

**COUNTY OF SANTA CLARA  
JUVENILE JUSTICE COMMISSION  
DRAFT Meeting Minutes-August 7, 2018  
Santa Clara County DA Crime Lab Conference Room, 1<sup>st</sup> Floor  
250 W. Hedding St.  
San Jose, CA 95110**

**Commissioners Present:** Penelope Blake  
Raymond Blockie  
Dana Bunnett  
Victoria BurtonBurke, Secretary  
Dante Duffel-Steen  
Ron Hansen, Vice Chair  
Nora Manchester  
Carmen Montano  
Jean Pennypacker, Chair  
Carol Rhoads  
Vincent Tarpey  
Lissa Thiele

**Commissioners Absent:** Gustavo Gonzalez and Manasa Kumarappan

**Also Present:** Honorable Katherine Lucero, Superior Court  
Honorable Julianne Sylva, Superior Court  
Honorable Pat Tondreau, Superior Court  
Marcelo Quinones, County Counsel's Office  
Liza Starr, County Counsel's Office  
David Epps, Alternate Defender's Office  
Steve Eckert, Alum Rock Counseling Center  
Jose Estrada, Behavioral Health  
Enrique Flore, BOS, Dave Cortese's Office  
Francesca LeRue, Department of Children and Family Services  
Vianni Garcia, FLY  
Matt Gerrior, Health & Hospital System  
Karen Steiber, Independent Defender's Office  
Andrew Cain, LACY  
Reymundo Armendariz, National Center for Youth Law  
Darya Larizaden, National Center for Youth Law  
Maurice Ruth, Office of Human Relations  
Chris Arriola, Office of the District Attorney  
Stacey Capps, Office of the District Attorney  
Carolyn Powell, Office of the District Attorney  
Nisreen Younis, Office of the Public Defender  
Nick Birchard, Juvenile Probation Department  
Carl Tademaru, Probation Department  
Alex Villa, Probation Department  
Lt. Jason Ta, San Jose Police Department  
Sgt. Carl Sheppard, San Jose Police Department  
David Putney, Santa Clara County Office of Education  
Kate Flynn, Santa Clara Med. Ombud's Office  
Shelley Aggarwal, Valley Medical Center  
Chia-Chen Lee, Valley Medical Center

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**Call to Order and Introductions:** Chair Pennypacker called the meeting to order at 12:14 p.m. All who were in attendance stated their names and organizations.

**Agenda Approval:**

Commissioner BurtonBurke corrected the agenda to read David Putney, Director of Alternative Education instead of Superintendent of Alternative Education.

Chair Pennypacker removed the “Administration of the Oath of Office” for Commissioner Manasa Kumarappan because she is unable to attend the meeting.

Moved by Commissioner Hansen and seconded by Commissioner BurtonBurke, the agenda as amended was approved unanimously.

**Public Comments/Oral Petitions:** None.

**Approval of Minutes:**

Moved by Commissioner Manchester and seconded by Commissioner BurtonBurke to approve the June 5, 2018 minutes was approved unanimously.

**REPORTS**

**Chair’s Report:** Chair Pennypacker reported on the following:

- Progress is being made on the Ranch inspection and should be ready for approval in September, 2018.
- LEA inspections are almost complete and should be approved in September, 2018.
- RAIC Committee is active year-round. The committee will visit the RAIC August 17.
- JJC continues to study the issues surrounding the detention of youth under 14.
- JJC is concerned with the separation of minors at the border and will decide what action to take to communicate concern.
- Commissioner Courtney Macavinta has resigned from JJC.
- Chair Pennypacker reviewed the *Juvenile Hall Inspection Report: March 2018* “Commendations and Recommendations.” The report is available online at [http://www.sccourt.org/court\\_divisions/juvenile/jjc/jjc\\_home.shtml](http://www.sccourt.org/court_divisions/juvenile/jjc/jjc_home.shtml).
  - Commendations to:
    - The Probation Department, for implementing the Achieving Behavioral Change (ABC) Program, consolidating several behavior modification programs into one.
    - Probation, for creating and implementing the Parent Orientation Program
    - Medical Services for providing outreach to youth who are not incarcerated in JH.
    - Medical Services for providing medication upon minor’s release without increase in funding.

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- Behavioral Health for implementing two new trauma-informed programs.
- Education and Probation for partnering to provide a college and career readiness coordinator.
- Recommendations
  - Probation should engage countywide stakeholders to investigate the causes, effective responses and effective alternatives to address the increase in younger minors (ages 13 and under) being detained in JH.
  - Probation should restore and maintain the Serenity Garden and expand the vegetable garden.
  - Probation should upgrade the identified equipment and heating and air conditioning issues in the Control Room, as recommended in 2015, 2016 and 2017 reports.
  - Probation should assess CBO programs for effectiveness.
  - Probation should assess the effectiveness of the ABC Program to ensure fidelity to the program goals.
  - Probation should develop individual behavior plans for youth who are not responding to the ABC Program.
  - The Court should provide permanent full-time office space for the Nursing Outreach Program.
  - Santa Clara County Office of Education (SCCOE) should provide an online posting of Osborne School Site Council meeting dates and details.
  - SCCOE should re-establish a teacher preparation period at Osborne school.
  - Probation, SCCOE and the San José-Evergreen Community College District should establish a policy and mechanism to enable internet access to on-campus lectures for Osborne students enrolled in college courses.
- Judge Sylva asked if youth are able to obtain online classes at the Ranch. Per David Putney, that feature is being examined. Meanwhile, youth are being kept in the daily program but details are not defined.

**Presentation: Santa Clara County Office of Education – Local Control Accountability Plan:** David Putney, Director of Alternate Education, explained the accountability plan using a PowerPoint Presentation.

The Local Control Accountability Plan (LCAP) is the expectation to address specific areas as State Priorities. These include Expelled Youth (COE only), Basic Service, Implementation of State Standards, Course Access, Foster Youth (COE only), Pupil Achievement, Other Pupil Outcomes, Parent Involvement, Pupil Engagement and School Climate in every district in the state and county. The LCAP is divided into four different modules which are annually updated: Plan Summary, Annual Update, Stakeholder Engagement and Goals, Actions and Services.

Plan Summary is the story, LCAP highlights, a review of performance, greatest needs, performance gaps, increased or improved services and budget summary.

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The Annual Update is the reconciled planned goals and actions/services with metrics, analysis of overall implementation and effectiveness, and informed development of 2017-20 LCAP (a three-year cycle is assessed annually).

The Stakeholder Engagement is involving and informing the community using different outreach means.

The LCAP is a cycle of inquiry starting with the goals and objectives which are analyzed for effectiveness to move forward. Goal one is for all students to participate in rigorous, relevant and engaging instruction aligned to 21<sup>st</sup> century skills to eliminate barriers and promote achievement. Goal two is for all students to leave prepared for a successful transition to college and/or career as a result of quality programs, services and curriculum. Goal three is in partnership with community and family members, achievement levels will increase by engaging students in a rigorous curriculum in an environment that is culturally responsive and safe. Goal four (a countywide aspect of the program) is specific to for students in foster care who will receive academic and social-emotional support through cross-system coordination and a collaboration of services with the child welfare agency, juvenile probation department, school districts and other stakeholders to improve academic outcomes. Goal five is to ensure all expelled students successfully complete their rehabilitation plan (all will be consolidated into Sunol starting 2018-19).

Dr. Putney addressed Commissioner Tarpey's question regarding the Community School consolidation stating enrollment has decreased due to the locally controlled funding formula and State Priorities. Districts are able to allocate funds to fit their needs and have been choosing to concentrate on students within their districts.

Dr. Putney addressed Judge Sylva's question regarding transportation stating SCCOE does not provide transportation but a system is being developed. Transportation is the responsibility of the sending district.

The Court School enrollment: In 2015-16, Osborne had almost an average of 100% daily attendance, or approximately 78 students and Blue Ridge had approximately 20 students; therefore in terms of funding, SCCOE receives 98.75 allocation in terms of what the state funding is per pupil. In 2016-17 the enrollment numbers increased 20% and 2017-18 the enrollment numbers increased 34% which increased the budget allowing the hiring of two teachers.

Community School enrollment: In 2015-16, daily attendance was approximately 158.29, in 2016-17 it was 115.21, and 2017-18 it was 93.39. The replicated services for the declining enrollment is costly. SCCOE has increased the cost to place student at the Community School from \$3,600/per student by each district to \$11,385/per student. SCCOE predicts 80 students for 2018-19; 20 in seventh and eighth grade and 60 in high school. The consolidation of staff decreases the student to teacher ratio. SCCOE is collaborating with many partner agencies and providing more services with the consolidation.

Dr. Putney addressed a question from Mr. Andrew Cain, LACY, regarding the projected enrollment for 2018-19 in determining hesitance from districts due to the new cost. SCCOE

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provided the districts with an MOU agreement and maintained open discussion with each district. If SCCOE has overcharged with the \$11,385, the unused money will be returned.

Ms. Nisreen Younis, Office of the Public Defender, asked if there is a capacity for more than the allotted 80 students if there is a need. Dr. Putney stated 80 is the maximum for daily programing at Sunol but there is development for three tiers of services: tier three – 6 hours per day, tier two – two to three days per week with blended learning and independent study, and tier one – one hour per week independent study. If the tier system works, growth is possible.

Dr. Putney clarified what schools would do if SCCOE did not opt to provide Community Schools stating districts would have to provide resources for expelled youth.

Dr. Putney addressed Chair Pennypacker question as it relates to getting a kid into a seat at a Community School by stating the average daily attendance is different at each school and an increase in services may produce better outcomes.

Dr. Putney stated school start times will vary to accommodate student needs like distance and will start as a cohort.

Educational outcomes are improving. In 2016-17, 45 students graduated which increased to 65 students in 2017-18.

The state assessments are merely a snapshot of academic outcomes because not all youth are long term.

Commissioner BurtonBurke asked if SCCOE is able to track students using DataZone or Foster Vision. Dr. Putney stated COE does not have authorization to monitor that type of information.

Student assessments are done within the first 30 days of placement and every 90 days thereafter using NWEA (a national normed reference test). On average students are scoring at fourth and fifth grade level and are far below their peer group. These students have different high stress situations and may not be showing their best academic performance.

**Presiding Judge’s Report:**

Judge Tondreau reported on the following:

- The Court has hired a DIY program facilitator on a contract basis beginning October 14, 2018.

**Juvenile Justice Court:** No report.

**Dependency Court:** No report.

**Alternative Schools Department, COE:** No report.

**Probation Department – Juvenile Program:**

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Alex Villa reported on the following:

- The department is the first in the state to launch a new case management tool for dismissal assessment worksheets. Probation officers are required to consistently do a Dismissal Assessment Worksheet.
- Probation will receive one supervisor and four deputy probation officer positions for the developing Community Based Probation Unit.

**Behavioral Health – Mental Health Services:** No report.

**Department of Family and Children’s Service/Children’s Receiving Center (DFCS):** No report.

**Behavioral Health – Alcohol and Drug Services:** No report.

**Law Enforcement Agencies:** No report.

**District Attorney’s Office – Juvenile Justice:**

Chris Arriola reported on the following:

- Introduced Carolyn Powell, new supervising Deputy DA – Juvenile, and Stacey Capps who is taking over for Cindy Hendrickson

**Public Defender’s Office:**

Nisreen Younis reported on the following:

- Public Defender’s Office has a new Community Outreach Attorney who should start in September.
- The office has a dedicated Juvenile Social Worker.
- Ms. Younis will head a new DIY subcommittee and she is recruiting interested parties.

**Alternate Defender’s Office:** No report.

**Independent Defender’s Office:** No report.

**Legal Advocates for Children and Youth (LACY):**

Andrew Cain reported on the following:

- LACY is hiring and restructuring.
- Judicial Council has made more cuts to the budget.

**Medical Services:** No report.

**Victim Services Unit:** No report.

**YWCA Support Services:** No report.

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**Announcements/Correspondence:** None.

**Old Business:** None.

**New Business:** None.

**Adjourn to Executive Session:** Chair Pennypacker adjourned the meeting to the Executive Session at 1:10 p.m.

**Next Meeting:** September 7, 2018, DA Crime Lab Conference Room, 250 W. Hedding Street, San Jose, California.

Respectfully submitted,

Janice Jones