

2016 Regular Session

SENATE BILL NO. 303

BY SENATOR MORRELL

EDUCATION ACCOUNTABILITY. Enacts the Educational Accountability and Rehabilitation Act of 2016. (8/1/16)

1 AN ACT

2 To amend and reenact Children's Code Article 908, R.S. 15:905(A), (B), and (C), and R.S.
3 17:24.4(A)(3) and (G)(1), 3911(B)(1) and (3) and (C)(2), and 3912 (A), and to enact
4 R.S. 17:10.9, 100.1(D) and 3911(E), 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 provide for injunctive relief; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Article 908 is hereby amended and reenacted to read as
10 follows:

11 Art. 908. Care and treatment by department

12 A. Except as provided in Article 906 **and except as otherwise provided in**
13 **laws and rules concerning oversight, accountability, and quality control of**
14 **educational services delivered in state juvenile justice facilities**, the Department
15 of Public Safety and Corrections, **office of juvenile justice**, shall have sole authority
16 over the placement, care, treatment, or any other considerations deemed necessary
17 from the resources that are available for children judicially committed to the

1 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. 17:24.4(A)(3) and (G)(1), 3911(B)(1) and (3), (C)(2), and 17:3912
2 (A) are hereby amended and reenacted, and R.S. 17:10.9, 100.1(D), and 3911(E) are hereby
3 enacted to read as follows:

4 **§10.9. Accountability; office of juvenile justice schools**

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

10 **B. With the provisions, exceptions, and qualifications noted in this**
11 **Section, the state school and district accountability program shall apply to office**
12 **of juvenile justice schools.**

13 **C. The Board of Elementary and Secondary Education, by July 1, 2016,**
14 **shall convene a mutual accountability team charged with drafting and**
15 **proposing to the board a specialized accountability program for schools and**
16 **programs providing educational services to students in secure care facilities**
17 **operated by the Department of Corrections, office of juvenile justice. The**
18 **mutual accountability team shall consist of:**

19 **(1) One person designated by the state superintendent of education.**

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

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

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

28 **(5) One person who is an expert in alternative education in community**
29 **settings, designated by the director of the Institute for Public Health and Justice**

1 at Louisiana State University.

2 D. The Board of Elementary and Secondary Education shall, by March
3 1, 2017, adopt rules in accordance with the Administrative Procedure Act to
4 establish a specialized accountability program for education in secure care that
5 shall be proposed by the mutual accountability team. The specialized
6 accountability program shall supplant all conflicting rules and regulations with
7 respect to educational programs provided in state juvenile justice facilities, and
8 shall include:

9 (1) Development of a specialized school performance score calculation
10 system, school letter-grading system, and school report card for use in assessing
11 student achievement in office of juvenile justice schools. The specialized school
12 report cards may include those measures currently required by state law, but
13 must articulate criteria uniquely tailored to measuring progress of students in
14 office of juvenile justice schools and the performance of those schools, including
15 a definition of "academically unacceptable school" status that is tailored to the
16 context of office of juvenile justice schools. These criteria shall include, but need
17 not be limited to:

18 (a) Student growth in reading and math as measured through the
19 appropriate assessment instrument. The assessment instrument shall be
20 administered to all students at office of juvenile justice schools at entry and
21 prior to their release. The mutual accountability team shall select the
22 assessment instrument; establish benchmark standards around participation;
23 and establish student growth targets. This instrument shall be used by the office
24 of juvenile justice and the state Department of Education for purposes of
25 reporting required for Title 1, Part D funds.

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

1 **(c) Modified graduation rates and equivalency degree passage rates.**

2 **(i) The mutual accountability team shall develop a uniform assessment**
3 **protocol for identifying students entering office of juvenile justice schools who**
4 **have a meaningful opportunity to graduate from high school with a diploma**
5 **while in the care of the office of juvenile justice. For these students, the team**
6 **shall establish a benchmark graduation rate against which student and school**
7 **progress can be measured.**

8 **(ii) The mutual accountability team shall develop a uniform assessment**
9 **protocol to assess the readiness of appropriate students for participating in and**
10 **passing a high school equivalency test. For students who demonstrate readiness,**
11 **the team shall establish a benchmark passage rate against which student and**
12 **school progress can be measured.**

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

15 **(e) Percentage of students enrolled in traditional diploma-granting**
16 **programs, JumpStart diploma-granting programs, high school equivalency**
17 **degree programs, and postsecondary education programs.**

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

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

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

26 **(i) Annual monitoring visit scores to office of juvenile justice schools, as**
27 **provided in Paragraph (2) of this Subsection.**

28 **(2) The development of a school monitoring tool and a process and**
29 **protocol for annual monitoring visits to office of juvenile justice schools. Scores**

1 from annual monitoring visits shall be included in office of juvenile justice
2 school report cards.

3 (3) The development of a set of supports, interventions, and remedies to
4 be implemented when an office of juvenile justice school is deemed to be
5 academically unacceptable based on the specialized performance system
6 mandated in this Section. The intensiveness of the interventions and remedies
7 developed must escalate for every year that a school is deemed to be in
8 academically unacceptable status, and must include the following:

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

11 (b) Mandating, at a minimum, the production by the Department of
12 Education of annual written reports detailing any supports, interventions, and
13 remedies implemented when any office of juvenile justice school is deemed
14 academically unacceptable. Such reports shall be presented in person at least
15 annually to the Juvenile Justice Reform Act Implementation Commission; must
16 be provided to the chairs of the education committees of the Louisiana Senate
17 and the Louisiana House of Representatives; and must be made available on the
18 websites of both the Department of Education and the office of juvenile justice.

19 (c) Mandating the implementation of appropriate interventions and
20 remedies if any office of juvenile justice school fails to apply for, receive, or
21 maintain accreditation as required by Subsection G of this Section.
22 Notwithstanding any other interventions and remedies imposed, in the event of
23 such a failure, the office of juvenile justice and the Department of Education
24 shall submit to the Juvenile Justice Reform Act Implementation Commission
25 and the chairs of the education committees of the Louisiana Senate and House
26 of Representatives, and shall make available on the websites of both agencies,
27 a detailed, written plan for ensuring that the school receives accreditation
28 according to a timeline to be established by the mutual accountability team.

29 E. The specialized office of juvenile justice school report cards and

1 performance scores mandated and developed under Subsection D of this
2 Section, shall be annually assembled and calculated by the Department of
3 Education. Beginning no later than August 1, 2017, these report cards and
4 performance scores shall be published annually and maintained throughout the
5 year on the websites of the Department of Education and the office of juvenile
6 justice. Additionally, the Department of Education and the office of juvenile
7 justice shall jointly prepare an annual written report on educational progress
8 and quality in office of juvenile justice schools, a copy of which shall be made
9 available on the website of both agencies, and shall jointly appear before the
10 Juvenile Justice Reform Act Implementation Commission to present the report.

11 F. By January 1, 2017, the mutual accountability team shall develop a
12 timeline, with a final deadline not to exceed three years from the date of the
13 passage of this Act, pursuant to which the office of juvenile justice shall apply
14 for, receive, and maintain accreditation for each office of juvenile justice schools
15 from an independent regional education accrediting commission, such as the
16 Southern Association of Colleges and Schools. The requirements of this
17 subjection cannot be fulfilled through accreditation by any association of
18 corrections professionals, such as the American Correctional Association.
19 Failure by any office of juvenile justice school to receive such accreditation
20 within three years of the passage of this Act, or failure by the school thereafter
21 to maintain such accreditation, shall immediately trigger the applicability of
22 interventions and remedies developed pursuant to this Section.

23 G. By July 1, 2017, the mutual accountability team shall develop, and the
24 Board of Elementary and Secondary Education shall promulgate into law
25 through its rulemaking powers, a policy governing educational assessment and
26 counseling of students in office of juvenile justice schools. The policy shall
27 include, but need not be limited to:

28 (a) Provisions for ensuring that students are appropriately assigned to
29 educational programs and schools including traditional high school diploma

1 programs, JumpStart diploma programs, and high school equivalency degree
2 programs.

3 (b) Provisions for ensuring that no student under the age of seventeen
4 can be removed from a diploma-granting program absent signed approval by
5 the student's guardian.

6 (c) Provisions for ensuring that the expressed interests of students and
7 their parents are taken into account in assigning youth to, and transferring
8 youth among, educational programs and schools.

9 H. By July 1, 2017, the mutual accountability team shall develop, and the
10 Board of Elementary and Secondary Education shall promulgate rules
11 establishing a policy mandating which records, information, documents, and
12 other documentation that must be maintained within the cumulative file of any
13 student in an office of juvenile justice school. The policy shall also articulate
14 expectations for the expedient development of cumulative student files upon a
15 student's entry into office of juvenile justice custody, and for expedient transfer
16 of cumulative student files among programs and schools as students transition
17 out of office of juvenile justice schools.

18 I. Within one hundred and twenty days of the passage this Act, the
19 mutual accountability team shall select a comprehensive computerized student
20 information system for use in collecting, storing, and reporting data in office of
21 juvenile justice schools. The mutual accountability team shall ensure the
22 implementation and deployment of the student information system in all office
23 of juvenile justice schools by January 1, 2017. The student information system
24 must be compliant with all existing laws and Board of Elementary and
25 Secondary Education regulations and policies concerning data systems. In
26 selecting the student information system, the mutual accountability team shall
27 consider:

28 (1) Student information systems that are widely used by Louisiana school
29 districts and the state Department of Education;

1 which shall be based on student performance on the Louisiana Educational
2 Assessment Program with goals and objectives which are compatible with the
3 Louisiana Competency-Based Education Program and which supplements the
4 minimum standards approved by the State Board of Elementary and Secondary
5 Education. A pupil progression plan shall require the student's mastery of
6 grade-appropriate skills before he or she can be recommended for promotion.

7 * * *

8 G.(1)(a) Each city and parish school board shall appoint a committee which
9 shall be representative of the parents of the school district under the authority of such
10 school board. Each committee shall participate and have input in the development
11 of the pupil progression plans provided for in this Section. Each parish or city school
12 board shall develop and submit to the state Department of Education for approval by
13 the State Board of Elementary and Secondary Education a pupil progression plan
14 which shall be in accordance with the requirements of this Section and be based upon
15 student achievement, performance, and proficiency on tests required by this Section.
16 Beginning with the 1998-1999 school year and thereafter, approval by the State
17 Board of Elementary and Secondary Education shall not be required for a pupil
18 progression plan.

19 **(b) The Department of Public Safety and Corrections, office of juvenile**
20 **justice, shall develop a pupil progression plan for schools under its jurisdiction**
21 **in accordance with this Subsection and BESE rules and regulations, and shall**
22 **publish such plan on its website.**

23 * * *

24 §100.1. Alternative educational programs; certain adjudicated students; students in
25 the custody of the office of juvenile justice; funding; authority of the
26 local school board to contract; inclusion in minimum foundation
27 program; funding formula

28 * * *

29 **D. It is the intent of the legislature that the expenditure of Minimum**

1 information currently collected at the state level.

2 * * *

3 **E. Notwithstanding any law to the contrary, beginning January 1, 2017,**
4 **any citizen of majority age shall have a cause of action to enjoin the activities**
5 **of the Department of Education and the Department of Public Safety and**
6 **Corrections, office of juvenile justice, for the failure of either or both to comply**
7 **with this Section.**

8 * * *

9 §3912. Progress profiles; preparation; distribution

10 A. Using, at a minimum, the data required to be collected pursuant to R.S.
11 17:3911(B), the department shall annually prepare and produce a state-level progress
12 profile, a district-level progress profile for each public school system, and a
13 school-level progress profile for each public school. Each profile shall be produced
14 in a format common to all of them which shall be designed by the department so as
15 to provide to school-based users all pertinent information in a readily usable form
16 and to provide to the public all pertinent information in a clear and understandable
17 form. The state-level and each district-level profile shall contain the last three years
18 of trend information as required by R.S. 17:10.2(C). Each school profile shall contain
19 all of the information relevant to the school as required to be collected pursuant to
20 R.S. 17:3911(B) as well as the same information for the school system as a whole
21 and the state. In addition, a parent-level progress profile shall be prepared containing,
22 at a minimum, results from required state tests and other relevant information used
23 to compute a school's performance score as part of the district and school
24 accountability program. **For the purposes of this Section, the Department of**
25 **Public Safety and Corrections, office of juvenile justice, shall be considered a**
26 **"school district", and each secure facility operated by the Department of Public**
27 **Safety and Corrections, office of juvenile justice, shall be considered a "school".**

28 * * *

29 Section 4. This Act shall become effective on August 1, 2016; if vetoed by the

