

SENATE BILL NO. 303

BY SENATOR MORRELL AND REPRESENTATIVES BAGNERIS AND MARCELLE

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.

18 \* \* \*

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

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

23 A. ~~The~~ **Except as otherwise provided in laws and rules concerning**  
24 **oversight, accountability, and quality control of educational services delivered**  
25 **in state juvenile justice facilities**, the Department of Public Safety and Corrections,  
26 office of juvenile justice, shall have full control of all juvenile institutions, facilities,  
27 and programs under its administration and the affairs of such institutions, facilities,

1 and programs and shall adopt all rules and regulations which it deems essential to the  
 2 proper conduct of these institutions, facilities, and programs. All children in these  
 3 juvenile institutions, facilities, and programs shall receive appropriate treatment,  
 4 training, and education commensurate with their needs and abilities. The department  
 5 may enter into contracts or cooperative agreements to fulfill its obligations to  
 6 accomplish its goals in the most efficient manner possible.

7 B. 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 deputy secretary for youth services shall  
 10 establish all rules and regulations for the placement, care, and treatment of a juvenile  
 11 in the custody of the office of juvenile justice.

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

18 \* \* \*

19 Section 3. The introductory paragraph of R.S. 17:3911(B)(1) and (3), (C)(2), and  
 20 3912(A) are hereby amended and reenacted, and R.S. 17:10.9 and 100.1(D) are hereby  
 21 enacted to read as follows:

22 **§10.9. Accountability; office of juvenile justice schools**

23 **A. The state school and district accountability program shall include all**  
 24 **office of juvenile justice schools. For the purposes of this Section, "office of**  
 25 **juvenile justice schools" shall mean all schools and programs providing**  
 26 **educational services to students in secure care facilities operated by, or**  
 27 **contracted under, the authority of the Department of Public Safety and**  
 28 **Corrections, youth services, office of juvenile justice.**

29 **B. Not later than July 1, 2016, the State Board of Elementary and**  
 30 **Secondary Education shall convene a mutual accountability team as an ad hoc**

1 subcommittee of the School and District Accountability Commission. No later  
2 than March 1, 2017, the mutual accountability team shall recommend to the  
3 board a specialized accountability program for the office of juvenile justice  
4 schools. The specialized accountability program for office of juvenile justice  
5 schools shall be consistent with the accountability program mandated for all  
6 schools in Louisiana and contain appropriate considerations for schools in  
7 secure juvenile justice facilities. The mutual accountability team shall consist  
8 of:

9 (1) One member of the School and District Accountability Commission  
10 to be designated by the chair of the commission. This member shall serve as  
11 chair of the mutual accountability team.

12 (2) One person designated by the deputy secretary for youth services.

13 (3) One person who is an expert on education in custodial settings,  
14 designated by the chairperson of the Juvenile Justice Reform Act  
15 Implementation Commission, after consultation with the Council of State  
16 Governments.

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

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

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

27 (1) A specialized school report card for use in assessment of student  
28 achievement in office of juvenile justice schools. The report cards shall be  
29 consistent with other accountability systems as required by law and must  
30 articulate additional criteria tailored to measuring the progress of students in

1 office of juvenile justice schools and the performance of those schools. In  
2 articulating these criteria, the mutual accountability team and the State Board  
3 of Elementary and Secondary Education shall consider but are not limited to:

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

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

15 (c) Modified graduation rates and recognized high school equivalent  
16 passage rates.

17 (i) The mutual accountability team shall recommend a uniform  
18 assessment protocol for identifying students entering office of juvenile justice  
19 schools with a high likelihood of graduating from high school while in the care  
20 of the office of juvenile justice. For these students, the team shall recommend  
21 a benchmark graduation rate metric against which student and school progress  
22 can be measured.

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

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

30 (e) The percentage of students pursuing a high school diploma; an

1 industry-based certification approved by the State Board of Elementary and  
2 Secondary Education; a recognized high school diploma equivalent; credits for  
3 advanced courses, including but not limited to advanced placement courses and  
4 courses in which students are dually enrolled in postsecondary education  
5 institutions; and postsecondary education programs.

6 (f) Performance in educating youth with exceptionalities, including  
7 identifying special education needs, developing best-practices Individualized  
8 Education Programs, and providing services and supports mandated by  
9 Individualized Education Programs.

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

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

14 (2) A program of regular, in-person monitoring of office of juvenile  
15 justice schools on no less than an annual basis. The mutual accountability team  
16 shall study and recommend to the State Board of Elementary and Secondary  
17 Education the monitoring program, which may include but not be limited to  
18 external accreditation and monitoring visits by teams of experts in special  
19 education and correctional education. The program shall be implemented no  
20 later than July 1, 2017.

21 (3) A set of supports, interventions, and remedies to be implemented  
22 when an office of juvenile justice school is deemed to be academically  
23 unacceptable and a definition of "academically unacceptable status" that is  
24 appropriate for the office of juvenile justice schools. The intensiveness of the  
25 interventions and remedies developed must escalate for every year that a school  
26 is deemed to be in academically unacceptable status, and must include the  
27 following:

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

1           **(b) Mandating, at a minimum, the production by the state Department**  
2           **of Education of annual written reports detailing any supports, interventions,**  
3           **and remedies implemented when any office of juvenile justice school is deemed**  
4           **academically unacceptable. Such reports shall be presented annually to the**  
5           **Juvenile Justice Reform Act Implementation Commission and the chairs of the**  
6           **Senate Committee on Education and the House Committee on Education and**  
7           **be available on the websites of the state Department of Education and the office**  
8           **of juvenile justice.**

9           **D. The specialized office of juvenile justice school report cards developed**  
10           **pursuant to Subsection C of this Section shall be assembled and calculated by**  
11           **the state Department of Education annually. With the results of the 2017-2018**  
12           **school year, the report cards and performance scores shall be published**  
13           **annually on the websites of the state Department of Education and the office of**  
14           **juvenile justice. Additionally, the state Department of Education and the office**  
15           **of juvenile justice shall jointly prepare an annual written report on educational**  
16           **progress and quality in office of juvenile justice schools, a copy of which shall**  
17           **be made available on the websites of both agencies, and shall jointly appear**  
18           **before the Juvenile Justice Reform Act Implementation Commission to present**  
19           **the report.**

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

25           **(1) Provisions for ensuring that students are appropriately assigned to**  
26           **educational programs and schools including high school diploma programs,**  
27           **industry-based certifications approved by the State Board of Elementary and**  
28           **Secondary Education, and recognized high school diploma equivalent**  
29           **programs.**

30           **(2) Provisions for ensuring that the student's parents or legal guardians**

1 are consulted and consent to a student's being removed from a program leading  
2 to a high school diploma as part of a student's individual learning plan.

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

6 F. Not later than July 1, 2017, the mutual accountability team shall  
7 recommend to the State Board of Elementary and Secondary Education a policy  
8 mandating which records, information, and other documentation that must be  
9 maintained within the cumulative file of any student in an office of juvenile  
10 justice school. The policy shall also articulate expectations for the expedient  
11 development of cumulative student files upon a student's entry into office of  
12 juvenile justice custody, and for expedient transfer of cumulative student files  
13 among programs and schools as students transition out of office of juvenile  
14 justice schools. The State Board of Elementary and Secondary Education shall  
15 consider the mutual accountability team's recommendations in promulgating  
16 into law a policy that may include but not be limited to the considerations  
17 provided in this Subsection.

18 G. Not later than December 1, 2016, the mutual accountability team shall  
19 recommend the capabilities, functions, and other selection criteria for a  
20 comprehensive computerized student information system to be used in  
21 collecting, storing, and reporting data in office of juvenile justice schools. The  
22 office of juvenile justice shall ensure the implementation and deployment of the  
23 student information system in all office of juvenile justice schools no later than  
24 July 1, 2017. The student information system must meet all specifications  
25 articulated by the Louisiana Department of Education, the State Board of  
26 Elementary and Secondary Education, and the office of technology services of  
27 the division of administration. In recommending the capabilities of the student  
28 information system, the mutual accountability team shall consider the  
29 following:

30 (1) Student information systems with the capability to communicate and

1 share data with the office of juvenile justice case management software, local  
2 school districts, and the state Department of Education.

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

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

11 I. Notwithstanding any provision of law to the contrary, the office of  
12 juvenile justice shall be considered a parish school board for purposes of  
13 development and submission of pupil progression plans pursuant to R.S.  
14 17:24.4.

15 \* \* \*

16 §100.1. Alternative educational programs; certain adjudicated students; students in  
17 the custody of the office of juvenile justice; funding; authority of the  
18 local school board to contract; inclusion in minimum foundation  
19 program; funding formula

20 \* \* \*

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

25 \* \* \*

26 §3911. Data collection system; establishment

27 \* \* \*

28 B.(1) The data collection system shall provide for but shall not be limited to  
29 the regular collection of the following information on a per school basis, including  
30 schools and educational programs located within secure care facilities under the

1 jurisdiction of the Department of Public Safety and Corrections, office of  
2 juvenile justice:

3 \* \* \*

4 (3) Each city and parish school board shall ensure that all schools under its  
5 jurisdiction accurately report student discipline information, including referrals by  
6 teachers for serious disciplinary offenses, using the uniform reporting form  
7 developed by the State Board of Elementary and Secondary Education in accordance  
8 with the provisions of R.S. 17:416(A)(4)(a)(iii). Each board shall have school-level  
9 summaries of the reported student discipline information prepared for its use and  
10 shall formally review and analyze the summary information on a regular basis. Upon  
11 request by the state Department of Education, the student discipline information  
12 required by this Paragraph also shall be collected as part of the data collection  
13 system provided for by this Section. The provisions of this Paragraph shall apply  
14 to schools and educational programs located within secure care facilities under  
15 the jurisdiction of the Department of Public Safety and Corrections, office of  
16 juvenile justice.

17 C. The department shall:

18 \* \* \*

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

22 \* \* \*

23 §3912. Progress profiles; preparation; distribution

24 A. Using, at a minimum, the data required to be collected pursuant to R.S.  
25 17:3911(B), the department shall annually prepare and produce a state-level progress  
26 profile, a district-level progress profile for each public school system, and a  
27 school-level progress profile for each public school. Each profile shall be produced  
28 in a format common to all of them which shall be designed by the department so as  
29 to provide to school-based users all pertinent information in a readily usable form  
30 and to provide to the public all pertinent information in a clear and understandable

1 form. The state-level and each district-level profile shall contain the last three years  
 2 of trend information as required by R.S. 17:10.2 ~~(C)~~(A). Each school profile shall  
 3 contain all of the information relevant to the school as required to be collected  
 4 pursuant to R.S. 17:3911(B) as well as the same information for the school system  
 5 as a whole and the state. In addition, a parent-level progress profile shall be prepared  
 6 containing, at a minimum, results from required state tests and other relevant  
 7 information used to compute a school's performance score as part of the district and  
 8 school accountability program. **For the purposes of this Section, the Department**  
 9 **of Public Safety and Corrections, office of juvenile justice, shall be considered**  
 10 **a school district, and each secure facility operated by the Department of Public**  
 11 **Safety and Corrections, office of juvenile justice, shall be considered a school.**

\* \* \*

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_