down from approximately 300 students in February, 2012.

Since the average stay at this facility is 21-26 days, there is an obvious challenge for the educational program which has been described as similar to “a one room school house,” by one of the 2010 San Diego Teachers of the Year who taught at the Sarah Anthony School.<sup>8</sup> Teachers at the school must cope with students of all age groups and ethnic backgrounds and adapt lessons as well as engage the students in learning activities that are interactive and fit curricular goals, to coincide with their average 21-day stay.

Additionally, in this complex, there are three units for 55 girls. One of them is the girls’ Youthful Offender Unit (YOU)<sup>9</sup> with 13 girls. All the girls attend the school in three units, with four classrooms dedicated to girls only. However, sometimes classes are held in the SDCPD day room, raising questions of safety and security. Five-and-a-half teachers are assigned to these girls’ units.<sup>10</sup>

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<sup>6</sup> Video excerpt of Melanie Tolan in San Diego Newscenter, “Juvenile Offenders Offered Fresh Start in School,” February 3, 2012. <http://www.countynewscenter.com/news/juvenile-offenders-offered-fresh-start-school>

<sup>7</sup> Ibid

<sup>8</sup> Ibid

<sup>9</sup> Girls in YOU are more involved in the juvenile justice system – “higher risk”.

<sup>10</sup> One teacher teaches half time at the boys’ section of Juvenile Hall.

As in all custodial sites, year-round education is required, but instead of consistent programs during the summer, there are intersessions sometimes with different teachers and special curricular offerings.

### ***KEARNY MESA GIRLS REHABILITATION FACILITY***

The Grand Jury visited the Kearny Mesa Girls Rehabilitation Facility (Girls Rehab) on October 4, 2013. Although the facility is advertised as a “camp”, it is not like Girl Scout camp. It consists of multiple-bed dormitories without locked doors with a maximum capacity of 50 girls. Twenty-six girls were in residence on the day of the Grand Jury’s visit. As of December 9, 2013, the girls’ population increased to 42.

The SDCOE is mandated to provide the educational program at the Girls Rehabilitation Facility five days a week year-round. The minimum school day is 240 minutes.<sup>11</sup> The girls are in all offender categories (low-to-high level). “Rehabilitation” is a main objective. It was not determined how many girls were placed in special education and had Individualized Education Programs (IEPs) in place. As in all the juvenile facilities, there was a good student-to-teacher ratio. It was not determined how the curriculum fits in with a regular academic program or how many girls with short-term commitments graduated with a high school diploma.

### ***EAST MESA JUVENILE DETENTION FACILITY***

The Grand Jury visited the East Mesa Juvenile Detention Facility (EMJDF) on October 18, 2013. This prison-like facility, far from the City of San Diego, is part of a complex in Otay Mesa near the Mexican border and several nearby adult facilities. The capacity of the facility is 290 with 175 young men (ages 12-21) present on the day of the Grand Jury visit. By December, 2013, the number had decreased to 126. The building opened in 2004 and consists of seven self-contained housing units. Each “pod” has 2 classrooms accommodating about 20 boys. Some serious youthful offenders are housed in the facility and the average stay is 60 days although some stay as long as 9 months.

The boys at EMJDF did not appear to be motivated by the educational program provided by the San Diego County Office of Education. School classes meet every weekday from 8:00 a.m. to 2:00 p.m. There are 14 teachers assigned and four Special Education teachers on site. Although parental involvement is required for IEPs,<sup>12</sup> with parents traveling long distances (many even from Mexico), the visits are few and far between. Teleconferencing is supposed to be available for parental conferences but may not be readily accessible. There are some books and some computers, but the security software (firewalls) installed to prevent general internet access hinder students’ computer use. No real utilization of books and computers was observed. The teachers do not assign homework. Although some students were working on “career plan” papers, the

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<sup>11</sup> California Education Code §48645.3. <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=48001-49000&file=48645-48646>

<sup>12</sup> Education Code 56043(b); <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=56001-57000&file=56040-56048>

classroom interaction was non-existent. Approximately 35% of the boys at EMJDF are documented gang members.

There are a number of transfers to camp facilities and the school records are supposed to follow the boys. The SDCOE is responsible for record keeping and expects that computerization of school records is being accomplished. This should ensure the currency of records wherever the boys may be transferred.

### ***CAMP BARRETT***

The Grand Jury visited Camp Barrett on November 1, 2013. This camp facility is located in a rural community near Alpine. On the day of the visit there were 109 boys housed there; the capacity is 134. As of December 9, 2013, the population was down to 87. Although the main facility is old (dating back to the 1930's when the Civilian Conservation Corps used the facility as a social rehabilitation center for men), the classrooms were fairly new.

The SDCOE oversees the educational program. There were 9 teachers at Camp Barrett, two of whom were Special Education teachers. Boys are between the ages of 16-21.<sup>13</sup> School attendance is required five days a week year-round and the boys can work toward a high school diploma, GED, take on-line college courses, and participate in technical classes in construction, culinary arts, horticulture, and fire science. Thirty boys have IEPs but are mainstreamed into regular classes with the assistance of the special education teachers. There was no documentation of parental involvement or visitation with the boys on IEPs. Teleconferencing is available at Camp Barrett but is used primarily for psychiatric care.

### ***RANCHO DEL CAMPO JUVENILE RANCH FACILITY***

The Grand Jury visited the Rancho Del Campo Juvenile Ranch Facility on November 15, 2013. Remotely located near the Tecate-Mexican border, this facility is old and historic. Three dormitories are open and two (Rayo I and Rayo II) are presently closed. The three open dormitories have a capacity of 135. The capacity rises to 250 if all 5 dormitories are open. There were 106 boys on the day of the visit, with commitments ranging from 21 to 84 days. On December 9, 2013, the population was down to 93. The Grand Jury was informed by the on-site psychologist that many of the boys have substance abuse problems. Although not a part of the regular educational program, the Phoenix House drug rehabilitation curriculum was being utilized at Rancho Del Campo outside of the regular classroom work.

The SDCOE has eight teachers assigned as of 2012.<sup>14</sup> There is also a Special Education program in place. On the day of the Grand Jury visit, the English classroom had no activity except the passing out of Xeroxed work sheets. The students did not appear to be engaged. The Camp facility is dilapidated but the classroom was neat and orderly. Textbooks were outdated.

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<sup>13</sup> With the elimination of the California Youth Authority, juveniles may stay in custodial settings in counties up to age 21.

<sup>14</sup> Juvenile Court and County Community Schools Review, January 7, 2013, on-line, page 54.

<http://voiceofsandiego.org/wp-content/uploads/2013/09/County-Consultants-Report.pdf>

Meeting the challenge of providing education pursuant to law, five days a week year-round, is difficult. It was observed that a teacher arrived carrying a guitar and some music appreciation appeared to be integrated into the educational program. The SDCPD has established a rewards program (shortening sentence) if a boy makes the honor roll at this school.

## **CLOSING AND CONSOLIDATION OF DETENTION FACILITIES**

Staff personnel of the SDCOE expressed their support for and indicated a preference for the closing or consolidation of several of the detention facilities such as Camp Barrett and Rancho Del Campo. Both of these facilities are remote and are under-utilized because of the decreasing juvenile population. If Camp Barrett is closed and its boys are transferred to the Kearny Mesa Juvenile Detention Facility or the East Mesa Juvenile Detention Facility, that facility might be converted to an adult camp. According to San Diego County Sheriff's Department personnel, there is no camp facility for adult male inmates.<sup>15</sup>

## **NONCUSTODIAL SITES**

### ***DISCUSSION***

Under the auspices of JCCS there are four noncustodial sites, three of which have garnered widespread recognition for the success of the purposes they serve. The juveniles in these noncustodial sites are placed by various entities but are not involved in any criminal activities. There are foster children in San Pasqual Academy, a residential school; homeless children in Monarch School, a day school; children on drug rehabilitation in Phoenix House, a residential site; and juveniles released from detention in the Second Chance, a nonresidential program. The main focus of all these programs is to rehabilitate the youths towards life in the mainstream of society, by preparing them for higher education, gainful employment, and social responsibilities. These children for the most part lacked the support of families to socialize them and to enable them to meet mainstream challenges. These noncustodial schools are dedicated to fill this need.

### ***SAN PASQUAL ACADEMY***

The 2005-2006 San Diego County Grand Jury published a report about San Pasqual Academy. In its summary, the 2005-2006 Grand Jury noted that it "wished to observe the functioning of a facility that is described as the first-in-the-nation residential education campus for foster youth 14 to 18 years of age."<sup>16</sup>

The 2005-2006 Grand Jury commended the operations but made a recommendation that the San Pasqual Academy school curriculum be revised to offer 3 years of language and 3 years of science classes.<sup>17</sup> On June 26, 2006, the SDCOE responded to the 2005-2006 Grand Jury report by stating that San Pasqual Academy would not implement the curriculum recommendations because the University of California requires only two years of foreign language and that

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<sup>15</sup> Seasonal fire camps are run by state agencies.

<sup>16</sup> 2005-2006 San Diego County Grand Jury Report, p. 1;  
[http://www.sdcounty.ca.gov/grandjury/reports/2005\\_2006/SanPasqual.doc](http://www.sdcounty.ca.gov/grandjury/reports/2005_2006/SanPasqual.doc)

<sup>17</sup> Ibid p.4

offering of one year of laboratory science could be supplemented by a second year of laboratory science at Palomar College (if necessary), given the shortage of science teachers.<sup>18</sup>

The 2013-2014 San Diego County Grand Jury visited San Pasqual Academy on January 29, 2014. The purpose was to study its educational and rehabilitative program (for foster children) and to compare it to some of the juvenile detention facilities the Grand Jury visited. This Grand Jury further explored the possibility of San Diego County Juvenile Court Judges and caseworkers making referrals of some juvenile offenders who have completed their custody to San Pasqual Academy.<sup>19</sup> The Grand Jury is aware that such a change would result in:

- A mixture of non-criminal foster children and juvenile offenders who have completed formal probation and might be appropriate for placement;
- Integrated classroom instruction with both boys and girls present.

San Pasqual Academy has a ten-year history of documented outcomes. A report published in July 2013 entitled “A Place to Call Home: Alumni Outcomes for the First 10 years of the San Pasqual Academy,”<sup>20</sup> (Project Report). The outcomes were impressive in terms of post academy successes of some of the students. Although the focus was on the special needs of foster youth as they transition to “emerging adulthood,” the Grand Jury observed that juvenile offenders who complete their commitment and have concluded supervised probation may benefit from enrollment in San Pasqual Academy if appropriately selected.

At the Grand Jury’s site visit on January 29, 2014, there were 115 students (87 attended the high school on site and the others went to a local middle school). The maximum capacity is 184. Thus, there are many empty beds that can be utilized. Both boys and girls reside in residential cabins on the expansive campus. New Alternatives, Inc. (NAI) has an extensive staff headed by a residential director who lives on the campus.<sup>21</sup> Supplementing this staff are case workers from the San Diego County Health and Human Services Agency (HHS) who work with NAI and screen admissions and provide counseling to the boys and girls. According to the July 2013 Project Report “nearly every youth (92%) who was able to attend the Academy through his or her 18<sup>th</sup> birthday attained a high school diploma or graduate equivalency diploma (GED).”<sup>22</sup> The Grand Jury was informed by a representative of SDCOE that it would not cost the County of San Diego any more money to fill the beds, now at 115, to the 184 bed capacity.

The 2013-2014 Grand Jury observed the operations of the San Diego Workforce Partnership at the Academy. The job-readiness program was housed in a separate facility with dedicated staff that provided hands-on classes including the Youth Empowerment Services (YES) program

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<sup>18</sup> June 27, 2006 Response of the San Diego County Office of Education’s Superintendent Rudy Castruita to above Report. <http://www.sdcounty.ca.gov/grandjury/docs/sdofficeofed05-06response.pdf>

<sup>19</sup> The Grand Jury was informed that the representatives of Juvenile Court were in favor of such referrals when these boys and girls were on “court supervision” and not managed by the Probation Department.

<sup>20</sup> The project was supported by funding from New Alternatives, Inc. and authored by university researchers led by Michael J. Lawler, Dean and professor of Health Sciences, University of South Dakota.

<sup>21</sup> NAI operates the non-educational component of the Academy under contract to County HHS, including housing, food service, and maintenance of the property. SDCOE provides the educational component.

<sup>22</sup> “A Place to Call Home: Alumni Outcomes for the First 10 years of the San Pasqual Academy,” July 2013, Project Report, see footnote 5 at p. 3 (Not on line)

consisting of the use of computers, preparation of college applications, video productions and financial literacy course work. Money earned by the students by working on the property and deposited into their bank accounts was sometimes matched by community partners.

There are 24 family-style cottages with house parents. Food is available at the cottages if the students chose to eat there instead of at the cafeteria. Up to eight boys or eight girls reside in each house and there is a separate recreation room for boys and another for girls—with boys and girls being able to socialize and date each other. There are occasional dances and socials with music and refreshments. The goal is to normalize life for these foster children. Extracurricular activities on campus include sports, with football and basketball teams playing other high schools in the County. A new state-of-the-art football field (funded by two San Diego Charger football players) is on the campus.

There is a foster grandparent program wherein these “grandparents” live on campus for reduced rent and mentor the students, sharing their wisdom, insight, friendship, and life experiences. Comprehensive health services are available and there is an on-campus health and wellness center. Housing is also available for visiting alumni.<sup>23</sup> There is a cafeteria and fully-equipped kitchen. Breakfast starts at 7:15 a.m., dinner is between 5:30 p.m.-6:30p.m. A mandated study hour follows dinner.

The SDCOE is responsible for operating the school program (grades 9-12) at the San Pasqual Academy. Boys and girls are taught together. Homework is assigned. School starts at 8:15 a.m. and recently a seventh period was added for sports, other extra-curricular activities, job-related course work, or off-campus internships. The school day has been extended from 2:00 p.m. to 3:30 p.m. There are seven teachers and two teacher assistants assigned to eight classrooms. The curriculum follows the California college preparatory requirements allowing access and entry to a four-year college. There are regular teacher evaluations pursuant to labor contracts. Computers are available for standardized testing. There is no Professional Learning Communities (PLC) program on campus at present but there are regular teacher consultations every Friday. The Academy only offers a limited summer program with intersession classes. Thus for foster children residing year round at the San Pasqual Academy, there is a gap in the educational program which could be corrected by providing year-round classes.

It was reported that two teachers are assigned to the Special Education program and that there are 18 students who have Individualized Education Plans (IEPs). Since these are foster children, parental involvement (as required by law) is difficult and either HHSa or a grandparent or a Court Appointed Special Advocate (CASA) must participate. It appeared that although physically disabled students were in the Academy in the past, there were none on campus at the time of our visit.

The Grand Jury examined the 2012 San Diego County Juvenile Justice Commission (JJC) Inspection report based on their December 5, 2012, inspection of San Pasqual Academy.<sup>24</sup> One

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<sup>23</sup> Ibid at p. 7

<sup>24</sup> The Juvenile Justice Commission, like the Grand Jury conducts annual inspections of the juvenile detention facilities in San Diego County. See Welfare and Institutions Code §229. [http://www.sdcounty.ca.gov/jjc/docs/JJC\\_Handbook\\_Web.pdf](http://www.sdcounty.ca.gov/jjc/docs/JJC_Handbook_Web.pdf)

of the recommendations of the JJC was to “review admission criteria to balance reunification goals with needs of individual clients. SPA is an excellent facility...yet had 70 openings on the day of the inspection.”<sup>25</sup> The staff of NAI was asked by the Grand Jury about the Academy having so many openings and responded that only 5% of its applicants were rejected because of serious criminal activity or gang association. Both the JJC and the Grand Jury believe that there should be more students in the Academy. Boys and girls with past drug and alcohol juvenile commitments should be considered for admission.

An outreach project by HHSa case workers with direction from Juvenile Court should be able to find appropriate students who could fill the empty beds at the Academy. These do not have to be foster children. The JJC report noted, “Because the majority of the families have addiction issues, staff training should include precursors of addiction in under-age minors so that minor residents are trained and knowledgeable about the dangers of addiction.”<sup>26</sup>

San Pasqual should incorporate some of the drug and alcohol programs offered elsewhere. However, it is possible that NAI may be opposed to integrating drug and alcohol programs into the San Pasqual Academy program. The Grand Jury and the JJC believe otherwise. The San Pasqual Academy program is better organized, better funded, and of longer duration (high school and middle school—possibly 6 years) than other rehabilitation programs.

The Grand Jury does not call for the involvement of the SDCPD in the selection of students or the operation of the San Pasqual Academy. Once a juvenile offender completes his or her commitment and is transitioned to unsupervised or “court probation”, the SDCPD ceases supervision over that individual. With management of the juvenile taken over by the court with HHSa child case worker assistance, the court and HHSa can process referrals to San Pasqual Academy for possible admission. Such an outreach program may result in a lower “success” rate (college admissions) but the community needs would be better met and a “second chance” would be possible for a larger at-risk population. With appropriate selection criteria for this new group of minors, there should not be community opposition to the new “mix” at the Academy.

As presented in the 2012 JJC report, the philosophy and resources of the San Pasqual Academy would, and should, be available to a wider array of students than those in the foster care system: “This philosophy emphasizes healthy development and personal growth, therapeutic support rather than punitive methods, the significance of meeting basic needs and building toward meeting high level needs, creating conditions that allow for growth towards one’s potential, and hopeful and positive expectations of the youth we serve.”<sup>27</sup>

### ***PHOENIX HOUSE ACADEMY—DESCANSO***

The Grand Jury visited the Phoenix House Academy (PHA) in Descanso, California on December 18, 2013. Although the Phoenix House program for youths, focusing on addiction and as a learning tool for a clean and sober lifestyle, is part of the Juvenile Ranch facility at

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<sup>25</sup> Juvenile Justice Commission report, p. 2 [http://www.sdcounty.ca.gov/jjc/docs/SPA\\_2012.pdf](http://www.sdcounty.ca.gov/jjc/docs/SPA_2012.pdf)

<sup>26</sup> Ibid

<sup>27</sup> Juvenile Justice Commission Report, p. 8. [http://www.sdcounty.ca.gov/jjc/docs/SPA\\_2012.pdf](http://www.sdcounty.ca.gov/jjc/docs/SPA_2012.pdf)

Rancho Del Campo, it is practiced on an all-encompassing basis at the much smaller Phoenix House Academy in Descanso. This isolated site has a capacity of 40 youth with cabin-style arrangements for boys and girls. Even though the Descanso facility is promoted as a voluntary drug treatment center, the Grand Jury's visit disclosed mostly involuntary commitments. On the date of the Grand Jury's visit there were 24 boys and 14 girls. Some of the commitments are through the Drug Court (San Diego Juvenile Court) and some of them are through private or family placement. The juveniles are in the program from 90 days to nine months with approximately a 55% success rate. County and governmental agency funding makes up 98% of the budget and private donations make up the remainder. Staff counselors are private contractors trained by the national Phoenix House group.

The Phoenix House model is a national program that integrates residential treatment with on-site school instruction. Throughout the country more than 150 Phoenix House programs provide a broad array of treatment, prevention, and recovery services and treat more than 17,000 adults and adolescents each year.<sup>28</sup>

Since 1980, over 20,000 adolescents have participated and completed the treatment program. The San Diego County Office of Education is responsible for operating the on-site public school (grades 8-12) at the PHA in Descanso. What is different about the educational component from the detention facilities is that boys and girls are taught together in the same classroom. However, the boys are seated on one side of the room and the girls on the other. This separation conforms to the housing model where boys' cabins are in a different area than the girls' cabins.

There were two classrooms on the school site. In addition to the County teachers, there was PHA staff in the building. The students were observed to be engaged and motivated. It was noted that some textbooks were older (2003). Some of the boys and girls were designated by the SDCOE to be "Special Education." All students' records were arranged to be available even though some of the students were from outside of San Diego County. The Grand Jury was informed that there was a GED program available.

## ***SECOND CHANCE FACILITY***

The Grand Jury visited the Second Chance facility located at 6145 Imperial Ave, San Diego, California on December 4, 2013. Although the main purpose of the program was to prepare adult offenders who had completed their custodial terms for the job market, the Grand Jury observed one high school classroom run by the San Diego County Office of Education on the site. The class was taught by a teacher who emphasized the "Second Chance model" of learning life skills that would aid the youths in acquiring employment. The class was made up of a total of 33 boys and girls in the same classroom. The students lived at home and received independent study credits for attending the class at Second Chance.

In addition to the life skills classroom work, some of the boys and girls were able to participate in horticulture/gardening training on the hillside property outside of the building. This was part

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<sup>28</sup> Phoenix House 2012 Annual Report <http://www.docstoc.com/docs/154431981/Annual-Report-2012---Phoenix-House>

of the Youth Offender Unit (YOU) program. Students who participated in the growing of fruits and vegetables (prepping the soil, removing brush, and seeding) could accompany a staff counselor to the Southeast Farmer's market and assist in selling the produce, proceeds from which went back into the gardening program. Staff indicated that there was a 50% success rate in this program.

## ***MONARCH SCHOOL***

The Grand Jury visited Monarch School on September 26, 2013. The new site at 1625 Newton Street in the East Village neighborhood of San Diego had its opening on April 24, 2013 having previously been located at a smaller campus in downtown San Diego. The school is dedicated to maximizing educational opportunities for children “affected by homelessness in San Diego”—that is, children who are homeless, at-risk of being homeless, or impacted by homelessness. The SDCOE provides the teachers and curriculum at Monarch School which has expanded its student capacity from 150 to 350. As of February 6, 2014 there were 290 students enrolled.<sup>29</sup> Monarch began in 1988 as a drop-in center for homeless children and youths left unattended. It was founded by the 1994 National Teacher of the Year, who at the time was the only teacher.<sup>30</sup>

Monarch School is a K-12 public school operating through the nonprofit Monarch School Project and the SDCOE. The expanded facility containing classrooms, a science lab, library, health clinic, and career center was once a two-story building that was occupied by the San Diego Housing Commission. Private donations and loans assisted in the renovations. As discussed by United States Senator Dianne Feinstein: “The school is proud of its 93 percent attendance rate... For most students, their time at Monarch is temporary, typically lasting about six months. Once their family secures stable housing, they return to their school of origin or the neighborhood school located near their new home, another tactic to increase a student's stability.”<sup>31</sup>

### ***FACTS AND FINDINGS***

***Fact:*** All teachers and teaching materials are provided by the SDCOE.

***Fact:*** Some books and teaching materials at the JCCS were found to be ten or more years old.

***Finding 01:*** All schools should have up-to-date teaching materials.

***Fact:*** State law provides guidelines for the operation of juvenile court educational programs for a five-days-a-week year round school program.

***Fact:*** Recently, the school year was broken up into regular year and summer, winter and spring intersessions.

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<sup>29</sup> Ibid

<sup>30</sup> On-line biography of Sandra L. McBrayer <http://www.thechildrensinitiative.org/sandbybio.htm>.

<sup>31</sup> Voice of San Diego, October 8, 2013, Dianne Feinstein. <http://voiceofsandiego.org/2013/10/08/the-senate-has-san-diegos-monarch-school-in-its-crosshairs/>

**Finding 02:** Breaking up the school year is in violation of California Education Code 48645, as well as disrupting the continuity and quality of education of the students.

*Fact:* Teachers could not assign homework as students had no after school time.

**Finding 03:** After school hours were under the control of the SDCPD which made no allowance for studying, researching, or school projects.

*Fact:* At the East Mesa Juvenile Detention Facility, there are four Special Education teachers on site.

*Fact:* Camp Barrett has two Special Education teachers with 30 boys on IEPs who are being mainstreamed into regular classes.

*Fact:* Both East Mesa and Camp Barrett are located in remote areas with no public transportation available.

*Fact:* California Education Code 56043(b) states that parental involvement is mandatory for a student's Individual Educational Programs (IEPs).

**Finding 04:** With parents having to travel the long distance to East Mesa and Camp Barrett (many even from Mexico), parental visits are few and far between.

**Finding 05:** This lack of parental participation is in violation of California Education Code 56043(b).

*Fact:* Security software (firewalls) is in place in the facilities to prevent abuse of internet access by the facility population.

**Finding 06:** The security software (firewalls) in the facilities often block students' permitted use of computer sites.

*Fact:* At Rancho Del Campo, the SDCPD has established a rewards program (shortening sentence) if a boy made the honor roll.

*Fact:* This rewards program was not in place in the other detention facilities.

**Finding 07:** Pursuant to comments from the staff, this rewards program seemed to be very motivational.

*Fact:* At Rancho Del Campo, the Grand Jury observed a teacher passing out packet work sheets to the students.

**Finding 08:** Administrators and teachers interviewed were strongly opposed to the use of packet work.

**Fact:** The San Pasqual Academy has a capacity of 184 beds.

**Fact:** When the Grand Jury visited the Academy on January 29, 2014, there were 69 unoccupied beds.

**Finding 09:** San Pasqual Academy has the capacity to accommodate JCCS students who may not have appropriate living arrangements available following completion of formal probation.

***RECOMMENDATIONS:***

**The 2013-2014 San Diego County Grand Jury recommends the San Diego County Office of Education:**

- 14-39: Provide up-to-date teaching materials and other educational resources at all juvenile court school facilities.**
- 14-40: Discontinue the intersessions and restore the year round program or require substitute teachers to follow primary teachers' lesson plans.**
- 14-41: As the law (Education Code 56043(b)) mandates, in facilities where parental access is difficult, establish a regular schedule for parents of students on IEP to participate, by busing them into the complex if necessary, or have a Court Appointed Special Advocate (CASA) or HHSA appointee participate in place of parents (loco parentis).**
- 14-42: Prohibit the use of packet work, in place of teacher instruction, in all the facilities.**

**The 2013-2014 San Diego County Grand Jury recommends the San Diego County Probation Department:**

- 14-43: Accommodate students with one hour of time after school for reading, homework, research or other school related projects.**
- 14-44: Institute the rewards program (shortening sentence if a student makes the honor roll) in all the detention facilities.**
- 14-45: In all the facilities where classes are being held, allow students access to permitted internet programs.**
- 14-46: Work with the San Diego County Health and Human Services Agency to recommend the referral of those youths who are about to complete probation to be placed on unsupervised probation and enable application to San Pasqual Academy.**

**The 2013-2014 San Diego County Grand Jury recommends the Chief Administrative Office of the County of San Diego direct the Health and Human Services Agency to:**

- 14-47: Collaborate with the Juvenile Court to recommend the referral of those youths who have completed probation or are on supervised probation to be placed at San Pasqual Academy.**

***REQUIREMENTS AND INSTRUCTIONS***

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
  - (1) The respondent agrees with the finding
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
  - (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head

shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<b><u>Responding Agency</u></b>	<b><u>Recommendations</u></b>	<b><u>Date</u></b>
<b>San Diego County Office of Education</b>	<b>14-39 through 14-42</b>	<b>8/6/14</b>
<b>San Diego County Probation Department</b>	<b>14-43 through 14-46</b>	<b>8/6/14</b>
<b>Chief Administrative Officer, County of San Diego</b>	<b>14-47</b>	<b>8/6/14</b>