

**COUNTY OF SANTA CLARA  
JUVENILE JUSTICE COMMISSION  
DRAFT Meeting Minutes-June 4, 2019  
Santa Clara County Crime Lab  
250 W Hedding St  
San Jose, CA 95110**

**Commissioners Present:** Raymond Blockie  
Victoria BurtonBurke, Secretary  
Dante Duffel-Steen  
Ron Hansen, Vice Chair  
Manasa Kumarappan (12:20)

Nora Manchester  
Jean Pennypacker, Chair  
Carol Rhoads  
Lissa Thiele  
Brian Walton

**Commissioners Absent:** Stephen Betts, Penny Blake, Carmen Montano, Darius Parakh and Vincent Tarpey

**Also Present:** Honorable Katherine Lucero, Superior Court  
Honorable Julia Alloggiamento, Superior Court  
Derrick Tat, Superior Court Intern  
Ravi Rajendra, County Counsel's Office  
Enrique Flores, Supervisor Cortese's Office  
Nick Birchard, Probation Department  
Morena Cruz, Probation Department  
Vone Kegarice, Probation Department  
Kris Leisten, Probation Department  
Dolores Morales, Probation Department  
Sean Rooney, Probation Department  
Carl Tademaru, Probation Department  
Jill Ugalde, Probation Department  
Alex Villa, Probation Department  
Maureen Wheatly, Probation Department  
Nora A Ramirez, SCC Intern  
Vanessa Cornejo, Behavioral Health, Alcohol and Drug Services  
Sue Nelson, Behavioral Health  
Veronica Robles, Behavioral Health, Alcohol and Drug Services  
Rachel Talamantez, Behavioral Health, Alcohol and Drug Services  
Carolyn Powell, District Attorney's Office  
Sarah Ruby, Public Defender's Office  
Nisreen Younis, Public Defender's Office  
David Epps, Alternate Defender's Office  
Lola Isiaka, Alternate Defender's Office  
Karen Steiber, Independent Defender's Office  
Daniel Little, Department of Family and Children Services (DFCS)  
David Putney, Santa Clara County Office of Education (12:30)  
Jim Davis, Member of the Public  
Zulema Torres, Member of the Public  
Andrew Cain, Law Foundation  
Francisco Hernandez, OMOS  
Ruth Maurice, OMOS  
Chia-Chen Lee, Valley Medical Center  
Amanda Clifford, Bill Wilson Center

**Call to Order & Introductions:** Chair Pennypacker called the meeting to order at 12:15 p.m. All who were in attendance stated their names and organizations.

**Agenda Approval:**

Moved by Commissioner Hansen and seconded by Commissioner Walton, the agenda was approved unanimously.

**Public Comments/Oral Petitions:** None

**Approval of Minutes:**

Page 6, under DFCS, third paragraph, “. . . receives monthly reports from the RAIC.” Should be corrected to “. . . receives monthly reports from DFCS.”

Moved by Commissioner Manchester and seconded by Commissioner Walton to approve the May 7, 2019 Minutes as amended with the exception of District Attorney’s Office, Chris Arriola’s report, was approved unanimously.

**REPORTS**

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

- As this is her last meeting as Chair, Chair Pennypacker introduced the JJC Officers: Ron Hansen, Chair; Victoria BurtonBurke, Vice-Chair and Stephen Betts, Secretary. Chair Pennypacker thanked all for making her job extremely easy saying it was wonderful working with everyone.
- There will be no public meeting in July 2019, but JJC will still meet in Executive Session. JJC public monthly meetings resume August 6, 2019.
- JJC will meet with Superintendent Dewan to discuss the Education Report.
- JJC will meet with Francesca LeRue and Daniel Little on June 5, 2019 at 2:00 p.m.
- JJC will meet with system partners regarding establishing a child advocacy center and its location. There is no formal agreement or approval as to whether they will form a group but it appears they are leaning toward that goal.
- JJC is halfway through inspections of Temporary Holding Facilities at law enforcement agencies.
- The first part of the Ranch Inspection is almost complete.

Commissioner Hansen reported on the following:

The Education for Probation Youth Report JJC approved at the May 7, 2019 meeting is now posted on the JJC website that can be accessed through [scscourt.org/juvenile](http://scscourt.org/juvenile).

The JJC, recognizing the critical link between educational attainment and successful outcomes for justice-involved youth, assembled a five-member committee to initiate an inquiry to 1) assess the current state of our county’s court schools, 2) to identify areas of concern in the court schools’ operation and programs, and 3) to identify enhancement opportunities for our court schools and other schools that serve justice-involved youth. In its inquiry, the committee met with Santa Clara County Juvenile Justice Court members, Santa Clara County Juvenile Probation Department members, Santa Clara County Office of

Education (COE) and Alternative Schools Department members, local schools district administrators, and program leaders in jurisdictions outside of Santa Clara County.

From this report we offered two commendations: 1) COE and Probation, for hiring a support person for Juvenile Hall and James Ranch to enable and assist youth in taking on-line post-secondary courses and preparing for career technical education training. 2) Santa Clara County Juvenile Justice Stake Holders for their continued efforts to address and improve educational programs and opportunities for this important population.

The recommendations the committee found were: 1) to institute and use a comprehensive reading program in the Court Schools. The MAP, which is the assessment tool for literacy (reading) and numeracy that shows an English, Language, Arts (ELA) level within three (3) grade levels of a student's age-determined grade level could excuse a student for the Court School reading program. The alternative is that those who are more than three (3) grade levels behind their peers could participate in this reading program; 2) replace or revise the MAP testing protocol, with the goals of better assessing a student's reading and math skill level, and to improve fidelity and thereby confidence in MAP test results. Test results are currently not used to determine any curriculum or individual student learning program due to concern about the fidelity of those test results; 3) maintain and distribute to all Court Schools educators sequential student MAP testing results, including tested grade levels, to show learning progress; 4) Ensure that youth who graduate via AB-167 (reduced credits) are awarded credits based on subject mastery rather than on "seat time."; 5) COE, SJUSD and ESUHSD explore method of tracking, long-term, student engagement and status after enrollment when transferring from Court Schools; 6) Probation and COE explore other successful programs in response to complying with requirements of AB-2448 (increase technology use and access to the internet.); 7) Explore stronger cooperative efforts with local community college districts for both in-custody education as well as a "warm-handoff" to college, as appropriate, upon release from detention; 8) All county secondary school districts should include policies to accept partial credit transfers for Court Schools students; 9) Identify and engage tutors for Court School Students.

The commission would be happy to talk with individuals off-line regarding this educational report.

Commissioner Manchester complimented Commissioner Hansen for his hard work on this outstanding report and encouraged all to read the report.

Judge Lucero said with regard to the Blue Ridge scores that are received, she understands there may be concern about fidelity with Juvenile Hall scores, asking whether Blue Ridge tests more than one time and what is done with the scores. Commissioner Hansen said they test 90 days after the first test and then subsequently every 90 days thereafter, adding that the committee's concern had been possible correlation between the two schools but the department did not use previous scores to determine improvement or regression. Staff believes the scores do not test accurately and so they essentially disregard the tests themselves. Judge Lucero asked if they are mandated and why are they being tested. Commissioner Hansen said it is about the only way to ascertain any kind of educational progress. Scores are not used for a variety of reasons, including belief the test is invalid due to trauma or unfamiliar circumstances students taking it may have experienced.

Dr. Putney said they usually assess students within the first ten (10) days of entering facilities and then every 90 days. Depending on when the student enters into a 90-day cycle, assessment may lapse to the following 90 days. The way the assessment changed between a year ago to this year with Current Publisher which is the end of ELA assessment, if students take too much time in their attempt to answer a question, the system will log them out, giving them an invalid score. This is part of the function of the end of ELA. If the student works hard and gets through it they will receive a valid score, but if they do not respond in a timely fashion the computer automatically considers it a non-valid score. This is not

mandated by law and has been a cultural piece and that is history between Probation and the COE. COE has been consistently open about the process. They want to re-evaluate and provide a more accurate assessment of student performance, saying this is the perfect time to re-dream a better way to assess students. They are actively changing their practice in the current academic year, hiring a literacy/librarian teacher who will be in charge of the focus literacy and assessment and interventions across the entire department. COE has been more open and transparent with students towards academics and are realizing 1) Look at the assessment tool and educate people as to conditions when students are assessed. Students are assessed within the first ten (10) days, usually with a very traumatic life experience due to removal from their community. Conceptually, in a traumatic event, students are not using their higher level brain capacity, so scores tend to be truncated or reduced from their potential; 2) Even after a 90-day period, because the students have been chronically absent, habitually truant or academically behind, they still cannot test as a "typical" student would test. They are not the typical student that would assess and use a standardized test to a capacity as designed. Therefore, the students are not the best students to illustrate their academics based on a standardized test.

Dr. Putney would like to explore a better tool to see how students perform based on their capacities, and COE would like to do a better intervention job when students are credit-deficient and earning low test scores. The literacy/librarian teacher will focus on working with students on literacy techniques and strategies, as well as incentive programs to reward students who read on a more regular basis. Reading will be the only homework for these students in that a culture of reading is key to affecting change in reading scores. The literacy/librarian teacher will work with the other teachers to ensure literacy is infused in all subjects.

Judge Lucero asked Dr. Putney to explain the new categorization of sophomores/freshmen. Dr. Putney said the California Department of Education is working on helping schools show performance based on their dashboard, a tool displaying school and student performance. One tool shows graduation rates based on senior status. COE does not usually have students for all four (4) years and they normally come to COE as credit deficient. COE has re-aligned the student's grade level based on earned credits. A typical school environment has a total of 220 credits. In their environment, 200 credits is the total for a high school diploma. In AB-136 or AB-2306, the minimum state requirement is 130 credits. Totals have been broken into quarters, and when a student enters this environment, 0-50 credits will be considered a freshman or, a one-fourth of a high school diploma; 51-100 would be considered a sophomore or, one-half of a high school diploma; 100-150 would be considered a junior or three-fourths of a high school diploma. A student comes with 150 credits with COE, regardless of years in school, will be considered a senior. The State of California wants to ensure COE is successfully supporting students to graduate high school, because within a year they should be able to complete one quarter of high school. Legitimately COE should be able to ensure a student with them for a year can earn 50 credits in that year. This only affects kids in Alternative School settings such as Osbourne, James Ranch Blue Ridge and Small Community School. According to the State of California and the Education Code, local control defines the organization and support of students in the jurisdiction. For example, a student coming to COE Alternative School from another district, enters as a senior, they are then re-organized as a freshman based on credits earned. If they stay with Alternative Schools and meet minimum requirements, they will graduate. If they transition back to their district, then the district will re-organize the student based on that district's local control. Most schools in districts that are now alternative schools will be held to a level of accountability like COE. They will be looking at a one-year cohort rate. They will struggle with how to address continuation high schools within their districts and will ultimately have to address some internal shift. COE does not have authorization over other districts as it is outside their scope.

### Questions

Enrique Flores said when he toured the Ranch he did not see books visible other than in the library. Dr. Putney said they are working to have more books available throughout the facility.

Commissioner Walton asked for the process COE has undertaken regarding motivation. Dr. Putney said he is looking beyond the assessment and looking at career technical education, media certifications, and ICEV certifications on-line where all the kids at Juvenile Hall have access to a computer. He also said they are looking at linking CT Pathways, building trades, construction and welding from James Ranch back into Juvenile Hall. They will have a welding simulation program, culinary arts, science in the garden, and an arts pathway partnering with Silicon Valley Creates.

**Juvenile Justice Court:** Judge Lucero reported on the following:

- July 2019 schedule will be tough because there are no more assigned judges. Coverage will be handled internally.
- June 18, 2019 at 1:30 there will be a BOS Budget Hearing. Superior Court is aiming for Court Program Specialist funding for three (3) years. Any help to persuade BOS would be appreciated.

Judge Alloggiamento reported on the following:

- Court continues to struggle with receiving psychology evaluations in a timely manner. Judges rely on psych evals for placement and probation officers cannot make appropriate placement or decisions, therefore the child has to remain in Juvenile Hall.

Commissioner Rhoads asked if Behavioral Health has any comment on the receiving of the psych evals.

Judge Lucero said 602 evaluations are different than the competency evaluations.

Ms. Talamantes said she and Veronica Rosles have been working closely on the issue and are fine-tuning contracts with providers as to expectations of not only response time but also frequency of evaluations. There will be contract language to allow Behavioral Health to hold the provider more accountable in responsiveness. It is hoped that this will boost quickness and efficiency of the process. They are also looking at different staffing models.

Judge Alloggiamento feels that psych evals should be an assignment for the next doctor on the panel. Ms. Talamantez concurs with Judge Alloggiamento.

Judge Lucero recommends a second position in Juvenile Hall similar to Dr. Yang, who supervises interns. A second position would allow adding more interns who do the bulk of evaluations. Juvenile Hall population has increased by about 30% and has the Prop 57 case influx. They are seeing higher-end complex cases where everyone wants to do the right thing but needing to be sure they have the right information. Judge Lucero said she is happy they are so careful with how they respond to youth but, they acknowledge their own limitations and that is why they want more information. But it has become a process where kids are being held in custody too long.

Ms. Talamantez added that staffing is in alignment with Judge Lucero's recommendation, but expanded staffing is an issue of funding.

**Dependency Court:** None

**Alternative Schools Department, COE:** David Putney reported on the following:

- Graduation for James Ranch will be June 11, 2019 at the County Office which will include an art show. All are invited.
- James Ranch will have a pre-apprenticeship group this summer.
- A gateway community school will be opening up to serve kids in South County as an expansion of alternative department sometime in August 2019.
- Hiring two teachers, one literacy teacher as well as a classroom teacher. Still in need of more educators.

**Probation Department Juvenile Program:** Alex Villa reported on the following:

- Jill Ugalde and Carl Tademaru are moving to Institutions. Welcome to Maureen Wheatley from Adult to the Juvenile Management Team.
- A new group of Probation Officers started on June 3, 2019.
- In February 2019 Probation applied for a national recruitment for Re-imagining Juvenile Justice initiative through the Anna E Casey Foundation and were one of 15 jurisdictions selected to participate in a training institute in May 2019 and were in collaboration with the Eastside Union High School District. Beginning in July 2019 they will begin six (6) module sets of training to a very cross-systems population to share what was learned.

Jill Ugalde reported on the following:

- JH Services submitted a proposal for a presentation at the 2019 What Lies Beyond CCR Conference to be held in San Diego which was accepted. A panel will be presenting with a video that talks about all of the providers in collaboration on how they work together with DFCS, BH and how they work with their providers to make it happen for the youth. Ms. Ugalde offered to show the video at the next JJC public meeting.
- James Ranch youth have been putting together planter boxes in preparation of Earth Day. They have been planting crops of grass to be able to plant around the facility. They are also planting fruits and vegetables to be used for summer salads. In addition, they repaired the green house and will soon be planting strawberries and things of that nature.
- They are slated to move in sometime in July 2019 but are still dealing with moisture issues between the windows and the building.

Dolores Morales reported on the following:

- All are invited on June 27, 2019 from 5:30 to 7:00 pm at the Roosevelt Community Center there will be a Youth Advisory Council Showtime???
- The Youth Advisory Council was recently selected to take part in a NYCL (National Center for Youth Law) foundation study conducted by the West Education and Prevention Research Center.

Nick Birchard reported on the following:

- The population report for May 2019 was distributed. Population at Juvenile Hall is 131, with 110 males and 21 females. Ranch population is at 60, with 53 males and 7 females.
- Probation along with Riverside Public Defender's Office toured the Riverside Placement Center to look at a different options. They are willing to accept some kids up to age 21 from Santa Clara County. Their capacity is 100, but there is only staffing for 80 kids. Riverside has a year-long sex offender program with a therapist trained under the evidence-based DJJ model

Carl Tademaru reported on the following:

- Mr. Tademaru is back for his third Juvenile Hall tour and is looking forward to working with JJC.

**Department of Children and Family Service/Children's Receiving Center (DFCS):** Dan Little reported on the following:

- The Santa Clara County RAIC has received a provisional license as a transitional shelter by the State of California Department of Social Services Community Care Licensing Division and can serve a maximum 16 ages 0 to 17 at any given time. For the first year in operation, the RAIC is licensed as a 5-day facility, the second year is a 4-day facility and the third year is a 3-day facility. All DFCS staff will work closely to locate appropriate placement sooner rather than later, preferably within 3 days. The shift in time frames allows receiving center and assessment placement staff greater opportunity to partner with the children's social workers assessing the child's strengths and needs, to locate most beneficial placement. Children will only be allowed to sleep in the 5 designated bedrooms. Special permission is required whenever the licensed capacity exceeds 16.

Commissioner BurtonBurke asked if the Policy and Procedures Manuel will now go into effect. Mr. Little responded yes.

Chair Pennypacker said she understands the lease has been extended up to July 2019. Mr. Little said that is his understanding.

Commissioner Rhoads asked if the idea of a second facility been revived. Mr. Little believes there is a continual exploration on what that could look like. Another building on Julian will open up at the end of 2019. Staff from other sites will be moving in that process.

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

**Behavioral Health - Alcohol and Drug Services:** No Report.

**Law Enforcement:** None.

**District Attorney's Office, Juvenile Justice:** No report.

**Public Defender's Office:** No report.

**Alternate Defender's Office:** No Report.

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

**Legal Advocates for Children & Youth (LACY):** No report.

**Medical Services:** Chia-Chin Lee reported on the following:

- A new nurse has been hired.

**Office of Mediation and Ombuds Services:** No report.

**Announcements/Correspondence:** None

**Old Business:** None.

**New Business:** None.

**Adjourn to Executive Session:** Chair Pennypacker adjourned to Executive Session at 1:17 p.m.

**Next Meeting:** August 6, 2019, DA Crime Lab Conference Room, 250 W. Hedding St., San Jose, CA.  
THERE WILL BE NO PUBLIC MEETING IN JULY 2019.

Respectfully submitted,

Barbara Crump