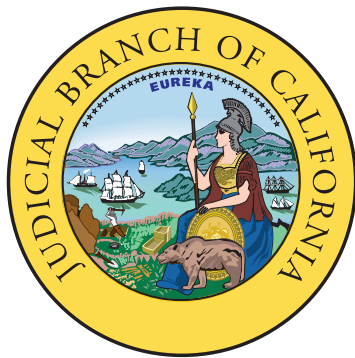


# Understanding Trauma *and* Supporting Educational Opportunity

*for Children & Youth in Juvenile Court*



# Why Juvenile Courts Should Focus on Education



- Education outcomes for foster children and youth in the juvenile justice system lag behind even those of other disadvantaged student populations.
- Causes of poor outcomes include frequent school transfers, gaps in enrollment and attendance, lack of consistent adult support for education, and impact of trauma on learning and behavior.
- Foster children are more likely to have disabilities and special needs, but less likely to receive prompt assessment and adequate special education services.
- Youth in locked facilities such as juvenile halls and camps have the same education rights as other students, including education programs that meet state standards, access to special education services for students with disabilities, and the right to immediate enrollment in their local comprehensive school (or school of origin) when they reenter the community.

## Cal. Educ. Code § 48853.5(a)

“Foster child” includes all children and youth who are adjudicated dependent or delinquent, or who are removed from home pursuant to a Cal. Welf. & Inst. Code (WIC) § 300 or 602 petition.

Foster youth have specific rights under California law, including:

- Appointment of an Education Rights Holder, if necessary.
- School of origin and immediate enrollment rights.
- Right to graduate with state minimum requirements, for youth who change schools in 3rd or 4th year of high school.
- Requirement that all school districts have foster youth liaisons.
- College financial aid and campus support programs.

Juvenile courts have a critical role in implementing and enforcing these rights.

## Rule 5.651(b) of the California Rules of Court

requires that education be addressed at EVERY hearing—detention, disposition, and all review hearings.

## Standard 5.40 of the California Standards of Judicial Administration

gives juvenile courts responsibility to:

- Ensure child’s education needs are met regardless of placement setting, and regardless of whether child is in custody of child welfare or probation agency, including any special education services or accommodations.
- Provide oversight of child welfare and probation agencies to ensure that child’s educational rights and needs are investigated, reported, and monitored.
- Require that court reports, case plans, assessments, and permanency plans address educational rights and needs, and provide sufficient information for court to make any necessary findings and orders on education issues.
- Facilitate coordination of services by joining school district and/or county office of education as parties when they fail to fulfill their legal obligations to the child.
- Make orders limiting parents’ and legal guardians’ education rights and appointing Education Rights Holder when appropriate.
- Ensure that special education and other rights are protected when child’s placement changes.

**The California Legislature** has invested in improving education outcomes for foster youth by:

- Requiring the state Department of Education and Department of Social Services to share information so districts can identify students who are foster youth, and encouraging data-sharing among county child welfare and probation agencies and school districts.
- Requiring the state Department of Education and all school districts to collect and report education data specific to foster youth.
- Including foster youth as an at-risk student population for which school districts receive supplemental funding under the Local Control Funding Formula (LCFF) and requiring all school districts and county offices of education to address education needs of foster youth in their Local Control and Accountability Plans (LCAPs).
- Requiring county office of education foster youth services coordinating programs to support local districts in addressing the educational needs of foster youth.
- Requiring county offices of education and probation to develop joint transition planning policies for immediate placement and enrollment of youth returning from probation to community.

## Every Student Succeeds Act

The state and counties are required by this federal act to develop plans to ensure that school-of-origin transportation is available whenever it is in child’s best interest to remain in school of origin.

# Trauma Is a Widespread Public Health Issue



## KEY CONCEPTS

- Trauma is widespread in the general public and can lead to serious consequences for physical and emotional health.
- Most of the children and youth who come before juvenile court judges have experienced trauma.

*“Child traumatic stress occurs when children and adolescents are exposed to traumatic events or traumatic situations that overwhelm their ability to cope.”<sup>1</sup>*

When the brain and body of a trauma-impacted person is overwhelmed by a traumatic stressor, this leads to a **dis-integration** of the parts of the brain and body that normally work together in an integrated fashion, which leads to **dysregulation**, that is, a loss of capacity to modulate physiological stress arousal and emotional states. If unaddressed, this can lead to adverse long-term effects over time.

- Traumatic events can include family violence, community violence, natural disasters, traumatic loss of caregivers or other loved ones, and other events that are experienced as dangerous or extremely threatening to one’s physical or psychological being. In recent years, racism and other forms of societal oppression have also been recognized as being trauma-inducing (Comas-Díaz et al., 2019).
- Complex trauma involves children’s exposure to multiple traumatic events, usually beginning at an early age, often of an invasive, interpersonal nature and occurring within the caregiving system—the social environment that is supposed to be the source of safety and stability in a child’s life.<sup>2</sup> Complex trauma can negatively affect emotional, social, and cognitive development.
- 89.7% of us will experience a traumatic event at some point in our lifetimes, with exposure to multiple traumas being the norm (Kilpatrick et al., 2013).
- 92.5% of a large-scale sample of detained youth had experienced at least one type of trauma in their lives (with potentially many events within this type), and over 50% of this sample was exposed to 6 or more potentially traumatic experiences.<sup>3</sup> The above statistics do not include experiences of racism and other forms of societal oppression.
- The prevalence of youth in the juvenile justice system who have been exposed to trauma is substantially higher than that of youth in the general population (Abram et al., 2004).

<sup>1</sup> National Child Traumatic Stress Network (NCTSN), retrieved from [www.nctsn.org/resources/audiences/parents-caregivers/what-is-cts](http://www.nctsn.org/resources/audiences/parents-caregivers/what-is-cts).

<sup>2</sup> NCTSN, retrieved from [www.nctsn.org/trauma-types/complex-trauma](http://www.nctsn.org/trauma-types/complex-trauma).

<sup>3</sup> In 1998, the Centers for Disease Control and Kaiser Permanente published findings from an ongoing, 17,000-participant study called the Adverse Childhood Experiences (ACEs) Study. ACEs is the term used by the study’s authors to refer to “childhood abuse, neglect, and exposure to other traumatic stressors.” The study found that the more ACEs an individual experienced in childhood, the higher the individual’s risk for a plethora of poor mental and physical health outcomes in adulthood. These findings have been replicated and elaborated on in numerous studies since then.

# Effects of Trauma on Academic Achievement and School Functioning



## KEY CONCEPTS

Complex trauma can interfere with healthy development of emotion regulation, relationship skills, and cognitive skills, all of which can be the underlying cause of poor school performance or challenging behavior.

### Effects on academic achievement

- Unaddressed trauma can adversely affect school performance:
  - ◆ Problems with attention skills, abstract reasoning, long-term memory for verbal information, and reading ability (Beers & De Bellis, 2002)

- ◆ Lower grade-point average (Hurt et al., 2001)
- ◆ More days of school absence (Hurt et al., 2001)

- Studies indicate a clear relationship between the number of adverse childhood experiences (ACEs) a child has experienced and academic success. A large-scale statistical analysis of standardized test results found that among students who had experienced 3 or more ACEs, academic failure was four times more likely. Further, researchers found that within grade and content tests, as ACEs in the community increase, academic performance is lower, even when controlling for other factors such as race and poverty.<sup>1</sup>

- Researchers in Philadelphia recognized that the original ACEs study (Felitti et al., 1998) was conducted with a largely white, middle-class sample. They broadened the concept of childhood adversity to include community-level adversities (Expanded ACEs) along with the typical household adversities (Conventional ACEs) that often are used to measure adversity (see box, lower right).

Studying these adversities in a predominantly African-American, urban community-based sample, they found that higher levels of adversity exist in minority and lower-income populations (Cronholm et al., 2015).

- Another large-scale study found that “ACE exposure was the second most powerful predictor” of academic failure after knowing if the child was in special education classes.<sup>2</sup>

- ◆ This study also found that “the level of ACE exposure was the principal predictor of attendance and behavior problems.” It was a higher predictor than special education status, grade level, race, eligibility for free and reduced price meal plans, teachers, facilities, and gender.<sup>3</sup>

- ◆ For the study’s child participants known to have experienced 3 or more ACEs, serious attendance problems were five times more likely, “severe school behavior concerns” were six times more likely, and academic failure was three times more likely than for those who had not experienced any ACEs.<sup>4</sup>

- ◆ For participants who had experienced 2 ACEs, severe attendance problems were three times more likely, severe school behavior concerns were four times more likely, and academic failure was two and a half times more likely.<sup>5</sup>

- ◆ This study likewise verified what other studies have found: all schools have students who have experienced ACEs, but ACE exposure is more common in high-poverty schools.<sup>6</sup>

### Effects on school behavior and functioning

- Complex trauma can interfere with healthy development of core self-regulatory capacities, including emotion regulation (the ability to identify, express, and modulate emotions), relationships skills, attention and learning, memory, and sensorimotor functions (Ford et al., 2012, citing Ford, 2005). Because chronic trauma can cause intense difficulties with stress arousal and emotion regulation, complex trauma can be at the root of aggression, defiance, and conduct problems (Ford et al., 2007, citing Caporino et al., 2003; see Cook et al., 2003, for a review).

- Relationship difficulties, including difficulties making use of helpful adults (Cook et al., 2003), can in turn adversely affect the ability to form positive teacher-student relationships, a key factor associated with academic achievement (Pianta et al., 2008).

- Other effects of unaddressed complex trauma include depression, anxiety, shame and low self-worth, a sense of hopelessness, and alcohol and drug abuse.<sup>7</sup>

#### ADVERSE CHILDHOOD EXPERIENCES (ACEs)

##### Conventional (Household) ACEs:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Witnessed domestic violence
- Divorce or separation of parents
- Emotional neglect
- Physical neglect
- Substance use in household
- Mental illness in household
- Incarceration of household member

##### Expanded (Community-Level) ACEs:

- Witnessed community violence
- Felt discrimination
- Unsafe neighborhood
- Experienced bullying
- Lived in foster care

<sup>1</sup> Blodgett, C., *No School Alone: How Community Risks and Assets Contribute to School and Youth Success*, Report to the Washington State Office of Financial Management in response to Substitute House Bill 2739, March 2015.

<sup>2</sup> Blodgett, C., *Adopting ACEs Screening and Assessment in Child Serving Systems*, working paper, July 30, 2012.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Note: Expanded, community-level ACEs were not included in the Blodgett studies cited in this section, so the statistics referenced refer to the original, conventional ACEs only.

<sup>7</sup> NCTSN, retrieved from [www.nctsn.org/trauma-types/complex-trauma/effects-of-complex-trauma](http://www.nctsn.org/trauma-types/complex-trauma/effects-of-complex-trauma).

# Brain Science Underlying Academic and Behavioral Difficulties



## KEY CONCEPTS

- Chronic trauma can interfere with the ability to think clearly or learn because when triggered, the “survival brain” takes over and the “learning/thinking brain” largely goes offline.
- Chronic trauma can result in behaviors in children and youth that can be misinterpreted by adults as inappropriate, oppositional, defiant, or threatening.
- These brain processes also occur in adults (including youth-serving professionals).

## “Neurons that fire together wire together”

- The human brain and body’s nervous system is made up of neural networks where “neurons that fire together wire together” (Hebb’s rule; Hebb, 1949). What this means, for example, is that every time a student practices her multiplication tables (e.g.,  $4 \times 3 = 12$ ), networks of neurons fire together. With each practice, these neurons fire together and wire together more strongly, and over time multiplication tables become more automatic. This neural process is how we learn, form habits, and why “practice makes perfect.”

## Chronic trauma

- If a child chronically experiences violence or other forms of trauma, the brain and body make adaptations to this adversity in order to survive.
- Under conditions of chronic trauma, the neural networks repeatedly firing in the brain are those involved in the fear and survival response—“fight, flight, or freeze”—and thus these are the neural networks and parts of the brain that get strengthened.
  - ◆ The parts of the brain concerned with survival become overactive.
  - ◆ The parts of the brain involved with thinking and learning are largely bypassed altogether. Consequently, the thinking/learning brain gets less practice and potentially ends up wiring up less strongly.
- This exposure to repeated trauma and the resulting chronic state of fear-related activation in the developing brain causes use-dependent alterations in key neural stress response systems (Perry & Pollard, 1998). Put in simplified terms, much like repeatedly playing a song on a vinyl record wears a groove in the record, or pushing a wooden cart repeatedly over a dirt road wears a rut in the road, chronic trauma “wears a groove” in the brain (Dorado et al., 2016).

## Triggers

- For chronically trauma-impacted people, the brain and body are more easily knocked into this survival mode “fear groove” by trauma reminders (i.e., “triggers”) such as loud noises, sudden movements, not knowing what will happen next, or the feeling of helplessness or being in trouble, even when no threat is actually occurring.
- Fear-related activation includes hypervigilance, focus on threat-related cues, anxiety, and behavioral impulsivity (Perry & Pollard, 1998). These are crucial reactions to have if one is actually under attack, but this is a problematic state to be in when trying to engage in an academic activity such as learning how to read or solve a math problem, or in any interaction or task involving concentration and reasoning.

## “Survival brain”

- Under normal, healthy circumstances, the parts of the brain involved in learning and thinking (e.g., the prefrontal cortex, associated with rational thought, planning, organizing, problem-solving, selective attention), and the parts of the brain involved in survival and emotions (e.g., the limbic system, associated with rapid, intense emotional reactions) work in an integrated manner. But brain science has demonstrated that when a trauma-impacted person is triggered, the learning/thinking brain largely goes offline, and the survival/emotion brain takes over.
- One metaphor for understanding these brain processes is that of a rider and a horse (van der Kolk, 2014, citing MacLean). The rider represents the “learning brain,” which sits on the horse high enough to have perspective, and is able to think rationally, make decisions based on context, prioritize, and learn new information. The horse represents the “survival brain,” which acts rapidly and powerfully on protective instincts that are based in visceral feelings and emotions. When these parts of the brain are working in an integrated fashion, like a rider on a horse, they can go far and be productive. But when triggered, the rider falls off the horse. The ability to think clearly and to learn falls away, and what is left is a nonverbal, terrified creature whose sole focus is that of survival in the moment.

## Discipline and “school push-out”

- If an educator is interacting with a student whose rider has fallen off the horse (see “Survival brain,” above), and the student is having an intense reaction (e.g., yelling, about to throw an object), traditional teaching methods such as rewards, consequences, lecturing, making students explain themselves using “reflection sheets,” will not help in that moment and could actually escalate the situation further.
- Further, when adults in a school or other youth-serving system are reacting toward youth with their own riders off their horses (perhaps due to being triggered themselves, or to experiencing burnout or secondary trauma), adults may actually end up triggering students into survival brain, and then punishing the students for the resulting “fight, flight, or freeze” behavior.
- Consequently, students lose instructional time due to disciplinary office referrals and punitive disciplinary measures such as suspension, which can eventually lead to school drop-out (a process that social justice advocates have begun to call “school push-out”).
- When students who have experienced maltreatment, interpersonal violence, or traumatic loss are forced to leave a school (e.g., due to changes in home placement, or because a school is unable to manage challenging behaviors), this can exacerbate feelings of rejection, abandonment, and loss, which can have a highly toxic effect on these already vulnerable children and youth.

# Impact of Trauma on Academic Achievement and Opportunity



## KEY CONCEPTS

- Trauma and stress, combined with societal oppressions on both an individual and institutional level, feed disproportionate school push-out.
- Unaddressed trauma can be at the root of behaviors that put youth at risk for involvement with the juvenile justice system.
- Being involved with the juvenile justice system can exacerbate problems with school attendance and performance.

## Youth of color are disproportionately exposed to trauma-inducing experiences of societal oppression and community violence

- Historical, institutional, and societal oppression (e.g., racism) can be experienced as a trauma due to the looming and sometimes actualized threat that one's safety or well-being is not as important as another's because of one's social identity (e.g., race) (Comas-Díaz et al., 2019).
- The trauma of community violence disproportionately affects highly stressed neighborhoods that are often inhabited by communities of color due to structural oppression (Buka et al., 2001; Kiser & Black, 2005).

## Trauma and stress feed disproportionate school push-out and increase the risk of juvenile justice involvement

- Unaddressed chronic trauma, particularly traumatic stress associated with exposure to violence, can cause behaviors that can put youth at higher risk for involvement with the juvenile justice system (Ford, 2002).
- "When exposed to trauma or mistreatment, a youth may cope by resorting to indifference, defiance, or aggression as self-protective reactions. In these cases, risk taking, breaking rules, fighting back, and hurting others who are perceived to be powerful or vulnerable may become a way to survive emotionally or literally. It is often these behaviors that bring youth into the juvenile justice system." (Ford et al., 2007, p. 3).

- Further, time-pressured, stressful situations (common in under-resourced public school settings), and anger exacerbate implicit bias (DeSteno et al., 2004; Bodenhausen & Lichtenstein, 1987).
- Institutionalized, structural oppressions such as racism, compounded by individual implicit bias, result in black and brown students being disproportionately punished for challenging behaviors.

## Suspension/expulsion is not an effective long-term solution

- Traditional approaches to addressing challenging classroom behavior, including exclusionary disciplinary procedures such as suspension/expulsion, are not an effective long-term solution to creating lasting, meaningful change for students or for the school community (Public Counsel, 2015).
- Without an understanding of the effects of chronic stress and trauma, trauma-impacted students are at risk of being seen as youth with "problem behaviors" rather than as children who have made adaptations in order to survive trauma and who are in need of help. Over time these students are at risk of dropping out or being pushed out of school via repeated exclusionary disciplinary practices.
- Combined with disproportionate use of punitive disciplinary measures toward black and brown students (Losen et al., 2012), unaddressed trauma increases the risk of disproportional involvement in the juvenile justice system as it creates a higher risk of school drop-out (Porche et al., 2011), which in turn increases the risk of being imprisoned (Sum et al., 2009).

## Juvenile justice involvement and school attendance

- In turn, involvement with the juvenile justice and the child welfare systems can make school performance and attendance issues worse (Buffington et al., 2010). Studies in New York and Kentucky have indicated that 66% to 95% of youth released from juvenile justice facilities either dropped out or did not go back to school (Buffington et al., 2010, citing Brock & Keegan, 2007).
- Barriers to returning to school can include poor planning and service coordination between youth-serving systems (educational, juvenile justice, child welfare), as well as delays in transfer of school records and specialized services (Buffington et al., 2010).
- The feeling of failure and/or not belonging to a school community can be particularly triggering for trauma-impacted youth and may exacerbate their difficulties with returning to school. Dropping out of school in turn exacerbates the risk for unemployment and further involvement with the juvenile justice system.

# Effects of Trauma on Staff and Youth-Serving Systems



## KEY CONCEPTS

- Working with trauma-impacted children and youth can cause staff burnout and vicarious/secondary trauma, which can lead to negative reactions toward children, youth, and families, as well as staff turnover.
- Unaddressed chronic stress and trauma can have adverse effects on whole organizations and systems, including fragmentation (operating in silos, professionals or systems not working collaboratively or cohesively together), over-reactivity, and fear-related over-focus on threat reduction (rigid control and order).
- If these effects are not actively addressed, trauma-impacted systems can cause harm to those who work in the system and to those whom the system serves.

## Staff burnout, turnover; effect on vulnerable youth

- Negative reactions of youth-serving professionals (e.g., educators, child welfare workers, juvenile justice staff) toward children, youth, and families can be exacerbated by the often stressful situation of working in under-resourced systems, or made worse by staff's own unaddressed chronic stress and/or trauma.
- Working with trauma-impacted students day after day without adequate support, training, and resources can lead to staff burnout and vicarious/secondary trauma, which can in turn cause otherwise promising professionals to leave their positions, often despondent and demoralized.
- Staff turnover results in experiences of further loss for youth who had previously been supported by these staff. Youth with histories of traumatic loss are particularly vulnerable to being adversely affected by staff turnover.

## Organizational/systemic effects

- Trauma tends to cause fragmentation, both in the neurobiology of individuals and in organizations/systems.
- Organizations, which are made up of people, tend to behave like living organisms.
- In organizations experiencing chronic stress and trauma, just as can happen in an individual's brain and body, there can be an intense pull toward dis-integration and disorganization.
- Trauma-impacted systems may suffer from a lack of cohesiveness in teams, fragmentation between different sets of staff (e.g., support staff vs. providers, administration vs. line staff), and silos between organizations (e.g., child welfare, educational, and judicial systems not working well together) (Bloom & Farragher, 2013).
- People within trauma-impacted organizations may experience blurred roles and boundary difficulties, scapegoating and finger-pointing, hypervigilance and

over-reactivity. Workers may not feel safe on the job or with each other. People may feel overwhelmed, running from crisis to crisis. Even when situations are (for the moment) relatively all right, seemingly small problems may trigger big reactions.

People may tell horror stories about work-related stressors over and over again, thus adding to the sense of trauma and threat. Or people may become numb to the dysfunction and injustice they may see, feeling helpless and avoiding any discussion or acknowledgment about what is happening.

- Actions and decisions are often fear-driven, including a tendency toward fear-related over-focus on threat reduction, where the emphasis is on control, order, and rigidity at the expense of creativity, growth, and innovation.

## Address stress, trauma on an organizational level in order to prevent doing harm

- If these dynamics are occurring within an organization, instead of asking "What is wrong with this organization?" we need to shift our perspective to "What has happened to this organization?" It may well be that the organization is a "trauma-organized" system—that is, a system that is reacting to stress and trauma without realizing it (Bloom & Farragher, 2013).
- Trauma-organized systems can be harmful for those who work in the system, as well as those whom the system serves. Thus, it is incumbent on us to address stress and trauma on an organizational level in order to prevent doing harm to each other and to those we serve.
- We must actively work together against the gravitational pull toward dis-integration through promoting communication, collaboration, and coordination between youth-serving professionals and systems.
- Juvenile court officials can play a key role in supporting integration and coordination of supports and services through their oversight and convening power (Cal. Stds. Jud. Admin., standard 5.40).

# Creating Trauma-Informed and Equitable Youth-Serving Systems



## KEY CONCEPTS

- Judges can help promote healing and recovery for trauma-impacted youth by supporting trauma-informed approaches in youth-serving systems and in their own courtrooms.
- Research on complex trauma and neurobiology provides science-based, trauma-informed approaches and strategies for individuals and youth-serving organizations/systems (e.g., education, juvenile justice, child welfare) to contribute toward healing for trauma-impacted youth, as opposed to inadvertently causing harm.
- A shift in perspective from “What is wrong with you?” to “What has happened to you?” in response to aggravating behavior is key to creating more safe, supportive, equitable, and engaging schools and youth-serving systems.

## Healing and recovery from trauma is possible with support

While exposure to chronic trauma can have an adverse effect on brain development, the brain can rewire and make new connections from birth through old age. Thus, healing from trauma is possible.

- Research on complex trauma provides numerous evidence-based supports and interventions that can mitigate the effects of trauma and help trauma-impacted children and youth heal.
- One of the key changes needed to make schools more trauma-informed, safe, and supportive is a shift in perspective. When problematic behavior occurs, rather than asking “What is wrong with you?” we are asking “What has happened to you?” (Wisconsin Dept. of Health Services, 2013; Wolpow et al., 2009).

This shift in perspective helps provide a context for the behavior, fosters compassion, and helps highlight strengths that people have despite the adversities they face.

## Supportive interactions and relationships can help mitigate the effects of trauma

Humans are hard-wired for attuned, responsive, compassionate interactions to calm us down when we are stressed out.

- Professionals who work with trauma-impacted youth can help youth keep their learning/thinking brain engaged, thus supporting their ability to learn, think clearly, and collaborate in their recovery and healing, by interacting with youth in an attuned, responsive, compassionate manner (Siegel, 2007).
- Patterned, repetitive stimulus to the brain, including repeated experiences of attuned, responsive, compassionate interactions, can help re-wire the brain toward health (Perry, 2006, 2009).
- Restorative practices (also known as restorative justice) assert that adults who work with youth should provide support, compassion, and attunement, coupled with maintaining high expectations and providing structure/scaffolding to meet those expectations. “People will make positive changes when those in positions of authority do things with them rather than to them or for them.” (Wachtel, 2013). This recommendation is congruent with trauma-informed approaches.

## Safe, supportive, trauma-informed schools can promote resilience and school success for trauma-impacted youth

Resilience and school success can be promoted through whole-school approaches that address school climate and culture, implement trauma-informed universal supports for students and staff, and help support more targeted and intensive interventions.

- In California, UCSF’s Healthy Environments and Response to Trauma in Schools (HEARTS), <https://HEARTS.UCSF.edu> aims to promote school success for trauma-impacted children and youth by creating more trauma-informed, safe, and supportive learning and teaching environments that foster resilience and wellness for all in the school community (children/youth and adults alike).

- HEARTS is a principle-driven program guided by 6 core principles for creating trauma-informed schools.

*See UCSF HEARTS Principles, with a brief rationale and description for each, on reverse.*

These principles are grounded in research on complex trauma and resilience, and serve as an organizational tool and road map for creating more trauma-informed, safe, supportive, engaging, and equitable schools.<sup>1</sup>

- The 6 core guiding principles are designed to be applied to everyone in a school community—not only to practices implemented by staff with students, but also practices/interactions among staff (teachers, administrators, paraprofessionals, support staff) and between staff and parents/caregivers. They also are meant to be used to make school system-level policies and procedures more trauma-informed.

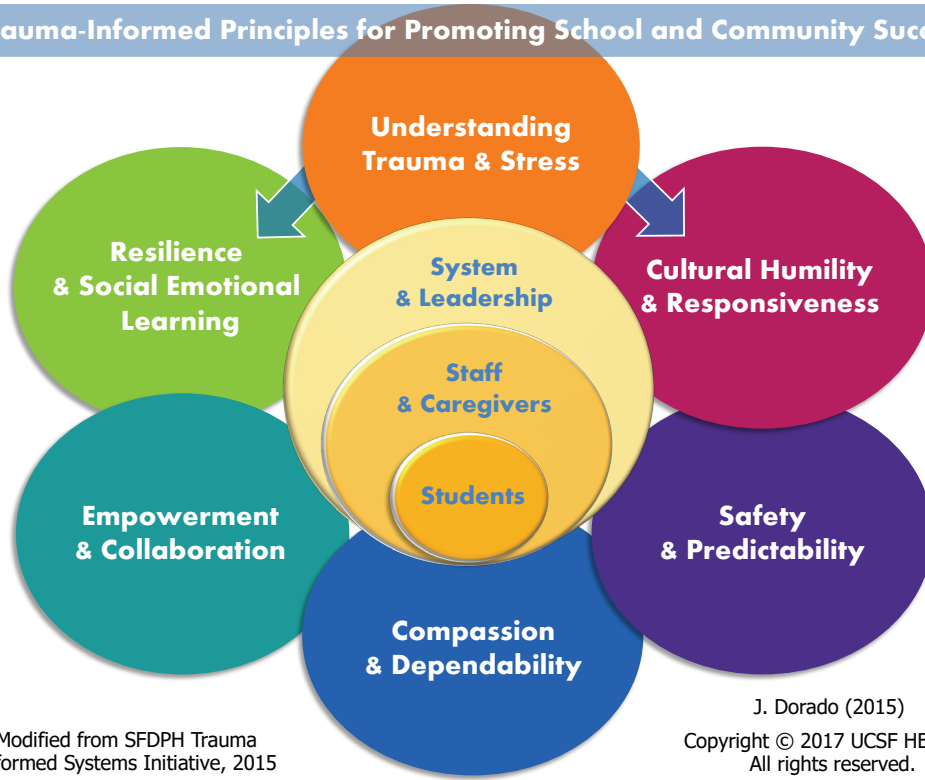
## What judges can do to promote healing, recovery, and resilience in the courtroom

Court proceedings can potentially be triggering and re-traumatizing for system-involved youth. Judicial officials can help mitigate these adverse effects through their interactions with the youth who come before them.

- When court-involved youth are doing poorly in school, judges can order educational rights holders to advocate for trauma-informed practices in the youths’ schools.
- Juvenile court officials can utilize an understanding of the effects of trauma and the paths toward resilience to promote trauma-informed approaches in their school districts. For example, they may convene a meeting with local superintendents, school administrators, and teachers to discuss site practices; or have Probation participate and provide data relative to the number of youth within specific districts who are appearing before the court with school-based allegations.
- Consider the following questions (based on the core guiding principles above) when interacting with and making decisions concerning trauma-impacted youth:
  - ◆ Does my decision take into account the effects of chronic stress and trauma on individuals, relationships, and organizations?
  - ◆ Are my decisions culturally responsive and equity-promoting?
  - ◆ Does my decision help to establish physical, social, and emotional safety, as well as establish a stable and predictable environment for the youth being served?
  - ◆ Do my decisions help to foster compassionate and dependable relationships in the lives of the youth being served?
  - ◆ Does my decision help to foster a sense of agency and empowerment in the youth being served?
  - ◆ Does my decision recognize and build on the strengths of the youth being served, and help to promote resilience and social emotional learning skills for the youth?

<sup>1</sup> These principles are slightly modified from those developed by the San Francisco Department of Public Health (SFPDH) Trauma Informed Systems Initiative (an initiative informed by HEARTS and by trauma-informed systems work nationally). The SFPDH trauma-informed systems principles have also been adopted by a San Francisco Bay Area trauma-informed systems collaborative called Trauma Transformed, <http://traumatransformed.org/>.

**Trauma-Informed Principles for Promoting School and Community Success**



Modified from SFDPH Trauma Informed Systems Initiative, 2015

J. Dorado (2015)  
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**UCSF HEARTS Core Guiding Principles for Creating Trauma-Informed Schools**  
(modified from San Francisco Department of Public Health Trauma Informed Systems Initiative)

Principle	Trauma-Informed Lens Rationale	Description of Principle
Understanding trauma and stress	Without understanding trauma, we are more likely to misinterpret trauma-related behaviors as “willful,” “sick,” or “crazy,” which can lead to ineffective, stigmatizing and/or punitive reactions to trauma- impacted people.	Understanding how trauma and stress can affect individuals, relationships, and organizations helps to reframe otherwise confusing or aggravating behavior. This assists us to recognize trauma’s effects more accurately, which leads to more compassionate, strength-based, and effective responses to trauma-impacted people that promote healing, rather than reactions that inadvertently re-traumatize and cause harm.
Cultural humility and responsiveness	We come from diverse cultural groups that may experience different traumas and stressors, react to these adversities differently, and experience differences in how others respond to our traumatic experiences.	When we are open to understanding the trauma and adversity caused by historical, institutionalized, and societal oppression and respond to them with cultural humility, we can work together to mitigate these harms, and equity is enhanced.
Safety and predictability	Trauma unpredictably violates our physical, relational, and emotional safety, resulting in a sense of threat and a need to focus resources on managing risks.	Establishing physical, relational, and emotional safety, as well as predictability in the environment, enables us to focus resources on healthy development, wellness, learning, and teaching.
Compassion and dependability	Trauma can leave us feeling isolated or betrayed, which may make it difficult to trust others and receive support.	By fostering relationships that are compassionate and attuned, as well as dependable and trustworthy, we reestablish trusting connections with others that foster healing and well-being.
Resilience and social emotional learning	Trauma can derail the development of healthy skills in regulating emotions, cognitions, and behaviors, as well as healthy interpersonal skills, which may then compound trauma’s negative effects.	Promoting wellness practices and building social emotional learning competencies of self-management, self-awareness, social awareness, relationship skills, and responsible decision making ( <a href="http://www.CASEL.org">www.CASEL.org</a> ) helps us to be resilient and more successful in school and at work.
Empowerment and collaboration	Trauma involves a loss of power and control that can make us feel helpless and hopeless.	When we are given meaningful opportunities to have voice and choice and our strengths are acknowledged and built upon, we feel empowered to advance growth and well-being for ourselves and others, and can work together to forward the cause of social justice.

# Overview—For All Hearings



## KEY CONCEPT: EDUCATION IS AN ISSUE AT EVERY HEARING AND MUST BE ADDRESSED IN AGENCY REPORTS

Courts need complete information to address educational needs. Child welfare and probation agencies are *REQUIRED* to provide report at *ALL* hearings including:

- Who holds education/developmental rights
- Whether parents' education rights should be limited (or restored)
- Child's educational progress
- Any indication of disabilities, special needs, or behavior problems
- School child is attending
- Extracurricular/social activities
- Whether child receives or may be eligible for special education or developmental services
- Recommendations to meet child's educational needs, and any orders requested.

See rule 5.561(c) for full list of report requirements.

### ALL CHILDREN

- Did child welfare/probation agency provide a report that meets the above requirements?

*If NO, order supplemental report.*

- Who holds education rights for the child?
- Is the current Education Rights Holder (ERH) able to fulfill his or her responsibilities?

*If NO, go to EDUCATION RIGHTS HOLDER bench card.*

- New/updated form JV-535 must be filed and served at disposition and all review hearings.
  - ◆ If any party requests change in ERH and/or orders regarding education, that party prepares new form JV-535; otherwise minor's counsel prepares form.
  - ◆ Clerk serves form JV-535 on all parties, ERH, school district liaison, county office of education, and regional center (if applicable).
  - ◆ Form JV-535(A) may be used to document school information, findings, and orders.

### CHILDREN AGES 0–5

- See **EARLY CHILDHOOD EDUCATION** bench card.

### CHILDREN AGES 5–18

- Any recent or potential placement change?  
*If YES, go to SCHOOL STABILITY bench card*
- Is child enrolled in and attending school?  
*If NO, go to SCHOOL STABILITY bench card.*
- Is child not making appropriate progress in school, performing substantially below grade level, or are there other indications of disability or special needs?  
*If YES, go to SPECIAL EDUCATION bench card.*
- Any attendance or discipline problems?  
*If YES, go to SCHOOL DISCIPLINE bench card.*
- If child is in 11th or 12th grade, is child on track to graduate and planning for college/career?  
*If NO, go to TRANSITION-AGE YOUTH bench card.*

### NONMINOR DEPENDENT

- Go to **TRANSITION-AGE YOUTH** bench card.

### GREAT RESOURCES:

The Alliance for Children's Rights publishes *The Foster Youth Education Toolkit* and the *Court Companion to the Foster Youth Education Toolkit*.

Both can be downloaded at <https://kids-alliance.org/programs/education/educational-equity/edtoolkit/>.

# Education Rights Holder



## KEY CONCEPT: RIGHTS AND DUTIES OF EDUCATION RIGHTS HOLDER (ERH)

- Meet with the child, review records, investigate education needs of child, determine if needs are being met, and advocate for child's education rights
- Attend and participate in all education-related meetings and proceedings, e.g., parent-teacher meetings, special education meetings (IEPs), school discipline hearings, etc.
- Make decisions and provide consent regarding, e.g., school placement, school-of-origin rights, special education plans and services, etc.
- Provide information to social worker or court at/before each hearing (may use form JV-537)

### Are parents or legal guardians able and willing to fulfill the above responsibilities?

- Explain responsibilities to parents.
- Identify parents as ERH on form JV-535.
- If parents' education rights were previously limited, use form JV-535 to restore education rights.
- If parent is willing but needs help to fulfill responsibilities of ERH, consider appointing relative, caregiver, or trained volunteer as co-ERH on form JV-535.

### If parents are not able or willing to make education decisions, and if necessary to protect the child and meet the child's educational needs (WIC 319(g) and 361(a), 726(b)):

- Use form JV-535 to limit parents' education rights.
- Use form JV-535 to appoint as ERH, in order of preference:
  - ◆ Caregiver, family member, or another responsible adult known to the child; or
  - ◆ Trained volunteer or CASA.

**Caution:** ERH may *NOT* be social worker, group home staff, school district employee or other person with conflict of interest.

### If no responsible adult is available to hold education rights:

- If child is special education student, or needs special education assessment, use form JV-537 to request district surrogate. (This option should be the last resort.)
- If child is general education student, court makes education decisions until an ERH is appointed.

### Does child have a developmental disability, or need developmental assessment?

If **YES**, form JV-535 should identify Developmental Services Decisionmaker as well as Education Rights Holder.

# School Stability—Child Has Recent or Potential Change in Placement



## KEY CONCEPT: SCHOOL OF ORIGIN AND IMMEDIATE ENROLLMENT RIGHTS

- Foster children have the right to remain in their school of origin even if they move outside school or district boundaries, if ERH determines it is in the child’s best interest. (There can be more than one “school of origin”—includes any school attended in preceding 15 months with which the child has a connection.)
- Child also has the right to progress from elementary to middle and middle to high school according to school-of-origin’s feeder pattern. After court case closes, child has the right to remain in school of origin until end of school year (K–8th grade) or through graduation (high school). Cal. Educ. Code § 48853.5(f).
- “Foster child” includes all youth for whom a WIC 300 or 602 petition has been filed regardless of placement status.
- When foster children change schools, they have the right to immediate enrollment in new school, even if they have missing education or immunization records, unpaid fines, etc.

### Court **MUST** consider school-of-origin issues at any hearing after agency has made decision to change child’s placement; may use form JV-537 to make findings and orders.

If child has changed schools due to a change in placement, prior to hearing:

- Did child welfare/probation agency notify child’s attorney and ERH within one day after making decision to change child’s placement?
- Did child’s attorney, ERH, and child (if age-appropriate) discuss whether it is in child’s best interest to remain in school of origin?
- Did ERH consent to school change?
- Did ERH submit statement to court on why school change is in child’s best interest and whether efforts were made to keep the child in the school of origin?
  - ◆ *If the answer to any of these questions is **NO**, child’s attorney or court on own motion should use form JV-539 to set hearing on school-of-origin issue.*
  - ◆ Child has right to remain in school of origin pending hearing.

### If a placement change is requested at hearing, or agency report indicates child’s placement may change in near future:

- Has child welfare/probation agency taken proximity to school of origin into account in placement decision?
- Is new placement within reasonable travel distance/time of school of origin, considering age and needs of child?
- If so, what is the transportation plan for the child?
  - ◆ *Options:* Agency reimburses caregiver for transportation; FFA or STRTP provides transportation; school district provides transportation; agency pays for public transportation; agency staff transports child.
  - ◆ If there is dispute regarding responsibility and funding for school-of-origin transportation, consider setting hearing using form JV-539 and/or ordering joinder of local education agency/agencies pursuant to WIC 362.
  - ◆ Reference “Dear School District” letter?

### Foster children should change schools **ONLY** WHEN:

- Other factors outweigh preference for placement near school of origin (e.g., move is necessary for child to reunify with parents or to achieve permanency); AND
- ERH determines that it is not in child’s best interest to remain in school of origin (e.g., due to distance, or new school can better meet child’s educational needs).

### If child must change schools:

- Can placement and/or school change be timed to minimize educational disruption? (E.g., delay until end of semester or school year.)
- Has ERH identified an appropriate new school for child?
- Has child been, or will child be, immediately enrolled in new school?
- Does/will new school have child’s complete educational records, including special education records and current IEP, if applicable?
- If child is in high school, has child received credit for all prior coursework (including partial credits if child transfers midyear), and is child enrolled in appropriate classes in new school?

### If child is not enrolled in and attending school at time of hearing, or there has been a gap in school attendance:

- Why is/was child not in school?
- What steps will child welfare/probation agency, ERH, and placement provider take to immediately enroll child and prevent any future gaps in school attendance?

If school refused/delayed enrollment, or placement provider did not immediately enroll child at time of placement and ensure continued school attendance, consider joinder under WIC 362 to address violation of child’s right to immediate enrollment.

# Special Education



## KEY CONCEPTS

- All students including foster youth have a right to a free and appropriate public education in the least restrictive environment in which their educational needs can be met.
- Students with disabilities or special needs have the right to a written Individualized Education Plan (IEP), or Section 504 plan (Rehabilitation Act of 1973), agreed on by the school district and the parent/ERH, specifying the services, supports, and accommodations that will be provided to enable the student to access his or her education.

### If the child is not currently a special education student:

- Is the child not making progress in school, or performing substantially below grade level in reading, math, or other core areas?
- Does the child have attendance or behavior problems in school?
- Does the child and/or caregiver report problems with speech/language, memory, concentration, attention, motor skills, or other indications of disability or special needs?

*If the answer to any of these questions is **YES**, consider ordering the ERH to obtain a special education assessment.*

### If the child is a special education student (i.e., child has an IEP or Section 504 plan):

- Has the plan been updated within the past year?
- Is the child's school implementing the plan?
- Are the plan goals being met?
- Is the child making progress in school?
- Is the child attending school regularly, without serious behavior/discipline issues?
- Is the child placed in the "least restrictive environment"? (That is, placed in home instruction, nonpublic school, special day class, etc. only if child's needs cannot be met in more mainstream setting.)
- Is child receiving education-related mental health services, if needed?

*If the answer to any of these questions is **NO**, consider ordering the ERH to request an IEP meeting to update the child's IEP and ensure it is being fully implemented.*

If school district delays or denies assessment, new/updated IEP, or adequate special education services, etc., consider appointing an education attorney (WIC 317(e)) and/or ordering joinder under WIC 362, 726.

# School Discipline



## KEY CONCEPTS

- Trauma affects behavior. Children who have suffered abuse, neglect, or other trauma are often at risk of being suspended or expelled from school.
- Juvenile courts have a key role in protecting children's due process rights regarding school discipline and promoting the use of alternatives to exclusionary discipline, such as positive behavior intervention and support and trauma-informed educational practices.

### If the child has been suspended from school:

- Did the school make efforts to resolve behavior problems by alternative means (e.g., meeting with child and child's ERH, counseling, positive behavior supports)?
- Did the school attempt to contact the ERH at the time of suspension and provide written notice of suspension?
- Was the suspension for 5 days or less?
- Has the child been suspended for a total of 20 days or less per school year?

*If the answer to any of these questions is **NO**, consider ordering the ERH to request a meeting with school district officials or appointing an education attorney for the child.*

### If the child has been recommended for expulsion, given a "suspended expulsion," expelled, or involuntarily transferred to another school:

- Did the district provide notice to the child's attorney and ERH, and a hearing?
- Did/will the child have an attorney or advocate present at the hearing (dependency counsel, public defender, or another advocate)?
- If the child was expelled, did/will the district provide an educational program for the entire period of expulsion?

*If the answer to any of these questions is **NO**, consider appointing an education attorney for the child.*

### If the child is a special education student:

- Has the child been suspended for 10 days or less per school year?
- Has the district held a "manifestation determination" meeting to ensure that the child is not being disciplined for conduct caused by the child's disability or by the district's failure to implement the child's IEP?

*If the answer to either of these questions is **NO**, consider appointing an education attorney for the child.*

# Early Childhood Education—Child Is Age 0–5



## KEY CONCEPTS

- Abuse, neglect and other trauma, genetic conditions, and prenatal exposure to drugs or alcohol may all cause developmental delays.
- Early intervention is critical to enable children to “catch up” and realize their full potential.
- Children ages 0–3 who have a disability or who show delays in achieving developmental milestones such as crawling, walking, speaking, feeding and dressing themselves, toilet training, etc. are eligible for Early Head Start services from regional centers.
- Children ages 3–5 who have disabilities or special needs are eligible for preschool special education services from school districts.

## IF CHILD IS AGE 0–3:

- Is there any indication of delays in the child’s cognitive ability, motor skills, vision, hearing, speech, language, or social/emotional development?
- Has child been diagnosed with a condition likely to cause developmental delay (e.g., Down syndrome, fetal alcohol syndrome)?

*If the answer to either question is **YES**, consider ordering Education Rights Holder (ERH) to take steps necessary for child to receive Early Head Start services from regional center (i.e., request assessment and eligibility determination, meet with regional center to develop Individualized Family Service Plan).*

## IF CHILD IS AGE 3–5:

- Does child have a physical or developmental disability, or need special education services?

*If **YES**, consider ordering child’s ERH/Developmental Services Decisionmaker to take steps necessary for child to receive preschool special education services from the school district (i.e., request assessment and eligibility determination, attend meeting to develop Individualized Education Plan).*

- Would child benefit from attending Head Start or preschool program?

*If **YES**, consider ordering social worker to assist caregiver or ERH in enrolling child in Head Start or preschool.*

# Transition-Age Youth



## KEY CONCEPTS

- As with all youth, foster youth need adult support and guidance to make a successful transition from high school to college and career.
- Foster youth are often disadvantaged due to frequent school changes, attendance gaps, and lack of consistent adult support for school success.
- Judges have a critical role in implementing the education rights of transition-age youth (e.g., graduation under AB 167/216, special education services until age 22, financial aid for college and job training) and ensuring that youth have information and support to plan for high school graduation and postsecondary options including college, career/technical education, and employment.

## Youth ages 16–18, or in 3rd or 4th year of high school:

- Is youth on track for high school graduation?
- Does youth's transcript accurately reflect all credits earned, including partial credits if youth changed schools midyear?
- If youth changed schools after 2nd year of high school, has ERH determined whether it is in youth's best interests to graduate with state minimum requirements (i.e., graduate under AB 167/216) or stay in high school to complete district graduation requirements?
- If youth is attending alternative or continuation school, do ERH and youth agree that this school placement is in youth's best interests?
- Has ERH, caregiver, social worker, probation officer, or other adult provided information on college and career options and financial aid, and assisted youth in planning for college or career/technical education?
- Is youth receiving assistance from the county agency's Independent Living Program (ILP) in planning for college/career?

*If the answer to any of these questions is **NO**, consider ordering ERH or social worker or probation officer to work with youth (and school district foster youth liaison and/or ILP coordinator, when appropriate) on graduation and postgraduation planning.*

## For nonminor dependents ages 18–21:

- Is the nonminor dependent (NMD) able and willing to make education decisions?  
*If **YES**, indicate on JV-535 that youth becomes his or her own ERH at age 18.*  
*If **NO**, indicate on JV-535 that another adult will continue as ERH with youth's consent or if court finds youth is unable to make education decisions.*
- Is the NMD a special education student?  
*If **YES**, social worker or probation officer, caregiver, or ERH should ensure NMD has access to any needed special education services until age 22.*
- Is the NMD in college?  
*If **YES**, social worker or probation officer should ensure NMD has access to all available financial aid sources (e.g., Chafee Grant, California College Promise Grant, Pell Grant) and campus support programs (e.g., Extended Opportunity Program and Services, Guardian Scholars) and housing options (i.e., supervised independent living placement payment for dorm fees).*

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*“Understanding the effects of trauma, promoting educational opportunity, and supporting the mental health of children and youth in the child welfare and juvenile justice systems are critical for judicial officers making decisions about their lives. Through the work of our Keeping Kids in School and Out of Court Initiative, those judicial officers and their partner agencies and organizations will have resources to help ensure California’s children are given their best chance to lead healthy and productive lives.”*

Chief Justice Tani G. Cantil-Sakauye

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We are very thankful to the members of the Steering Committee for their work reviewing and advising this project, with special thanks to Judge Stacy Boulware Eurie, committee chair, and Judge Donna Groman, vice-chair, who shepherded it through full development.

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This bench guide was produced as part of Chief Justice Tani G. Cantil-Sakauye’s Keeping Kids in School and Out of Court initiative. Its primary authors are the Public Counsel Law Center (primarily by Martha Matthews, directing attorney of its Children’s Rights Center), and Dr. Joyce Dorado, of UCSF HEARTS. Ms. Matthews was the primary author of the education section of the guide and Dr. Dorado authored the sections on trauma. Many others provided input, suggestions, and feedback.

The project was made possible by the generous support of The California Endowment and the Stuart Foundation, with additional funding from the Walter S. Johnson Foundation and the Court Improvement Program of the Administration for Children and Families, U.S. Department of Health and Human Services.