

Nineteenth Report of the Special Master (Filed September 8, 2011)

Area	Compliance	Source	Page
EDUCATION REMEDIAL PLAN			
Re-entry Planning	-	Increase the focus on transition planning. "Though DJJ no longer has the authority to ensure a structured transition to the community, transition planning should still be done and shared with the county parole authorities."	3
Staffing	Partial	Due to there being only 4 remaining schools, there is a need to downsize the Central Office to target the highest needs areas. As of July 27, 19 of the 34 positions have been filled (out of 51 total vacancies), 11 more are in the process of being filled, to reach 30 out of 34. DJF has "90 days [November 2011] to hire adequate staff."	4 4-5
Youth in Restrictive programs	Partial	DJF still provides insufficient provision of education services for their youth in TD (Temporary Detention)/TIP (Temporary Intervention Program). Implement distance learning technology for all youth on restricted programs.	6 Apx. A, 9
PSD (Program Service Day) and MH treatment	Partial	Each facility now has a PSD (Program Service Day) committee but mental health providers still have difficulty with scheduling. "There is no indication that youth are receiving more services than they received prior to the improved tracking of activities."	6
Curriculum	Substantial	"The DJJ has done a very good job of developing and providing curriculum, instructional services and educational supplies and materials which meet state and federal standards."	Apx. A, 9
Youth unexcused absences	-	"Develop a plan to identify and remedy the problem with unexcused absences."	7
Special Education	Partial	"...achieving substantial compliance with most education audit items; however, additional requirements must be met if DJJ is to succeed in providing a full continuum of services to youth with special needs." This is likely to improve with the increased staffing. "Defendant must not exceed 10 cumulative of consecutive school days per year which educational services are <i>not</i> provided without the IEP [Individual Education Plan] review and program modifications that address what IDEA [Individuals with Disabilities Education Act] considers to be a change in placement." Special education assessments at Johanna Boss High School [O.H. Close] failed to meet CDOE [California Department of Education] and IDEA standards. "IEP mandated service hours, including those provided by related services providers, must be offered to students housed at Chaderjian and Johanna Boss High Schools."	7 8 9 Apx. A, 7
Education Overview	-	"Defendant must rally staff to work cooperatively to ensure that youth get to school, or that school gets to youth, without compromising youth access to other mandated services."	9
WARDS WITH DISABILITIES (WDP) REMEDIAL PLAN			

Training	Partial	“Disability experts estimate that 60% of all staff has been trained in ADA requirements, which is insufficient to meet training goals and achieve substantial compliance in WDP implementation.”	12
Ward designation	Partial	<p>“...for diagnosing youth with disability and mental health, need to develop and implement a process to correctly diagnose that is 'accurate and reliable.'”</p> <p>“Headquarters and facility audits showed that youth with disabilities still comprise a higher percentage of those placed in restrictive programs than others youth...34.1% of WDP youth on alternative program, with no explanations of what efforts were made to identify root causes of reasons for placements”</p> <p>Percentage of total WDP youth at all facilities: 30.4%.</p>	16 Apx. B, 13
Grievance Procedure	Partial/Substantial	<p>-All youth interviewed stated, “they do not utilize the grievance process because they do not believe the process is useful, fair, or objective.”</p> <p>“No significant issues raised regarding the grievance process until the Disability Expert’s recent disclosure...based on the Disability Expert’s ratings during the 4th and 5th rounds of audits, the problem indeed may be an inadequate reinforcement effort.”</p>	17
Medications	Partial	“In conjunction with the Health Care Transition Team, the Mental Health and Medical Experts, and Disabilities Expert, [DJF must] ensure systems are in place to monitor the use of psychotropic prescriptions and medications...”	Apx. B, 9
UPDATE ON THE TRANSFER OF MONITORING			
Transfer of monitoring	-	<p>“The Special Master believes that if Defendant addresses the few remaining partial or non-compliant issues in the Education and WDP Plans that Defendant could monitor the plans in their entirety after the 7th audit round.”</p> <p>Medical and Dental, “ready to start transferring monitoring responsibility to the Defendant.” Monitoring would be transferred from the experts of DJF’s Office of Audits and Court Compliance.</p>	26
UPDATE ON USE OF FORCE REPORT			
Use of Force	-	“The SM believes the Defendant confronts significant challenges to affect meaningful reform in a timely fashion...the Defendant’s Senior management must fully recognize and embrace the need for change and exert strong leadership to affect cultural changes throughout the entire organization.”	29
Implementation Plan	-	<p>“It has been more than 14 months after the Farrell experts released their preliminary report in April 2010 expressing their concerns regarding the level and type of force used in mental health units.”</p> <p>“The implementation committee [dev. May 2011] reviewed each of the Subcommittee [use-of-force] and the Farrell experts’ recommendations and developed an “Implementation Plan” that is supposed to be completed within 12 months.” Special Master says plan lacks specificity. The “...overall goal of a 20% reduction in force incidents in first 12 months...20% goal is not specifically tied to any of the identified tasks.”</p>	31 32

*Pilot sites for IBTM are two high core units (housing high risk youth) in O.H. Close (OHCYCF): Butte and Glenn.

**All quotations are from Special Master Nancy Campbell, unless quoted from Appendix B, by Safety and Welfare Expert Barry Krisberg.