

STATE BOARD OF EDUCATION
Consent Item
September 14, 2018

SUBJECT: New Rule 6A-1.099812, Education Accountability for Department of Juvenile Justice Education Programs

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1003.52(16), Florida Statutes

EXECUTIVE SUMMARY

Currently, schools that are located within juvenile justice programs are not part of Florida's school accountability system, and do not receive a school grade or school improvement rating. In 2014, via SB850, the Legislature amended s. 1003.52(16), F.S., to direct DOE and the Department of Juvenile Justice (DJJ) to develop an accountability system for DJJ prevention, day treatment, and residential commitment education programs. Both departments have been working jointly with stakeholders to develop the accountability system described in the law since that time. The proposed rule defines the 11 proposed components that will constitute the DJJ accountability system. Data for 3 of the proposed components are not yet available. However, the department is proposing moving forward with the rule for the available 8 components for baseline calculations, and to introduce the remaining 3 components, which are all based on the DJJ Common Assessment required under s. 1003.52(3)(b), F.S., when the data becomes available. This is consistent with the approach the DOE took in releasing informational baseline school grades prior to the availability of the learning gains components in 2014-15 following the transition to the FSA.

This new accountability system will provide DJJ education programs with information about how their students are performing; recognize outstanding performance so it may be replicated; and eventually identify DJJ education programs in need of support so that support may be provided to assist with program improvement.

Supporting Documentation Included: Proposed Rule 6A-1.099812, F.A.C. Rule Development Workshop Presentation and Rule Feedback Summary documents (under separate cover)

Facilitator/Presenter: Juan Copa, Deputy Commissioner, Accountability, Research, and Measurement

6A-1.099812 Education Accountability for Department of Juvenile Justice Education Programs

(1) Purpose. The purpose of this rule is to set forth the performance rating system for Department of Juvenile Justice (DJJ) education programs.

(2) Definitions. For the purposes of this rule, the following definitions shall apply:

(a) “Common assessment” means the assessment required by s. 1003.52(3)(b), F.S., and designed to measure student learning gains and academic progress, which is administered to students upon entry into and again prior to release from DJJ education programs.

(b) “Core-curricula courses” means courses in the subject areas defined in s. 1003.01(14), F.S.

(c) “Department of Juvenile Justice (DJJ) education program” means a program operated by or under contract with the Department of Juvenile Justice that provides educational services to students receiving prevention, day treatment, or residential commitment services designated within s. 985.03(44), F.S.

(d) “Eligible students” means students whose length of stay within the same DJJ education program is at least forty (40) calendar days, which can include consecutive stays. Consecutive stays in the same program will be treated as a single, continuous program enrollment if:

1. Attendance dates overlap,

2. Attendance gap between stays is thirty (30) days or less, or

3. Attendance gap reflects a summer break and the student re-enrolls in the same DJJ education program during the following term.

(e) “Learning gains on the common assessment” means a student’s score increases on the common assessment between the pre- and post-test, or a student scores one hundred (100) percent on both the pre- and post-tests.

(f) “Learning gains on the statewide standardized assessments” means learning gains calculated based on the provisions of Rule 6A-1.099822, F.A.C.

(g) “Program type” means prevention, intervention (day treatment), nonsecure residential, and secure residential (high-risk residential, maximum-risk residential) based upon the restrictiveness level of the DJJ education program as defined by s. 985.03(44), F.S.

(h) “Released students” means students who withdrew from a DJJ education program and did not return to the same program within thirty (30) days of withdrawal or after summer break.

(i) “Statewide standardized assessments” means the English language arts and mathematics assessments

identified in s. 1008.22(3), F.S.

(j) "Subject areas" means the areas of English language arts and mathematics.

(k) "Sufficient data" means at least ten (10) observations are eligible for inclusion in the denominator of the component calculation.

(3) DJJ Accountability Ratings. The three (3) accountability ratings for DJJ educational programs are Commendable, Acceptable, and Unsatisfactory.

(4) DJJ Accountability Rating System.

(a) Each component with sufficient data shall be calculated as a percentage and weighted equally to determine the accountability rating. Until data for all the components listed in paragraph (4)(b) become available, a program will not receive a DJJ accountability rating; however, the Department shall provide information on a program's performance for each component with sufficient data.

(b) DJJ Accountability Rating Components.

1. Attendance. The percentage of eligible students who returned to public school and whose attendance rate improved following their attendance in a DJJ education program, or whose attendance rate was ninety-five (95) percent or higher upon their return to a public school.

2. Graduation. The percentage of eligible students enrolled in grade 12 during their participation in the DJJ education program and who earned a standard high school diploma or its equivalent in the cohort year or the subsequent year. Eligible students who graduate in the cohort year and enrolled in grades other than grade 12 are also included.

3. Qualified Teachers. The percentage of core-curricula courses taught by in-field teachers, as outlined in Rule 6A-1.0503, F.A.C.

4. Postsecondary Enrollment. The percentage of eligible, released students who earned a standard diploma or its equivalent during the year they participated in a DJJ education program and who enrolled in a postsecondary institution in Florida during the year of their release from the DJJ education program or during the subsequent year.

5. Employment. The percentage of eligible released students who are sixteen (16) years of age or older and employed within one year following release from the DJJ education program. Students not employed but enrolled in a K-12 public school or a state of Florida postsecondary institution shall be removed from the calculation of this component.

6. English Language Arts Learning Gains. The percentage of eligible students who meet the forty-day (40-day) length-of-stay criteria set forth in paragraph (2)(d) of this rule prior to the beginning of the assessment window and demonstrate learning gains on statewide standardized assessments in English language arts.

7. Mathematics Learning Gains. The percentage of eligible students who meet the forty-day (40-day) length-of-stay criteria set for in paragraph (2)(d) of this rule prior to the beginning of the assessment window and demonstrate learning gains on statewide standardized assessments in mathematics.

8. Industry Certification. For programs with a contracted minimum length of stay of nine (9) months or longer, the percentage of eligible students who earned a Career and Professional Education (CAPE) industry certification or a CAPE acceleration industry certification identified in the Industry Certification Funding List adopted in Rule 6A-6.0573, F.A.C., during the year in which they participated in the program or in the subsequent year.

9. Common Assessment Reading. The percentage of eligible students demonstrating learning gains on the reading portion of the common assessment.

10. Common Assessment Mathematics. The percentage of eligible students demonstrating learning gains on the mathematics portion of the common assessment.

11. Data Integrity. The percentage of eligible released students who have both pre- and post-test data on the common assessment for the same program placement.

(5) Procedures for Calculating Classification Scores and DJJ Accountability Ratings.

(a) The accountability ratings of Commendable, Acceptable, and Unsatisfactory shall be calculated based on the average classification score for the components for which the program has sufficient data. The classification score for each measure shall be expressed as a whole number ranging from one (1) to three (3), with one (1) being the lowest classification and three (3) being the highest classification.

(b) Classification scores for each component shall be assigned as shown in the tables in subparagraphs (5)(b)1.-8.

1. Attendance.

<u>Program Type</u>	<u>3</u>		<u>2</u>		<u>1</u>	
	<u>Max</u>	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>	<u>Min</u>
<u>Prevention</u>	<u>100%</u>	<u>50%</u>	<u>49%</u>	<u>30%</u>	<u>29%</u>	<u>0%</u>
<u>Intervention</u>	<u>100%</u>	<u>50%</u>	<u>49%</u>	<u>30%</u>	<u>29%</u>	<u>0%</u>

<u>Nonsecure Residential</u>	<u>100%</u>	<u>56%</u>	<u>55%</u>	<u>39%</u>	<u>38%</u>	<u>0%</u>
<u>Secure Residential</u>	<u>100%</u>	<u>46%</u>	<u>45%</u>	<u>35%</u>	<u>34%</u>	<u>0%</u>

2. Graduation.

<u>Program Type</u>	<u>3</u>		<u>2</u>		<u>1</u>	
	<u>Max</u>	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>	<u>Min</u>
<u>Prevention</u>	<u>100%</u>	<u>71%</u>	<u>70%</u>	<u>30%</u>	<u>29%</u>	<u>0%</u>
<u>Intervention</u>	<u>100%</u>	<u>51%</u>	<u>50%</u>	<u>30%</u>	<u>29%</u>	<u>0%</u>
<u>Nonsecure Residential</u>	<u>100%</u>	<u>91%</u>	<u>90%</u>	<u>50%</u>	<u>49%</u>	<u>0%</u>
<u>Secure Residential</u>	<u>100%</u>	<u>81%</u>	<u>80%</u>	<u>55%</u>	<u>54%</u>	<u>0%</u>

7

3. Qualified Teachers.

<u>Program Type</u>	<u>3</u>		<u>2</u>		<u>1</u>	
	<u>Max</u>	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>	<u>Min</u>
<u>Prevention</u>	<u>100%</u>	<u>100%</u>	<u>99%</u>	<u>70%</u>	<u>69%</u>	<u>0%</u>
<u>Intervention</u>	<u>100%</u>	<u>100%</u>	<u>99%</u>	<u>80%</u>	<u>79%</u>	<u>0%</u>
<u>Nonsecure Residential</u>	<u>100%</u>	<u>100%</u>	<u>99%</u>	<u>60%</u>	<u>59%</u>	<u>0%</u>
<u>Secure Residential</u>	<u>100%</u>	<u>100%</u>	<u>99%</u>	<u>85%</u>	<u>84%</u>	<u>0%</u>

4. Postsecondary Enrollment.

<u>Program Type</u>	<u>3</u>		<u>2</u>		<u>1</u>	
	<u>Max</u>	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>	<u>Min</u>
<u>Prevention</u>	<u>100%</u>	<u>81%</u>	<u>80%</u>	<u>35%</u>	<u>34%</u>	<u>0%</u>
<u>Intervention</u>	<u>100%</u>	<u>81%</u>	<u>80%</u>	<u>35%</u>	<u>34%</u>	<u>0%</u>
<u>Nonsecure Residential</u>	<u>100%</u>	<u>21%</u>	<u>20%</u>	<u>15%</u>	<u>14%</u>	<u>0%</u>
<u>Secure Residential</u>	<u>100%</u>	<u>21%</u>	<u>20%</u>	<u>10%</u>	<u>9%</u>	<u>0%</u>

5. Employment.

Program Type	<u>3</u>		<u>2</u>		<u>1</u>	
	Max	Min	Max	Min	Max	Min
<u>Prevention</u>	100%	91%	90%	75%	74%	0%
<u>Intervention</u>	100%	81%	80%	60%	59%	0%
<u>Nonsecure Residential</u>	100%	76%	75%	50%	49%	0%
<u>Secure Residential</u>	100%	61%	60%	50%	49%	0%

6. English Language Arts Learning Gains.

Program Type	<u>3</u>		<u>2</u>		<u>1</u>	
	Max	Min	Max	Min	Max	Min
<u>Prevention</u>	100%	50%	49%	31%	30%	0%
<u>Intervention</u>	100%	50%	49%	25%	24%	0%
<u>Nonsecure Residential</u>	100%	50%	49%	31%	30%	0%
<u>Secure Residential</u>	100%	60%	59%	35%	34%	0%

7. Mathematics Learning Gains.

Program Type	<u>3</u>		<u>2</u>		<u>1</u>	
	Max	Min	Max	Min	Max	Min
<u>Prevention</u>	100%	61%	60%	31%	30%	0%
<u>Intervention</u>	100%	55%	54%	36%	35%	0%
<u>Nonsecure Residential</u>	100%	55%	54%	36%	35%	0%
<u>Secure Residential</u>	100%	55%	54%	36%	35%	0%

8. Industry Certification.

Program Type	<u>3</u>		<u>2</u>		<u>1</u>	
	Max	Min	Max	Min	Max	Min
<u>Prevention</u>	NA	NA	NA	NA	NA	NA

<u>Intervention</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Nonsecure Residential</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Secure Residential</u>	<u>100%</u>	<u>25%</u>	<u>24%</u>	<u>1%</u>	<u>0%</u>	<u>0%</u>

(c) A program’s accountability rating is determined by summing the classification scores for each component and dividing this sum by the total number of components with sufficient data. The score resulting from this calculation shall be expressed as a decimal by rounding scores to the tenth place. Average classification scores with a value of five (5) or greater in the hundredth place will be rounded up to the nearest tenth. Average classification scores with a value of less than five (5) in the hundredth place will be rounded down to the nearest tenth.

(d) Accountability ratings shall be assigned to programs based on the average classification score earned as follows

1. A score greater than 2.4 equals a rating of Commendable;
2. A score of 1.6 to 2.4 equals a rating of Acceptable; and
3. A score less than 1.6 equals a rating of Unsatisfactory.

(e) A DJJ education program shall receive a DJJ Accountability Rating based solely on the components for which it has sufficient data. A DJJ education program that does not have sufficient data to receive a DJJ Accountability Rating for three (3) consecutive years shall receive a DJJ Accountability Rating based on the aggregate of the most recent three-year (3-year) period for components for which it has sufficient data to perform the calculation. If the three-year (3-year) aggregate does not provide sufficient data to calculate any components, the DJJ education program will not receive a DJJ Accountability Rating.

(6) Accuracy and Representativeness of Performance Data.

(a) Accountability ratings shall be based solely upon data submitted to the Department of Education’s Student, Staff, and Workforce Development databases, via the data reporting processes as defined in Rule 6A-1.0014, F.A.C., Comprehensive Management Information Systems; data reported to the Florida Education and Training Placement Information Program (FETPIP) data collection system established under s. 1008.39, F.S.; data reported to the Florida College System and State University System; and data reported to the Department of Education for the common assessment. All changes in student eligibility for inclusion in rating calculations shall be reported prior to the issuance of the ratings. Each school district shall be responsible for ensuring that all necessary information to

calculate the components used in the DJJ accountability system is reported to the Department within the time limits specified by the Commissioner.

(b) Each school district superintendent shall designate a DJJ education program accountability contact person to be responsible for the following:

1. Verifying that each DJJ education program is correctly listed on the Master School Identification (MSID) file and is appropriately classified by program type, making changes as necessary pursuant to the change process described in Rule 6A-1.0016, F.A.C.

2. Verifying student-enrollment data, program entry and exit dates, and other data needed for calculating specific measures of the DJJ Accountability Rating, including student eligibility for inclusion in calculations for each component.

3. Working with DJJ education programs and other reporting entities to ensure that all data needed to calculate DJJ Accountability Ratings are reported accurately and timely.

(c) Annually, before the calculation of DJJ Accountability Ratings, the Department of Education shall provide to the Department of Juvenile Justice and the school districts a list of DJJ education programs. The Department of Juvenile Justice and school districts shall have a minimum of fourteen (14) days to review the list and provide information regarding additions to or deletions from the list.

Rulemaking Authority 1001.02(2)(n), 1003.52(16), (21), FS. Law Implemented 1003.52, FS. History–New.

