



Board Agenda Item 37

DATE: August 24, 2021

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Officer

SUBJECT: Retroactive Agreement with Fresno County Superintendent of Schools

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a retroactive Agreement with the Fresno County Superintendent of Schools to provide educational services to youth realigned from the Division of Juvenile Justice, effective July 1, 2021, not to exceed five consecutive years, which includes a one-year base contract with four optional one-year extensions, total not to exceed \$828,845.

There is no Net County Cost associated with the recommended action. Senate Bill 823 Juvenile Justice Realignment: Office of Youth and Community Restoration (SB 823) establishes the Juvenile Justice Realignment Block Grant (JJRBG) Program, in order to transfer jurisdiction for the care, custody and supervision of high-risk youth (Juvenile Justice Realignment Group) from the State Division of Juvenile Justice (DJJ) to the County. Fresno County Superintendent of Schools (FCSS) will provide a high-quality educational program for the students of the Juvenile Justice Realignment Group, including instructional services, instructional materials, and administrative services for the educational program. These services will be funded by JJRBG funds. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. If this item is not approved, the Probation Department will be unable to meet the educational needs of the students of the Juvenile Justice Realignment Group, as required by state law.

RETROACTIVE AGREEMENT:

The recommended agreement is retroactive to July 1, 2021. SB 823 establishes the JJRBG Program, in order to transfer jurisdiction for the care, custody and supervision of high-risk youth from the DJJ to the County. The Probation Department has been in discussions with FCSS regarding establishing the recommended agreement to meet the needs of the realigned youth since early 2021, and developed a plan for services and payment. The Probation Department needed additional time to adequately develop a plan for services that meet the specifications of the JJRBG program and SB 823. The recommended agreement is being brought before your Board on the next available Board date within established County deadlines.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The Fresno County Juvenile Realignment Plan will allow the County to receive funding in accordance with SB 823. SB 823 appropriates moneys from the State General Fund for the JJRBG program to provide funding to counties for the custody,

care and supervision of youth who are realigned from DJJ to counties. It is anticipated that Fresno County will receive the following funding: \$1,548,816 for Fiscal Year 2021-22, \$4,587,984 for Fiscal Year 2022-23, and \$7,600,904 for Fiscal Year 2023-24. These moneys will be used to fund the recommended agreement.

In the first year of the recommended agreement, FCSS will be compensated \$150,000 per every ten students in the Juvenile Justice Realignment group (e.g., \$150,000 for the first 1-10 and an additional \$150,000 for students 11-20, etc.). At this time, it is anticipated that there will be up to ten students in the Juvenile Justice Realignment Group. Should the recommended agreement be extended beyond the first year, compensation will increase by 5% for each subsequent year, for general operating cost increases. The total compensation during the potential five-year term of this agreement will not exceed \$828,845. Sufficient appropriations will be included in Probation's FY 2021-2022 Recommended Budget for Org 3440, and will be included in subsequent budget requests.

DISCUSSION:

On September 30, 2020, SB 823 was signed into law, which stopped the intake of youth to DJJ custodial facilities on July 1, 2021. DJJ is planned to permanently close on June 30, 2023. In addition, SB 823 established the JJRBG Program to transfer responsibility for the custody, care, and supervision of high-risk youth from the DJJ to the local county jurisdiction. SB 823 was passed based upon demonstrable evidence that justice system-involved youth are more successful when they remain connected to their families and communities, and that justice system-involved youth who remain in their communities have lower recidivism rates and are more prepared for their transition back into the community.

The FCSS is positioned to provide and extend services to this population. Upon admission each student will receive a comprehensive educational and vocational transcript analysis to aid in the development of an academic and career plan. The youth will attend school with other youth who are housed on the Juvenile Justice Campus (JJC), integrated depending on their age and academic needs. All youth up to age 22 with disabilities will have full access to special education and related services as determined by the Individualized Education Program (IEP) team. Individual and small group services may include an emphasis on the development of cognition, language, social, behavioral, self-help and academic skills. FCSS has partnered with Probation for many years in delivering high quality educational services for the youth at the Juvenile Justice Campus. The Alice Worsley School at the JJC has achieved full accreditation by the Western Association of Schools and Colleges (WASC) for over 20 years with goals that include students achieving proficiency in academics, 21st century skills, and college and career readiness. The school provides all courses necessary for youth to earn their high school diploma and also offers courses to prepare young adults to pass the High School Equivalency Test (HiSET), should this be a better path for them.

Probation Department will also coordinate with FCSS and/or a selected vendor to provide evidence-based behavioral management curriculum that is designed to increase academic success, build character, and increase positive behaviors in students of the Juvenile Justice Realignment Group.

The recommended agreement with FCSS differs from the County's model contract in that it contains a mutual hold harmless clause. However, Risk Management has reviewed this provision and finds it acceptable. This has the effect of making each party responsible for losses arising from their own performance or negligent acts.

REFERENCE MATERIAL:

BAI # 7, April 27, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with FCSS

CAO ANALYST:

Greg Reinke