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Committee on Education Pre-K - 12

DELIVERY OF EDUCATIONAL SERVICES IN THE DEPARTMENT OF JUVENILE JUSTICE FACILITIES

Issue Description

The Florida Department of Juvenile Justice (DJJ) oversees adjudicated youth in residential, day treatment, and prevention programs throughout the state. DJJ administers services primarily through contracted providers, with a focus on mental health, substance abuse, restitution, and successful re-entry into the youth's home community.

Florida law requires district school boards to provide educational services for adjudicated youth within DJJ facilities commensurate with services provided to students in traditional educational settings.¹ The school district provides the educational services or contracts with a private provider to provide the services.

Historically, the DJJ and the DOE have relied on education quality assurance measures focused on inputs for students in DJJ facilities, rather than student outcomes achieved before and after release. Consequently, the taxpayer is not assured that his or her taxes are being spent wisely.

In an effort to promote increased student success and program accountability for educational services in DJJ programs, a Juvenile Justice Education Workgroup (Workgroup) was established under the leadership of the Chair of the Senate Committee on Education Pre-K - 12. The Workgroup reviewed current practices, recommended improved accountability measures for program outcomes, and addressed successful re-entry of DJJ youth into the community. The Workgroup established basic agreement on successful educational and workforce outcomes—attainment of Industry Certifications, dual enrollment credits, continuing education, job placement, and self-employment. Additionally, the Workgroup agreed that workforce-related programs for DJJ youth must be based on occupational areas of high demand with support from business and industry.

Background

The Youth to Adult Prison Pipeline

Research conducted by the Florida TaxWatch Center for Smart Justice (CSJ)² suggests that, not only does Florida incarcerate too many children, but children in residential facilities stay too long.³ Their research also suggests that the \$240 million the state spends on residential facilities each year is not making Florida safer, but instead more vulnerable. Residential facilities have higher recidivism rates than community-based alternatives, and repeated studies have proven that institutional programs make low-risk children more likely to re-offend.⁴ The CSJ reports

¹ s. 1003.52(10), F.S.

² The Florida TaxWatch Center for Smart Justice was established in 2010 as a statewide research organization to ensure statewide justice reform through proven, cost-effective measures. The center is led by a board of civic and business leaders from across the state. See www.floridataxwatch.org/centers/CSJ/aboutsmartjustice.php.

³ See <http://www.floridataxwatch.org/centers/CSJ/journals.php>, Journal 11 (April 22, 2011.) The average length of stay increased by 30 percent from 2000 to 2008, a trend that cost the state nearly \$20 million last year.

⁴ The Juvenile Justice Blueprint Commission found that youth who are kept in programs for prolonged lengths of time after treatment goals are achieved often begin to deteriorate and may be more likely to re-offend once release is finally achieved. See the *Report of the Blueprint Commission: Getting Smart About Juvenile Justice*, available at:

that with an adult prison population of over 100,000 costing taxpayers \$2.4 billion annually, the state can no longer afford policy choices that have led to out of control growth without making communities any safer or offenders more accountable.⁵

One report states that more than 2,500 children were admitted to DJJ residential facilities for misdemeanors or violations of probation in FY2008-09.⁶ If Florida barred the commitment of misdemeanants to state custody, DJJ would have reduced admissions by 1,273, or 21 percent during that period, which could have saved approximately \$30 million. The CSJ believes that Florida must continue to incarcerate youth who pose serious risks to public safety; however, detention and incarceration of young people should be an option of last resort.⁷ For those youth who are committed, it is essential to provide educational and workforce-related educational services that create opportunities for meaningful employment and a return on investment to the taxpayer. Given the significant hurdles these students will face in obtaining gainful employment, accountability for critical student performance outcomes should be addressed.⁸

Florida's Civil Citations

Of the youth adjudicated during 2008-09, 71 percent of admissions to DJJ institutions were for nonviolent behavior; more than 44 percent of youth were admitted for probation violations or misdemeanors, at a cost of approximately \$66 million; and more than 1,100 children admitted had never committed a felony, costing the state as much as \$40 million annually.⁹

According to the Secretary of the Department of Juvenile Justice, while Florida must continue to incarcerate youth who pose serious risks to public safety, detention and incarceration should be an option of last resort.¹⁰ Civil citation programs, offered locally in certain communities around the state, require juveniles who have committed minor delinquent acts to complete community service hours and participate in intervention programs (as appropriately assessed), as an alternative to being processed into the juvenile justice system, which includes the creation of an arrest record.¹¹ The civil citation process was initially established statutorily “for the purpose of providing an efficient and innovative alternative to custody by the Department of Juvenile Justice (DJJ) of children who commit non-serious delinquent acts and to ensure swift and appropriate consequences.”¹² Typically, the issuance of a civil citation is not available to those who have previously been directly involved with the juvenile justice system.

<http://www.djj.state.fl.us/blueprint/index.html>.

⁵ www.floridataxwatch.org/resources/pdf/20101201GCSTFChapter2.pdf.

⁶ Chapter 2: Report and Recommendations of the Florida TaxWatch Government Cost Savings Task Force on Criminal and Juvenile Justice Reform for Fiscal Year 2011-12, (December 2010.) See Recommendation 21, available at: www.floridataxwatch.org/resources/pdf/20101201GCSTFChapter2.pdf.

⁷ *Fiscal Responsibility: The Key to a Safer, Smarter, and Stronger Juvenile Justice System*, Florida Center for Smart Justice, December 2010, available at: <http://www.splcenter.org/get-informed/publications/fiscal-responsibility-the-key-to-a-safer-smarter-and-stronger-juvenile-justice-system>.

⁸ Approximately 15 percent of DJJ students exhibited learning gains in mathematics and reading during FY 2009-2010. Eighty-five percent failed to read on grade level and 78 percent scored below grade level on mathematics. See page 4, www.fldoe.org/ese/pdf/jj_annual.pdf.

⁹ Southern Poverty Law Center, *Opportunities to Strengthen Florida's Juvenile Justice System*, (September 17, 2010.) On file with the committee.

¹⁰ DJJ Secretary Wansley Walters, in an address to the Senate Workgroup on Juvenile Justice Education, (June 29, 2011.)

¹¹ Florida TaxWatch and Southern Poverty Law Center, *Fiscal Responsibility: The Key to a Safer, Smarter, and Stronger Juvenile Justice System*, December 2010; available at: <http://www.splcenter.org/get-informed/publications/fiscal-responsibility-the-key-to-a-safer-smarter-and-stronger-juvenile-justice-system>; www.floridataxwatch.org/resources/pdf/12222010FiscalResponsibility.pdf.

¹² Section 985.12, F.S., authorized, but did not require, local governments to establish civil citation programs. See www.djj.state.fl.us/Communications/pr/2011/Civil-Citation-FAQ.pdf.

Current Provision of Services for Youth in DJJ

DJJ programs provide oversight for approximately 150 residential, day treatment, and prevention programs in 43 counties. The majority of programs are operated under contract by private providers for services such as mental health, substance abuse treatment, plans for restitution, and transition services so that youth successfully re-enter their home communities.

Section 985.441, F.S., directs juvenile courts to commit adjudicated youth to a program based on the nature of the offense, security concerns, and treatment needs. Within the risk level chosen by the juvenile court, DJJ personnel choose a specific program to best meet the treatment and security needs of the youth. Specialty treatments include: mental health, substance abuse, dual diagnosis, sex offender treatments, and programs for youth with developmental disabilities, all delivered through gender-specific care.¹³

According to statistics provided by the DJJ, the state supported nearly 10,000 youth in residential, day-treatment, and prevention programs during the 2009-10 fiscal year. The length of stay for DJJ youth varies according to the seriousness of the offense.¹⁴ Youth adjudicated to DJJ authority for simple misdemeanors are placed in low-to-medium risk residential or day-treatment programs. Those who commit more serious offenses are assigned to high and-maximum risk facilities for longer periods of time. In an effort to dissuade youth who exhibit at-risk behavior but who have not committed a misdemeanor or felony offense, DJJ supports, through contracts with private providers, prevention programs for youth who have been suspended, expelled, or excessively truant.¹⁵

Educational and Transition Services for Youth in DJJ Programs

Section 1003.52, F.S., establishes educational expectations for DJJ youth in residential and day treatment programs. The Department of Education (DOE) serves as the lead agency for juvenile justice education programs, curriculum, support services, and resources. Although district school boards are responsible for providing educational services to youth in juvenile justice programs, the DOE and DJJ each designate a coordinator for juvenile justice education programs to respond to issues not addressed by district school boards and to coordinate services among DJJ, district school boards, educational contract providers, and juvenile justice providers, whether state-operated or contracted. The DJJ and DOE coordinators are also responsible for reporting the academic performance of students in juvenile justice programs; developing academic and career guidance to district school boards and providers in all aspects of educational programming, including records transfer and transition; and prescribing the roles of program personnel and interdepartmental district school board or provider collaboration strategies.¹⁶

Current law states that education is the single most important factor in the rehabilitation of adjudicated delinquent youth and requires that youth in the juvenile justice system be afforded the opportunity to obtain a high-quality education.¹⁷ Unfortunately, the law is silent with regard to successful student outcomes. Data currently collected on student achievement is based primarily on learning gains in reading and mathematics.¹⁸ Given the significant hurdles these students will face in obtaining gainful employment, student performance should be measured on

¹³ The DJJ uses C-PACT, an actuarial risk and needs assessment instrument to determine placement. Youth are adjudicated to one of four risk-level programs: low, moderate, high, and maximum risk, or day treatment which includes programs that serve youth on probation, conditional release (CR), post-commitment probation (PCP), and minimum-risk non-residential commitment. See <http://www.djj.state.fl.us/pact/index.html>.

¹⁴ Shorter stays range from 3-6 months and youth incarcerated for more egregious offenses may remain for up to 36 months.

¹⁵ Misdemeanor theft was the most common reason for referral to DJJ. During FY 2009-10, there were 16,516 delinquency referrals where the most serious offense was misdemeanor theft. Burglary is the felony offense committed most often by juveniles. During FY 2009-10, there were 11,831 delinquency referrals of which the most serious offense was burglary. See Florida Department of Juvenile Justice's (DJJ) *Comprehensive Accountability Report (CAR) 2009-10*, available at: http://www.djj.state.fl.us/research/CAR/CAR_2010/index.html.

¹⁶ s. 1003.52(1), F.S.

¹⁷ *Id.*

¹⁸ Approximately 15 percent of DJJ students exhibited learning gains in mathematics and reading during FY 2009-2010. Eighty-five percent failed to read on grade level and 78 percent scored below grade level on mathematics. See page 4, www.fldoe.org/ese/pdf/jj_annual.pdf.

student outcomes with respect to continuing education or meaningful employment, rather than simply learning gains.

Several studies have established the importance of providing job training for students in juvenile justice programs, particularly older students, many of whom do not return to traditional schools when they complete their programs.¹⁹ Although the law specifically requires that DJJ youth receive pre-employment vocational training, most juvenile justice students re-enter their home communities without meaningful work-force-related skills.²⁰ According to the Office of Program Policy and Government Accountability (OPPAGA), during the 2008-09 school year, only 14 percent of juvenile justice students age 16 or older were enrolled in job preparatory courses linked to specific occupational skills.²¹

Both state and federal law require that services provided for youth in DJJ programs focus on successful transition and re-entry for youth upon release.²² Federal Title I, Part D provides financial assistance to educational programs for youth that are enrolled in state-operated institutions or community day programs.²³ The program provides financial assistance to support school district programs with a primary focus on the transition and academic needs of students returning from juvenile justice facilities. Under federal law, state education agencies must designate an individual in each facility or institution for neglected or delinquent youth to provide participants with the knowledge and skills to successfully transition to secondary school completion, vocational or technical training, further education, or employment. As these students transition from juvenile programs back to their local schools, they must receive follow-up services needed to continue their education and to meet the same challenging state standards required of all students.²⁴

School districts are allocated federal and state funds based upon enrollment of students being served within these programs and are responsible for providing educational services to adjudicated youth in DJJ facilities located in the school district. Many school districts contract with private providers to deliver educational services.²⁵ Educational services are outlined in district plans submitted to the DOE, based predominantly on practices to increase learning gains in reading and mathematics. Performance measures used for purposes of program accountability rely on learning gains or a provider's ability to successfully manage a contract, with minimal attention to holding programs accountable for a youth's successful transition to continuing education or meaningful employment.

Re-integration into the Community

Effective re-entry practices are critical to curtailing high rates of juvenile recidivism and providing youth with the services and support needed to promote successful reintegration into the community. Re-entry practices differ from transition practices in that transition practices ultimately begin when a youth arrives in a DJJ program; re-entry begins the moment the youth is released.²⁶ Research indicates that most youth who re-offend do so within nine months of release from a juvenile justice program, therefore making successful re-entry practices a critical

¹⁹ *Breaking Schools' Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement*, The Justice Center at the Council of State Governments, available at:

<http://justicecenter.csg.org/resources/juveniles>; See also OPPAGA Reports 10-07 and 10-55, available at: <http://www.oppaga.state.fl.us/ReportsYearList.aspx?yearID=22>.

²⁰ s. 985.618(1)(a), (b)(3), and (5)(a), F.S.

²¹ OPPAGA Report 10-55, available at: <http://www.oppaga.state.fl.us/ReportsYearList.aspx?yearID=22>.

²² See ss. 1003.52(5) and (13)(i); 986.618(4)(b), and the federal guidelines, available at: <http://www.fldoe.org/bsa/title1/partd.asp>.

²³ *Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent or At-Risk*. See <http://www2.ed.gov/programs/titleipartd/index.html>.

²⁴ <http://www.fldoe.org/bsa/title1/partd.asp>.

²⁵ For the 2009-2010 FY, 42 school districts had a cooperative agreement with DJJ to operate educational programs. During that time, the school districts submitted to the DOE for compliance review 58 contracts between school districts and private providers. See page 10, www.fldoe.org/ese/pdf/jj_annual.pdf.

²⁶ www.nationalreentryresourcecenter.org/.../Education_and_the_World_of_Work_FINAL.pdf

component to success.²⁷ Although Florida and federal law require state and local agencies to provide for effective re-entry of youth into the community, accountability measures to ensure successful re-entry are not currently in place.²⁸

Current Accountability Measures for Services in DJJ Programs

Educational Measures

Section 1003.52, F.S., requires the DOE, in consultation with the DJJ, district school boards, and providers, to establish objective and measurable quality assurance standards for the educational component of residential and nonresidential juvenile justice facilities. These standards are used to rate the district school board's performance, both as a provider and contractor. The law also requires the DOE to develop a comprehensive review process to evaluate the educational component in juvenile justice programs.²⁹

Educational programs are assigned quality assurance ratings based on evidence from multiple sources provided during on-site reviews, such as self-report documents,³⁰ files maintained on-site, interviews of educational program and school district administrators, support personnel, teachers, and students, and observation of classrooms, educational activities, and services.³¹

District-provided educational services and subsequent evaluations primarily focus on learning gains in literacy and mathematics, both of which serve as indicators of academic progress. Improvement in learning gains alone does not provide the youth in DJJ facilities with the skills needed to obtain workforce-related success upon release. Concerns associated with a lack of meaningful student outcomes were addressed specifically by OPPAGA, which recommended that youth in DJJ programs be tracked and assessed on outcomes proven to reduce delinquency, i.e., continuing education and meaningful employment.³²

Other Measures

Section 985.632, F.S., mandates that the DJJ evaluate each program under established minimum thresholds of performance for each program component.³³ According to the DJJ, this process ensures that all providers and programs are meeting at least minimum standards of care for youth in their custody.³⁴ The DJJ uses three primary sources to evaluate programs: quality assurance, outcome evaluation, and program accountability measures. The Florida Comprehensive Accountability Report (CAR) is published by the DJJ, Office of Program Accountability.³⁵ The DJJ relies mainly on two indicators, offense during supervision (ODS) and recidivism rates to assess program quality.

Offenses During Service, Supervision or Placement (ODS/ODP)

²⁷ *Critical Intervention Point: Re-Entry*, National Center for Mental Health and Juvenile Justice, available at: <http://www.ncmhjj.com/Blueprint/intervention/reentry.shtml>.

²⁸ ss. 985.618(5)(a) and 1003.52(5), F.S. See also Non-Regulatory Guidance for Title I, Part D: Neglected, Delinquent, and At-Risk Youth, available at: <http://www.neglected-delinquent.org/nd/resources/guidance/intro.asp>; page 1.

²⁹ The DJJ quality assurance site visit and the DOE education quality assurance site visit are conducted during the same visit.

³⁰ Requested self-report information may include teacher certifications and qualifications, courses taught by each teacher, qualifications and duties of all educational support personnel, assessment information, progress monitoring data, program characteristics (i.e., size, location, provider, career education level designated by the DJJ, security level, and age range of students), school names and numbers under which diplomas are reported, course offerings, class schedules, bell schedules, school calendars, curriculum information, fidelity checks, walk-through forms, and annual evaluations of the educational program.

³¹ See *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, 2009-10, Department of Education, available at: www.fldoe.org/ese/pdf/jj_annual.pdf.

³² OPPAGA Report 08-07, available at: <http://www.oppaga.state.fl.us/ReportsYearList.aspx?yearID=22>.

³³ s. 985.632(4)(c), F.S.

³⁴ The DJJ Comprehensive Accountability Report (CAR) Report is a program review of documents (e.g., mental health treatment plans, performance plans, and medication administration records); interviews with staff, youth, parents and others; and on-site observations. The report is available at: www.djj.state.fl.us/research/CAR/CAR_2010/index.html.

³⁵ In 2006, the Department's Outcome Evaluation and Program Accountability Measurement Report were combined into the CAR Report.

When a youth is under DJJ supervision or custody, it is possible for the youth to commit a crime. The number of youth who commit an offense during service (ODS), supervision (ODS), or placement (ODP), is one primary measure used to gauge how effectively a program is monitoring and guiding the behavior of the youth in its care. ODS/ODP is used as an outcome measure for all youth released from a program regardless of their completion status.³⁶

Recidivism Measures

According to the DJJ, there are numerous methods of measuring reoffending, each of which provides important, yet different, information. For purposes of program accountability, the DJJ's official definition of recidivism is based on subsequent juvenile adjudication or adult conviction, including adjudications withheld. According to DJJ, the offense must have occurred within one year of release, as this provides a more reliable measure of subsequent criminal involvement. The DJJ reports that in examining the time it takes for re-offending to occur, a consistent pattern has been observed over the last decade. The data demonstrate that if youth are going to recidivate within the first year, more than half will be rearrested within the first four months following program release. Among committed youth who recidivated in FY 2007-08, the majority (58 percent) were re-arrested by the end of the fourth month and 84 percent were re-arrested by the end of the seventh month.³⁷ While ODS and rate of recidivism are key benchmarks, these indicators do not specifically translate into success for incarcerated youth upon release.

Findings and/or Conclusions

Stopping the Youth to Adult Prison Pipeline

Perhaps the greatest measure of success and return-on-investment is realized when youth are successful and future crime is prevented. Criminologists estimate that steering just one high-risk delinquent teen away from a life of crime saves society \$3 million to \$6 million in reduced victim costs and criminal justice expenses, plus increased wages and tax payments over the young person's lifetime.³⁸

The Florida TaxWatch Center for Smart Justice (CSJ) further reports that "simply by moving closer to its published best practices, DJJ could safely accommodate a \$49 million reduction to its residential budget, close more than 1,000 beds, and re-invest a portion of the savings in cost-effective community-based sanctions that would not just preserve, but enhance, public safety."³⁹ Based on promising reform efforts to more effectively treat large subsets of adjudicated youth in less expensive and less restrictive alternatives to incarceration, the 2011 Florida Legislature enacted a statewide expansion of community-based civil citations, in lieu of juvenile incarceration for certain offenses.⁴⁰

Civil citation programs serve as an alternative to traditional juvenile corrections methods and instead provide consequences for the offending behavior and hold youth accountable through restitution to victims and community service. Youth under community-based civil citations are provided services that target the root causes

³⁶ Youth do not always complete a juvenile justice program. A youth's inability to complete a program may be based upon a new charge, failure to comply with programmatic rules, a transfer, or judicial order.

³⁷ See the DJJ CAR Report, 2008-2009, page 115, available at: [www.djj.state.fl.us/research/...2009/\(2008-09-CAR\)-Executive-Summary.pdf](http://www.djj.state.fl.us/research/...2009/(2008-09-CAR)-Executive-Summary.pdf).

³⁸ The Missouri Model, available at: www.aecf.org/~media/Pubs/.../MOModel/MO_Fullreport_webfinal.pdf. Missouri's current director of adult corrections credits their Department of Youth Services practices with saving the state millions of dollars by reducing the recidivism of juvenile offenders into adult prisons.

³⁹ *Fiscal Responsibility: The Key to a Safer, Smarter, and Stronger Juvenile Justice System*, Florida Center for Smart Justice, December 2010, available at: <http://www.splcenter.org/get-informed/publications/fiscal-responsibility-the-key-to-a-safer-smarter-and-stronger-juvenile-justice-system>.

⁴⁰ Chapter 2011-54, L.O.F., prohibits a court from committing a child adjudicated with any misdemeanor or probation violation. A court may commit such child to a low-risk or moderate-risk residential placement under certain circumstances. This is expected to save \$24.6 million. See Smart Justice Journal, May 18, 2011, available at: www.floridataxwatch.org/resources/pdf/20110306Journal14.pdf.

of the delinquent behavior, such as substance abuse treatment and mental health counseling.⁴¹ Based on a report published in 2010, civil citations (redirection) have saved the state \$51.2 million since its inception. Furthermore, youth served by redirection showed significant reductions in recidivism: the probability of an arrest was 31 percent less for high risk redirection completers; the probability of a violent felony arrest was 15 percent less for redirection completers; and the probability of admission to prison was 35 percent less for redirection completers.⁴² The 2011 legislation expanded the civil citation process to require these programs in all communities.⁴³ Florida's expansion of civil citations is evidence of the importance of community involvement and strategic guidance for these youth.

Supporting Performance Based Outcomes and Return on Investment

According to several studies conducted by OPPAGA, few DJJ educational programs provide workforce-related skills necessary to ensure these students are prepared for meaningful employment upon release.⁴⁴ To further compound the problem, current practices fall short in adequately collecting achievement data and are, therefore, ineffective in advancing student outcomes that lead to academic or employment-related success upon release.⁴⁵ Unfortunately, current law and accompanying accountability practices emphasize processes without requiring outcomes tied to measurable student success. To illustrate the current emphasis on processes versus outcomes, "each student must be individually enrolled, administered a pre- and post-academic assessment, given an individualized academic plan, given a course schedule, given individual instruction, and withdrawn upon exiting the program."⁴⁶ Only half of the youth in DJJ programs had valid pre-and post-assessment results and of those, only 50 percent achieved meaningful growth in math and 55 percent achieved meaningful growth in reading. Of the 23 percent who graduated, approximately half earned a standard diploma.⁴⁷ Additionally, quality assurance standards rely on reviews based on self-reported information and a three-day (on average) on-site visit. The on-site review focuses on processes for providing student services and ensures that state and federal laws regarding juvenile justice education are being implemented appropriately. Reviewers conduct ongoing debriefing conversations with educational personnel regarding preliminary findings, recommendations, and clarifications of any issues related to the review outcome to identify problematic areas and present additional information that may impact their preliminary ratings. To determine quality assurance ratings, reviewers consider the preponderance of evidence from multiple sources, such as self-report documents; files maintained on site; interviews of educational program and school district administrators, support personnel, teachers, and students; and observation of classrooms, educational activities, and services.⁴⁸

According to published reports, older students with significant credit deficits are not likely to complete high school.⁴⁹ For many of these students, employment training is critical to enabling self-sufficiency.⁵⁰ Although current law addresses the goal of successful transition for DJJ youth, current practices are limited to written plans with little accountability for implementation that results in student success. These concerns were specifically addressed by OPPAGA, which stated that "...the statewide multiagency plan is dated and provides inadequate

⁴¹ Civil Citation programs have already saved the state more than \$50 million in the past five years. See www.floridatxwatch.org/resources/.../20110603CivilCitationOnePager.pdf.

⁴² OPPAGA Report 10-38, (April 2010), available at: <http://www.oppaga.state.fl.us/ReportsYearList.aspx?yearID=22>.

⁴³ Chapter 2011-124, L.O.F., requires a civil citation or similar diversion program to be established at the local level.

⁴⁴ OPPAGA Report No. 10-55, *Juvenile Justice Students Face Barriers to High School Graduation and Job Training*, October 2010, available at: <http://www.oppaga.state.fl.us/summary.aspx?reportnum=10-55>.

⁴⁵ Two-thirds of Juvenile Justice (Educational) programs reported no data. Of the one-third that did report data, only half showed valid learning gains. See OPPAGA Report Number 10-07, available at: www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1055rpt.pdf.

⁴⁶ 2009-2010 Comprehensive Accountability Report, page 42, Florida Department of Juvenile Justice. On file with the committee.

⁴⁷ *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, Annual Report 2009-2010, Florida Department of Education. On file with the committee.

⁴⁸ Educational Quality Assurance Standards, 2009-2010, available at: www.criminologycenter.fsu.edu/jjeep/quality-assurance.php.

⁴⁹ *Juvenile Justice Students Face Barriers to High School Graduation and Job Training*, OPPAGA, Report No. 10-55 (October 2010), available at: <http://www.oppaga.state.fl.us/summary.aspx?reportnum=10-55>.

⁵⁰ *Id.*

information for juvenile justice programs and school districts. Furthermore, the plan has several shortcomings. The plan has not been updated since 2007, and it lacks goals and implementation strategies for increasing the percentage of youth receiving occupation-specific job training. Also, the plan addresses only career education issues in residential settings, although students in non-residential facilities would also benefit from inclusion in the plan. State law does not specifically require participation from key stakeholders such as representatives from the business community, industry trade groups, vocational-technical schools, and juvenile justice program providers with vocational programs.”⁵¹

The law requires assessment of DJJ students to determine if reading and mathematics gains have been realized, however there are no consequences for failure to achieve gains. Furthermore, the academic gains, in and of themselves, do not specifically translate to success in the academic or workforce arena upon release. Achievement of learning gains, while commendable, may not provide the prospects necessary, given the serious academic deficits many of them bring to the programs. Programs must offer skills sufficient to provide the impetus for success in continuing education and the workplace. For purposes of measuring student outcomes, continuing education would be defined based on the individual youth. Students of compulsory attendance age, for example, would be expected to continue their education within the secondary school arena--in a supportive environment and an academic area that has meaning to them. Older youth who have attained a partial industry certification would enroll in an educational environment to complete the training, while those having attained full industry certification may wish to enhance those credentials with additional coursework.

Performance-Based Evaluations - Outcomes for Students Leaving DJJ Residential Programs

At the request of the Juvenile Justice Education Workgroup, the DOE Office of Accountability, Research and Measurement (ARM) gathered employment, continuing education, and re-offense data on youth following release from a DJJ program.

The Florida Education and Training Placement Information Program (FETPIP) tracked youth in DJJ residential programs to determine occupational, educational, and subsequent judicial placement in the years following release from the program. To provide context, ARM provided the same outcome information for high school graduates and dropouts. The data shows that youth released from DJJ are returning to school at progressively lower rates over time. In addition, DJJ youth are similar to dropouts in that low percentages enroll in postsecondary education. Youth released from DJJ were also less likely to be employed than dropouts or high school graduates. Finally, DJJ youth, following release, are more likely to be incarcerated as adults than dropouts or high school graduates. Of those who were later incarcerated by Department of Corrections, they were less likely to earn full time equivalent wages after leaving the DJJ program.

	Year Students Left or Graduated 2005-06			Year Students Left Or Graduated 2006-07			Year Students Left or Graduated 2007-08		
	DJJ Leavers	Dropouts	HS Grads	DJJ Leavers	Dropouts	HS Grads	DJJ Leavers	Dropouts	HS Grads
1. Number of students	8,365	30,578	118,528	7,395	25,144	127,258	6,041	19,640	131,128
2. Number and percent who returned to HS or MS at any point following release	4,665 56%	9,845 32%	NA	2430 33%	7,879 31%	NA	634 10%	5,471 28%	NA
3. Number and percentage of DJJ Leavers who received a GED	1,952 23%	NA	NA	1,557 21%	NA	NA	1,288 21%	NA	NA

⁵¹ *Id.* Sections 985.622 and 1003.52, F.S., require the DJJ and DOE to work together to develop a statewide multiagency career plan that establishes the curriculum, goals, and outcome measures for vocational education for youth in juvenile justice facilities. These provisions direct the agencies to align their policies, practices, technical manuals, contracts, quality assurance standards, performance-based budgeting measures, and outcome measures with the multiagency plan. The plan is intended to help coordinate the state’s career education expectations and activities for youth in juvenile justice facilities.

	Year Students Left or Graduated 2005-06			Year Students Left Or Graduated 2006-07			Year Students Left or Graduated 2007-08		
	DJJ Leavers	Dropouts	HS Grads	DJJ Leavers	Dropouts	HS Grads	DJJ Leavers	Dropouts	HS Grads
4. Number and percent who enrolled in Postsecondary ED in the year following their release - continuing education	355 4%	1,751 6%	73,796 62%	390 0%	1,520 6%	80,057 63%	364 6%	1,274 6%	82,741 63%
5. Number and percent who were employed in the year after release	2,185 26%	11,756 38%	68,647 58%	1,502 20%	9,234 37%	69,117 54%	866 14%	5,437 28%	62,890 48%
6. Of those who were employed, number and percent who were employed with full time equivalent wages in the year after their release ⁵²	332 15%	2,797 24%	17,354 25%	231 15%	2,011 22%	15,032 22%	135 16%	1,239 28%	10,613 17%
7. Number and percent who were later incarcerated in a DOC facility (Followed through 2009-10)	1,734 20%	1,119 4%	412 0%	1,197 16%	874 3%	271 0%	600 10%	503 3%	159 0%
8. Of those that were later incarcerated in a DOC facility, the number and percent employed in the year after release with full time equivalent wages ¹	42 2%	46 4%	39 9%	20 2%	16 2%	29 11%	3 0%	2 0%	8 5%

Source: Florida Education and Training Placement Information Program

* Percentages less than .50% are rounded to (whole percentages) 0%.

Efforts in Other States

Staff reviewed juvenile justice reform initiatives in several states.⁵³ Most reform efforts appear to focus on additional processes, such as collaboration efforts among various agencies, without addressing specific program expectations based on measurable, cost-effective student outcomes. However, in Missouri, youth who pose minimal danger to public safety are placed into cost-effective, research- and community-based rehabilitation and youth development programs, similar to services supported through Florida's civil citation reforms. Additionally, Missouri has implemented fundamental changes to practices during and immediately following adjudication to residential and day treatment programs. In lieu of standard-fare correctional supervision, Missouri relies on programs designed to challenge youth, help them make lasting behavioral changes, and prepare them for successful transitions back to the community.

One-fourth of all youth exiting a Missouri Department of Youth Service (DYS) facility after their 16th birthday completed their secondary education. Also, by employing a comprehensive case management system and providing intensive aftercare support (re-entry services), Missouri enabled the vast majority of youth exiting DYS custody in 2008 (85.3 percent) to be engaged in school, college, or employment at the time of discharge.⁵⁴

Promising Initiatives in Select DJJ Programs

Section 1003.491, F.S., requires each district school board to develop, in collaboration with regional workforce boards, economic development agencies, and postsecondary institutions, a strategic five-year plan to address and meet local and regional workforce demands. The five-year plan, in part, must include strategies to implement

⁵² Full-time is determined by the wages equal to or greater than "minimum wages *13 weeks* 40 hours". If the wage amount is equal to or greater than this number, FETPIP considers the individual full-time for the quarter.

⁵³ Reform efforts in the following states were reviewed: Missouri, South Carolina, Texas, Massachusetts, Ohio, California, and Tennessee.

⁵⁴ The Missouri Model is available at: www.aecf.org/~media/Pubs/.../MOModel/MO_Fullreport_webfinal.pdf.

career and professional academy training that leads to industry certification in DJJ facilities.⁵⁵ According to the DJJ, during FY 2010-11:

- Seventy-two youth earned OSHA (Office of Safety and Health Administration) industry certifications through the Banner Center for Secondary Career Academies and in partnership with Florida State University, University of South Florida, and DJJ.
- Sixty industry certifications were earned in Microsoft Office Suites.
- Thirteen students earned OSHA+certifications (OSHA plus add-on certification in Aggression Management and/or Blood-borne Pathogens).

In addition, Workforce Florida, Inc., provided pilot funding to support juvenile justice students in workforce education training, and reported the following gains, most of which exceeded stated pilot goals.⁵⁶

Through June 30, 2011	Goal	Actual
Youth Currently Enrolled	50	76
Enrolled in Paid Work Experience	40	47
Completed Work Experience	25	35
Placed in Employment or Secondary Education	10	14
Grade Level Gains	10	4

The Office of ARM was also asked to provide follow-up information on DJJ students who had earned an industry certification, relying on FETPIP data. Of the 70 students earning industry certifications, FETPIP was able to match only 43 of the records, as only 43 of the students had valid social security numbers in the data.⁵⁷ In order to gather data essential to assess program quality and direct policy, evaluation parameters and clearly articulated data collection and reporting activities must be in place. This will require agreement on student outcomes and collaboration among different agencies, namely, DJJ, DOE, and the Department of Economic Opportunity.

Model Transition and Re-Entry Practices

Much attention has been concentrated on increases in referrals to the juvenile justice system over the last decade.⁵⁸ Minimal attention, however, has been paid to the barriers youth face when they exit the juvenile justice system and seek to return to their public schools. Obstacles to successful re-entry amplify the effects of the school-to-prison pipeline and increase the likelihood that these youth will find themselves returning to the justice system they just exited. On any given day, approximately 100,000 youth are in some form of juvenile justice placement nationally.⁵⁹ Research shows that when youth return from such placements to school, recidivism rates drop and their successful re-entry into the community becomes more likely.⁶⁰ Unfortunately, 79 percent of juvenile justice students in residential programs, who were age 16 or older and significantly behind academically, did not return to school upon release.⁶¹

⁵⁵ s. 1003.491(2) and (3)(j), F.S.

⁵⁶ Data provided by DJJ Office of Educational Services. On file with the committee.

⁵⁷ Testimony presented in The DJJ Education Workgroup meetings conveyed the difficulties encountered in attaining documents such as birth certificates, drivers licenses and social security cards for youth in DJJ programs.

⁵⁸ See *The School to Prison Pipeline and Back*, New York Law School Review, Volume 54, 2009-10, pg. 1116, available at: www.nyls.edu/index.php?cID=2666.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Juvenile Justice Students Face Barriers to High School Graduation and Job Training*, OPPAGA, Report No. 10-55 (October 2010.)

Florida and federal law require state and local agencies to provide for effective re-entry of youth into the community.⁶² Based on self-reporting of the school districts, 13 of the state's 67 school districts automatically place students in an alternative education setting in spite of recommendations from the DJJ program staff and statutory requirements to use the recommendations made by program staff for re-entry placement.⁶³ With the absence of accountability measures to assess successful re-entry, there is no assurance that these practices are being implemented.

Many of the youth adjudicated to these programs experience for the first time adult guidance and direction aimed at eliminating the cycle of failure. These programs rely heavily on effective transition practices with clear expectations for youth as they return home. Without considerable attention to these youth upon their release, many will be left to their own devices and highly susceptible to further delinquent activity.⁶⁴ Research studies indicate that youth released from DJJ programs are most vulnerable to reoffend within the first nine months of release.⁶⁵ According to DJJ data, of youth who are likely to recidivate, more than half will be rearrested within the first four months following program release. Among committed youth who recidivated in FY 2007-08, 58 percent were re-arrested by the end of the fourth month and 84 percent were re-arrested by the end of the seventh month. Effective transition practices during program stay often result in acquisition of academic and workforce skills. In order to build upon these successes, youth who have been involved in juvenile and criminal activity must be provided significant re-entry support to ensure that they do not re-offend. Engagement in meaningful employment, continuing education, or both, is critical. Unfortunately, many of these youth often lack the family support or skills necessary to seek out resources essential to their success in the community.

Several DJJ programs operated by private providers and a number of school districts have developed model transition and youth re-entry practices that begin the moment the student arrives in the DJJ program. Effective assessments are employed to determine academic deficiencies, individual needs, and areas of interest so that time is maximized for successful re-entry.

Brevard County Transition and Re-Entry Practices

Staff reviewed one outstanding model in particular, Brevard's Re-Entry Board, which was created to provide a formal transition process to improve success of youth returning home. Brevard County, in collaboration with the 18th Judicial Circuit, has developed a successful re-entry model based on one primary outcome—reduced recidivism. The board relies on shared community resources to connect youth with educational and workforce-related support and to serve as a single point of contact. The board emphasizes communication between stakeholders to eliminate duplication of efforts, reliance on shared resources of DJJ, school board, Brevard Workforce and faith-based agencies, and youth educational and workforce-related goals that are tracked to ensure success. Youth participation in the Re-Entry Board is court-ordered by the juvenile circuit judge. Brevard has implemented Re-entry Boards since January, 2010, and their program reports that all youth successfully transitioned into the community.⁶⁶ Based on a youth's propensity to re-offend within the first nine months of release, formal re-entry coordination should be an essential component of any effective reform effort.

Twin Oaks Juvenile Development

Twin Oaks juvenile development programs offer residential services for adjudicated youth focused on successful re-entry that begins the day a youth enters the program. Twin Oak's program goals are based on achievement of successful outcomes for youth as opposed to emphasizing the residential process.⁶⁷

⁶² Sections 1401(a), 1417(a), and 1422(d) of PL 107-110, No Child Left Behind Act of 2001; Sections 1003.52(5) (13)(i) and 985.618(1)(a)(b), F.S.; and State Board Rule 6A-6.05281.

⁶³ See <http://www.fldoe.org/ese/sdte.asp>.

⁶⁴ Forty-six percent of DJJ youth re-offend within twelve months of release. Of these, 58 percent will re-offend within four months and 87 percent will re-offend within seven months. See *Beginning With the End in Mind, Project Connect Transition Model for At-Risk Youth*, presentation to the Workgroup on Juvenile Justice Education, August 24, 2011. On file with the committee.

⁶⁵ DJJ CAR Report, 2009-09, page 115.

⁶⁶ *Brevard Re-Entry Board, Maximizing Re-Entry Resources*, on file with the committee.

⁶⁷ Twin Oaks staff stated that "(Often) we are so focused on what we need to accomplish internally in order for them to go

Operationally, Twin Oaks focuses on transition planning at the onset of the youth's arrival and establishes a community action team, a support system of family members, volunteers, and service providers that assist the youth and family during the transition and re-entry phase. The community action team provides coordination of necessary services to youth and family, mentoring activities, and direct community involvement. Twin Oaks also provides workforce-related training and has established an on-site Mini-One Stop Career Center through the Chipola Regional Workforce Development Board. To ensure that students are trained in occupational areas of high demand, Twin Oaks concentrates on skills that result in high-need industry certification. Their program has also established the Chaplaincy Program which provides for a chaplain in each residential program to promote volunteerism of local churches and faith-based organizations.

A pilot program was funded to evaluate the transition and re-entry practices operated by Twin Oaks.⁶⁸ Only nine percent of the youth re-offended while participating in the project, and only 22 percent re-offended one year after release from project, compared to re-offense rates of 46 percent and higher for youth in other programs.

Options and/or Recommendations

Revision to Student Outcome Measures

The Legislature may wish to consider establishing education and workforce-related outcomes for all DJJ programs. Outcomes should be based upon student success, defined as continuing education and meaningful employment, lower rates of recidivism, and cost savings.

Revision to Provider Evaluations and Implementation of Provider Accountability

The Legislature may wish to consider clearly articulated data collection and reporting practices in juvenile justice programs based on measurable student outcomes in continuing education and meaningful employment for juvenile justice youth. Programs that do not meet an agreed-upon threshold of performance should be given brief timeframes in which to improve. Those that fail to improve should be required to discontinue enrollment and cease operations as a provider.

Establishment of Model Re-Entry Practices

The Legislature may wish to establish requirements for successful re-entry practices that involve at minimum liaisons to the K-20 community, members of the regional workforce board, faith-based community, and juvenile justice community. Re-Entry practices must support a seamless transfer of educational and workforce-related skills attained so that youth continue educational endeavors or are placed in meaningful employment.

home that we don't spend much time addressing what they're going home to (externally)." Presentation to the Juvenile Justice Education Workgroup, (August 24, 2011.) On file with the committee.

⁶⁸ The 2005-2006 pilot program resulted in cost savings of approximately \$2,000 per student. The pilot was funded through a grant from Workforce Florida, Inc.