

2016 Regular Session

SENATE BILL NO. 303

BY SENATOR MORRELL

EDUCATION ACCOUNTABILITY. Provides for educational programs in juvenile justice facilities. (8/1/16)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To amend and reenact Children's Code Article 908(A), R.S. 15:905(A), (B), and (C), and R.S. 17:3911(B)(1) and (3) and (C)(2), and 3912 (A), and to enact R.S. 17:10.9 and 100.1(D), relative to educational programs in juvenile justice facilities; to require oversight, accountability and control of the educational services delivered in juvenile justice facilities; to create a mutual accountability team; to provide for a specialized school performance score calculation system; to require accreditation; to require the maintenance of certain data; to provide for injunctive relief; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 908(A) is hereby amended and reenacted to read as follows:

Art. 908. Care and treatment by department

A. ~~Except as provided in Article 906~~ **Notwithstanding any other provisions of law to the contrary**, the Department of Public Safety and Corrections, **office of juvenile justice**, shall have sole authority over the placement, care, treatment, or any other considerations deemed necessary from the resources that are available for

1 children judicially committed to the department.

2 * * *

3 Section 2. R.S. 15:905(A), (B), and (C) are hereby amended and reenacted to read
4 as follows:

5 §905. Rules and regulations; education; training and discipline, work opportunities,
6 vocational training, contracts and agreements

7 A. The **Except as otherwise provided in laws and rules concerning**
8 **oversight, accountability, and quality control of educational services delivered**
9 **in state juvenile justice facilities, the** Department of Public Safety and Corrections,
10 office of juvenile justice, shall have full control of all juvenile institutions, facilities,
11 and programs under its administration and the affairs of such institutions, facilities,
12 and programs and shall adopt all rules and regulations which it deems essential to the
13 proper conduct of these institutions, facilities, and programs. All children in these
14 juvenile institutions, facilities, and programs shall receive appropriate treatment,
15 training, and education commensurate with their needs and abilities. The department
16 may enter into contracts or cooperative agreements to fulfill its obligations to
17 accomplish its goals in the most efficient manner possible.

18 B. The **Except as otherwise provided in laws and rules concerning**
19 **oversight, accountability, and quality control of educational services delivered**
20 **in state juvenile justice facilities, the** deputy secretary for youth services shall
21 establish all rules and regulations for the placement, care, and treatment of a juvenile
22 in the custody of the office of juvenile justice.

23 C. ~~Notwithstanding any other provisions of law to the contrary,~~ **Except as**
24 **otherwise provided in laws and rules concerning oversight, accountability, and**
25 **quality control of educational services delivered in state juvenile justice**
26 **facilities,** the deputy secretary for youth services shall have the sole authority to
27 establish the programmatic standards for juveniles assigned to the custody of the
28 office of juvenile justice.

29 * * *

1 Section 3. R.S. 17:3911(B)(1) and (3), (C)(2), and 3912(A) are hereby amended and
2 reenacted, and R.S. 17:10.9, 100.1(D), and 3911(E) are hereby enacted to read as follows:

3 **§10.9. Accountability; office of juvenile justice schools**

4 **A. The state school and district accountability program shall include all**
5 **office of juvenile justice schools. For the purposes of this Section, "office of**
6 **juvenile justice schools" shall mean all schools and programs providing**
7 **educational services to students in secure care facilities operated by, or**
8 **contracted under, the authority of the Department of Corrections, office of**
9 **juvenile justice.**

10 **B. Not later than July 1, 2016, the State Board of Elementary and**
11 **Secondary Education shall convene a mutual accountability team as an ad hoc**
12 **subcommittee of the School and District Accountability Commission. No later**
13 **than March 1, 2017, the mutual accountability team shall recommend to the**
14 **board a specialized accountability program for the office of juvenile justice**
15 **schools. The specialized accountability program for office of juvenile justice**
16 **schools shall be consistent with the accountability program mandated for all**
17 **schools in Louisiana and contain appropriate considerations for schools in**
18 **secure juvenile justice facilities. The mutual accountability team shall consist**
19 **of:**

20 **(1) One member of the School and District Accountability Commission**
21 **to be designated by the chair of the commission. This member shall serve as**
22 **chair of the mutual accountability team.**

23 **(2) One person designated by the deputy secretary of the office of**
24 **juvenile justice.**

25 **(3) One person who is an expert on education in custodial settings,**
26 **designated by the chairperson of the Juvenile Justice Reform Act**
27 **Implementation Commission, after consultation with the Council of State**
28 **Governments.**

29 **(4) One person representing the interests of students and families,**

1 designated by the executive director of the Louisiana Advocacy Center.

2 (5) One person who is an expert in alternative education in community
3 settings, designated by the director of the Institute for Public Health and Justice
4 at Louisiana State University.

5 C. Not later than March 1, 2017, the State Board of Elementary and
6 Secondary Education shall adopt rules in accordance with the Administrative
7 Procedure Act to establish a specialized accountability program for office of
8 juvenile justice schools based on recommendations of the mutual accountability
9 team. The specialized accountability program shall include:

10 (1) A specialized school report card for use in assessment of student
11 achievement in office of juvenile justice schools. The report cards shall be
12 consistent with other accountability systems as required by law and must
13 articulate additional criteria tailored to measuring the progress of students in
14 office of juvenile justice schools and the performance of those schools. In
15 articulating these criteria, the mutual accountability team and the State Board
16 of Elementary and Secondary Education shall consider, but are not limited to:

17 (a) Student growth in reading and math as measured through an
18 appropriate assessment instrument. The assessment instrument shall be
19 administered to all students in office of juvenile justice schools upon entry, upon
20 release, or at other appropriate intervals during the students' term of custody.
21 The mutual accountability team shall recommend selection criteria for
22 assessment instruction, recommend benchmark standards around participation,
23 and recommend student growth targets.

24 (b) Credit accumulation. The mutual accountability team shall
25 recommend a mechanism through which the office of juvenile justice and the
26 state Department of Education shall track students' credit accumulation and
27 recommend a benchmark standard for credit accumulation.

28 (c) Modified graduation rates and recognized high school equivalent
29 passage rates.

1 (i) The mutual accountability team shall recommend a uniform
2 assessment protocol for identifying students entering office of juvenile justice
3 schools with a high likelihood of graduating from high school while in the care
4 of the office of juvenile justice. For these students, the team shall recommend
5 a benchmark graduation rate metrics against which student and school progress
6 can be measured.

7 (ii) The mutual accountability team shall recommend a uniform
8 assessment protocol to assess the readiness of students to take a high school
9 equivalency test. For students who demonstrate readiness, the team shall
10 recommend a benchmark passage rate against which student and school
11 progress can be measured.

12 (d) School attendance, defined as the percentage of students who are
13 physically present in classrooms for school and educational programs.

14 (e) Percentage of students pursuing a high school diploma; an industry-
15 based certification approved by the State Board of Elementary and Secondary
16 Education; a recognized high school diploma equivalent; credits for advanced
17 courses, including but not limited to advanced placement courses and courses
18 in which students are dually enrolled in postsecondary education institutions;
19 and postsecondary education programs.

20 (f) Performance in educating youth with exceptionalities, including
21 identifying special education needs, developing best-practices Individualized
22 Education Programs, and providing services and supports mandated by
23 Individualized Education Programs.

24 (g) Re-enrollment in school or other educational or vocational training
25 programs after leaving office of juvenile justice custody.

26 (h) Success in post-release high school, postsecondary education, or job
27 training programs.

28 (2) A program of regular, in-person monitoring of office of juvenile
29 justice schools on no less than an annual basis. The mutual accountability team

1 shall study and recommend to the State Board of Elementary and Secondary
2 Education the monitoring program, which may include but not be limited to
3 external accreditation and monitoring visits by teams of experts in special
4 education and correctional education. The program shall be implemented no
5 later than July 1, 2017.

6 (3) A set of supports, interventions, and remedies to be implemented
7 when an office of juvenile justice school is deemed to be academically
8 unacceptable and a definition of "academically unacceptable status" that is
9 appropriate for the office of juvenile justice schools. The intensiveness of the
10 interventions and remedies developed must escalate for every year that a school
11 is deemed to be in academically unacceptable status, and must include the
12 following:

13 (a) Mandating intervention by the state Department of Education if any
14 office of juvenile justice school is found to be academically unacceptable in any
15 year.

16 (b) Mandating, at a minimum, the production by the state Department
17 of Education of annual written reports detailing any supports, interventions,
18 and remedies implemented when any office of juvenile justice school is deemed
19 academically unacceptable. Such reports shall be presented annually to the
20 Juvenile Justice Reform Act Implementation Commission and the chairs of the
21 Senate Committee on Education and the House Committee on Education and
22 be available on the websites of the state Department of Education and the office
23 of juvenile justice.

24 D. The specialized office of juvenile justice school report cards developed
25 pursuant to Subsection C of this Section shall be assembled and calculated by
26 the state Department of Education annually. With the results of the 2017-2018
27 school year, the report cards and performance scores shall be published
28 annually on the websites of the state Department of Education and the office of
29 juvenile justice. Additionally, the state Department of Education and the office

1 of juvenile justice shall jointly prepare an annual written report on educational
2 progress and quality in office of juvenile justice schools, a copy of which shall
3 be made available on the website of both agencies, and shall jointly appear
4 before the Juvenile Justice Reform Act Implementation Commission to present
5 the report.

6 E. Not later than July 1, 2017, the mutual accountability team and the
7 State Board of Elementary and Secondary Education shall develop and adopt
8 rules in accordance with the Administrative Procedure Act, governing
9 educational assessment and counseling of students in office of juvenile justice
10 schools. Such rules shall include but not be limited to:

11 (a) Provisions for ensuring that students are appropriately assigned to
12 educational programs and schools including high school diploma programs,
13 industry based certifications approved by the State Board of Elementary and
14 Secondary Education, and recognized high school diploma equivalent
15 programs.

16 (b) Provisions for ensuring that the student's parent or legal guardian
17 are consulted and consent to a student being removed from a program leading
18 to a high school diploma as part of a student's individual learning plan.

19 (c) Provisions for ensuring that the expressed interests of students and
20 their parents or legal guardians are taken into account in assigning youth to,
21 and transferring youth among, educational programs and schools.

22 F. Not later than July 1, 2017, the mutual accountability team shall
23 recommend to the State Board of Elementary and Secondary Education a policy
24 mandating which records, information, and other documentation that must be
25 maintained within the cumulative file of any student in an office of juvenile
26 justice school. The policy shall also articulate expectations for the expedient
27 development of cumulative student files upon a student's entry into office of
28 juvenile justice custody, and for expedient transfer of cumulative student files
29 among programs and schools as students transition out of office of juvenile

1 justice schools. The State Board of Elementary and Secondary Education shall
2 consider the mutual accountability team's recommendations in promulgating
3 into law a policy that may include but not be limited to the considerations
4 provided in this Subsection.

5 G. Not later than December 1, 2016, the mutual accountability team shall
6 recommend the capabilities, functions, and other selection criteria for a
7 comprehensive computerized student information system to be used in
8 collecting, storing, and reporting data in office of juvenile justice schools. The
9 office of juvenile justice shall ensure the implementation and deployment of the
10 student information system in all office of juvenile justice schools no later than
11 July 1, 2017. The student information system must meet all specifications
12 articulated by the Louisiana Department of Education, the State Board of
13 Elementary and Secondary Education, and the office of technology services of
14 the division of administration. In recommending the capabilities of the student
15 information system, the mutual accountability team shall consider the
16 following:

17 (1) Student information systems with the capability to communicate and
18 share data with the office of juvenile justice case management software, local
19 school districts, and the state Department of Education.

20 (2) Student information systems that can serve as the single point of
21 entry for all data used in report cards required by this Section, progress profiles
22 prepared pursuant to R.S. 17:3912, and required federal reporting.

23 H. Not later than January 1, 2017, the state superintendent of education
24 shall designate a program manager for juvenile justice education programs to
25 supervise all monitoring, oversight, support, and intervention in office of
26 juvenile justice schools and to ensure compliance with applicable federal
27 requirements.

28 I. Notwithstanding any provision of law to the contrary, the office of
29 juvenile justice shall be considered a parish school board for purposes of

1 required by this Paragraph also shall be collected as part of the data collection
 2 system provided for by this Section. The provisions of this Paragraph shall apply
 3 to schools and educational programs located within secure care facilities under
 4 the jurisdiction of the Department of Public Safety and Corrections, office of
 5 juvenile justice.

6 C. The department shall:

7 * * *

8 (2) Assist each local board **and the office of juvenile justice** in compiling
 9 the information by identifying and providing any required and discretionary
 10 information currently collected at the state level.

11 * * *

12 §3912. Progress profiles; preparation; distribution

13 A. Using, at a minimum, the data required to be collected pursuant to R.S.
 14 17:3911(B), the department shall annually prepare and produce a state-level progress
 15 profile, a district-level progress profile for each public school system, and a
 16 school-level progress profile for each public school. Each profile shall be produced
 17 in a format common to all of them which shall be designed by the department so as
 18 to provide to school-based users all pertinent information in a readily usable form
 19 and to provide to the public all pertinent information in a clear and understandable
 20 form. The state-level and each district-level profile shall contain the last three years
 21 of trend information as required by R.S. 17:10.2(C). Each school profile shall contain
 22 all of the information relevant to the school as required to be collected pursuant to
 23 R.S. 17:3911(B) as well as the same information for the school system as a whole
 24 and the state. In addition, a parent-level progress profile shall be prepared containing,
 25 at a minimum, results from required state tests and other relevant information used
 26 to compute a school's performance score as part of the district and school
 27 accountability program. For the purposes of this Section, the Department of
 28 Public Safety and Corrections, office of juvenile justice, shall be considered a
 29 school district, and each secure facility operated by the Department of Public

no less than an annual basis.

- (3) A set of supports, interventions, and remedies for implementation when an office of juvenile justice school is deemed academically unacceptable.

Proposed law requires the state DOE assemble and calculate office of juvenile justice school report cards annually and publish report cards and performance scores on their website.

Proposed law requires the office of juvenile justice to publish report cards and performance scores of office of juvenile justice schools on their website.

Proposed law requires the mutual accountability team to recommend to BESE a policy governing educational assessment and counseling of students in office of juvenile justice schools no later than January 1, 2017.

Proposed law requires, no later than July 1, 2017, the mutual accountability team recommend to BESE a policy mandating which records, information, or other documentation must be maintained. Proposed law further provides that BESE consider the mutual accountability team's recommendations when adopting rules and regulations.

Proposed law provides that no later than December 1, 2016, the mutual accountability team shall recommend selection criteria for a comprehensive computerized student information system to be used by office of juvenile justice schools.

Proposed law requires the state superintendent of education designate a program manager for juvenile justice education programs no later than January 1, 2017.

Proposed law provides that the office of juvenile justice shall be considered a parish school board for purposes of development and submission of pupil progression plans.

Proposed law provides that MFP funds and other federal funds for youth in office of juvenile justice facilities be subject to the same oversight and accountability as other school boards.

Proposed law provides that office of juvenile justice schools are subject to same data collection provisions as city and parish school boards.

Effective August 1, 2016.

(Amends Ch.C.Art. 908(A), R.S. 15:905(A), (B), and (C), 17:3911(B)(1) and (3) and (C)(2), and 3912 (A); adds R.S. 17:10.9 and 100.1(D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Technical amendments to language.
2. Changes the membership of the mutual accountability team.
3. Changes the contents of the specialized accountability program.
4. Changes certain mandatory provisions to recommendations.
5. Changes in requirements to the development of a school monitoring program for office of juvenile justice schools.
6. Removes provisions for failure to receive or maintain accreditation by any

office of juvenile justice school.

7. Changes the start date for publication of specialized office of juvenile justice school report cards and performance scores.
8. Changes deadline for recommendations sent by the mutual accountability team to BESE for a policy governing education assessment of student in office of juvenile justice schools.
9. Changes due date and criteria to be considered by the mutual accountability team when making its recommendations for a computerized student information system.
10. Removes provisions granting a cause of action to enjoin DOE or DPSC for failure to comply with applicable provisions.