

2016 Regular Session

SENATE BILL NO. 303

BY SENATOR MORRELL

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

1 AN ACT

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

9 Be it enacted by the Legislature of Louisiana:

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

12 Art. 908. Care and treatment by department

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

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

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

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

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

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

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Section 3. The introductory paragraph of R.S. 17:3911(B)(1) and (3), (C)(2), and

1 3912(A) are hereby amended and reenacted, and R.S. 17:10.9 and 100.1(D) are hereby
2 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 Public Safety and**
9 **Corrections, youth services, office of 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 for youth services.**

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

28 **(4) One person representing the interests of students and families,**
29 **designated by the executive director of the Louisiana Advocacy Center.**

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

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

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

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

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

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

29 **(i) The mutual accountability team shall recommend a uniform**

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

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

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

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

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

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

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

27 (2) A program of regular, in-person monitoring of office of juvenile
28 justice schools on no less than an annual basis. The mutual accountability team
29 shall study and recommend to the State Board of Elementary and Secondary

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

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

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

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

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

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

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

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

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

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

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

1 consider the mutual accountability team's recommendations in promulgating
2 into law a policy that may include but not be limited to the considerations
3 provided in this Subsection.

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

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

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

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

27 I. Notwithstanding any provision of law to the contrary, the office of
28 juvenile justice shall be considered a parish school board for purposes of
29 development and submission of pupil progression plans pursuant to R.S.

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§100.1. Alternative educational programs; certain adjudicated students; students in the custody of the office of juvenile justice; funding; authority of the local school board to contract; inclusion in minimum foundation program; funding formula

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D. It is the intent of the legislature that the expenditure of Minimum Foundation Program funds and other state and federal funds for youth in office of juvenile justice schools be subject to the same oversight and accountability as other city, parish, and local public school boards.

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§3911. Data collection system; establishment

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B.(1) The data collection system shall provide for but shall not be limited to the regular collection of the following information on a per school basis, **including schools and educational programs located within secure care facilities under the jurisdiction of the Department of Public Safety and Corrections, office of juvenile justice:**

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(3) Each city and parish school board shall ensure that all schools under its jurisdiction accurately report student discipline information, including referrals by teachers for serious disciplinary offenses, using the uniform reporting form developed by the State Board of Elementary and Secondary Education in accordance with the provisions of R.S. 17:416(A)(4)(a)(iii). Each board shall have school-level summaries of the reported student discipline information prepared for its use and shall formally review and analyze the summary information on a regular basis. Upon request by the state Department of Education, the student discipline information required by this Paragraph also shall be collected as part of the data collection

1 system provided for by this Section. **The provisions of this Paragraph shall apply**
 2 **to schools and educational programs located within secure care facilities under**
 3 **the jurisdiction of the Department of Public Safety and Corrections, office of**
 4 **juvenile justice.**

5 C. The department shall:

6 * * *

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

10 * * *

11 §3912. Progress profiles; preparation; distribution

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

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Section 4. This Act shall become effective on August 1, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on August 1, 2016, or on the day following such approval by the legislature, whichever is later.

The original instrument was prepared by Cheryl M. Serrett. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain Waldrop.

DIGEST

SB 303 Re-Reengrossed

2016 Regular Session

Morrell

Present law provides DPSC sole authority over the placement, care, treatment, or other considerations necessary for children judicially committed to DPSC.

Proposed law clarifies that the authority is with the office of juvenile justice within DPSC and makes an exception for educational services as provided in proposed law.

Proposed law adds "office of juvenile justice schools" to the state and district accountability program and all programs providing educational services to students in secure care of DPSC.

Proposed law requires, not later than July 1, 2016, BESE to convene a mutual accountability team to draft and propose to BESE a specialized accountability program for office of juvenile justice schools.

Proposed law requires the mutual accountability team to have recommendations on the accountability program to BESE no later than March 1, 2017.

Proposed law provides the membership of the mutual accountability team shall consist of:

- (1) One member of the School and District Accountability Commission
- (2) One person designated by the deputy secretary of the office of juvenile justice.
- (3) One person who is an expert on education in custodial settings, designated by the chairperson of the Juvenile Justice Reform Act Implementation Commission, after consultation with the Council of State Governments.
- (4) One person representing the interests of students and families, designated by the executive director of the Louisiana Advocacy Center.
- (5) One person who is an expert in alternative education in community settings, designated by the director of the Institute for Public Health and Justice at Louisiana State University.

Proposed law requires BESE to adopt rules establishing a specialized accountability program to office of juvenile justice schools no later than March 1, 2017. The specialized accountability program must include:

- (1) A specialized school report card for office of juvenile justice schools.
- (2) A program of regular, in-person monitoring of office of juvenile justice schools on 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), and R.S. 17:3911(B)(1)(intro para) 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.

Senate Floor Amendments to engrossed bill

1. Makes Legislative Bureau technical changes.