

CHAPTER 5

CORRECTIVE ACTIONS

5.1 Introduction and Overview

This chapter describes the corrective action process that was developed and implemented for the 1999 QAR cycle. The primary intent was to establish a plan that would ensure that school districts and juvenile justice programs assume a proactive role in assuring that quality educational services are being provided to approximately 10,000 students assigned to juvenile justice detention and commitment programs on any typical day in Florida.

The corrective action process began with the 1998 QAR cycle. When a reviewer found a serious problem area in an educational program, a concern form was forwarded to the DOE. Many of these concerns resulted in efforts by both DOE and JJEEP personnel to provide technical assistance to both school districts and juvenile justice programs to help correct the identified problems as discussed in Chapter 4. This technical assistance was provided in a variety of ways, including meetings with school district and program administrative personnel, written correspondence, and telephone contacts. DOE audits could be conducted if the concern involved areas and practices stipulated in legislation (i.e.; exceptional student education (ESE) or funding issues).

Before the 1999 QAR review cycle, new standards were developed for long-term commitment programs that included 21 indicators. Five of these were identified as “priority” indicators that represented critical areas that required immediate attention if the program under review was operating below expected standards. It was decided that a finding of partial or non-performance in any of these priority indicators mandated that the quality assurance reviewer submit a concern form to the quality assurance coordinator immediately following the completion of an on-site review.¹ The quality assurance coordinator would then:

1. determine what needed to be addressed in a corrective action plan
2. contact the appropriate school district administrator and provide notification of a request for a corrective action plan from the program found to be out of compliance. (At this time the district and program would be informed they have 90 days to correct the problem; failure to comply with this request would result in appropriate sanctions by DOE.)
3. provide appropriate technical assistance to either the school district or the program to help them develop their corrective action plan
4. document the above activities in the corrective action plan file

¹ Although the 1999 standards for detention centers and short-term commitment programs did not include priority indicators, corrective action plans were required in those areas that corresponded with the long-term priority indicators.

5.2 Priority Indicators

The five priority indicators for long-term commitment programs are:

E1.01 Entry Transition (Enrollment)

This indicator requires a program to initiate a documented request of all applicable student records within five days of student entry into the facility (excluding weekends and holidays). A follow-up request for records not received must be documented. The student shall be enrolled in the proper course assignments based on available past transcripts and initial assessments using the Course Code Directory.

E1.03 On-Site Transition (Student Planning)

The program shall develop educational plans for non- ESE students within 15 days of student entry into the facility. The program shall also develop and review all individual educational plans (IEPs) for students assigned to ESE programs within 11 days of student entry.

E2.01 Curriculum (Academic)

The program shall provide a curriculum that is approved by the local school district and consists of curricular offerings based on the school district's pupil progression plan and the Course Code Directory. This curriculum should offer course credits leading toward high school graduation and appropriate GED options.

E3.05 Experience

Individuals delivering educational services to students should possess the necessary experience, education, and training to assist students in meeting their educational needs and re-entry goals. Academic instructors should have a state teaching certificate or a statement of eligibility. Non-certificated instructional personnel must be school board-approved and possess expert knowledge in the fields they are assigned to teach.

E4.05 Funding and Support

School district and/or on-site administrators should ensure that educational funding provides support through an adequate number of qualified instructional personnel, current instructional materials, and adequate educational supplies for students and staff.

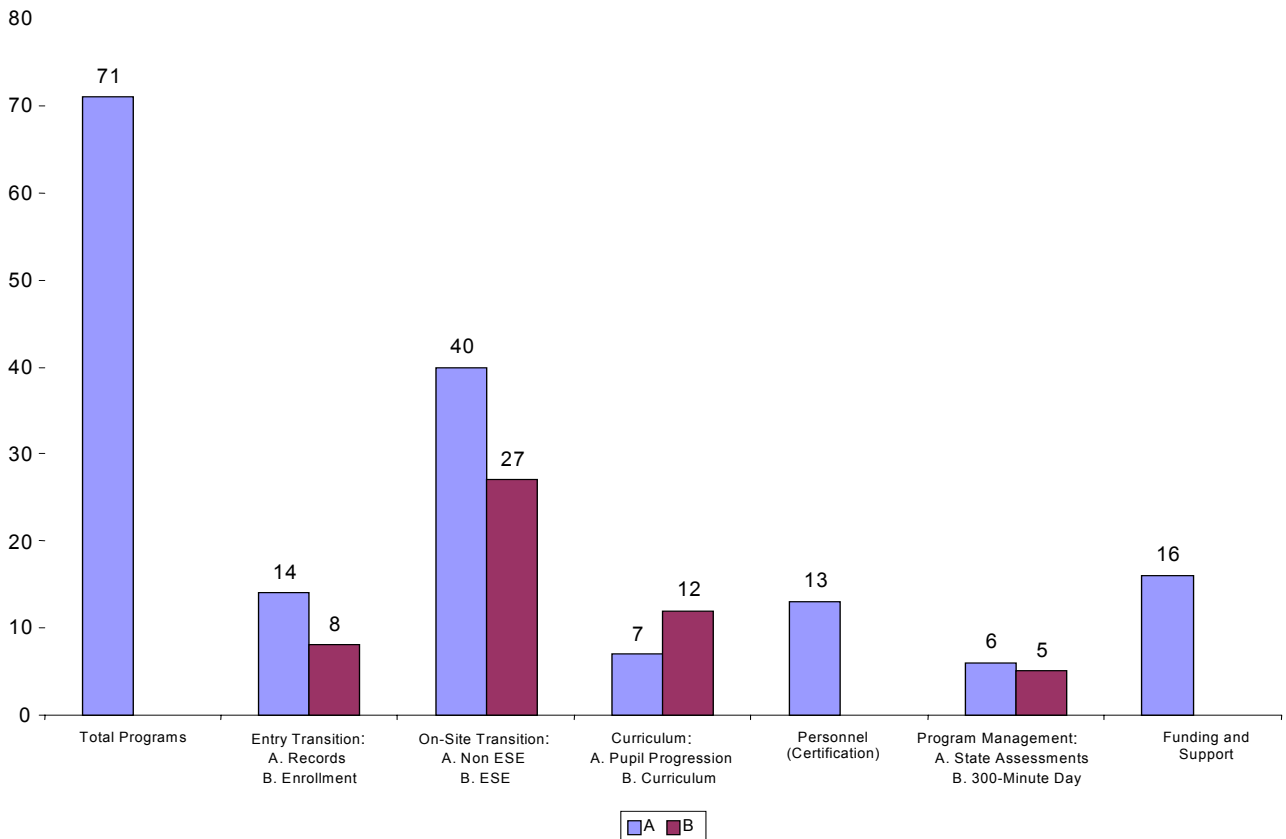
Although key indicator E4.04 (Program Management) is not identified as a priority indicator, there are certain elements included that are mandated by legislation. Therefore, if a program is out of compliance, a concern and corrective action plan is required. These requirements include:

- All students in juvenile justice facilities must be afforded the opportunity to take all required federal, state, and district assessments such as the HSCT, Florida Writes!, and FCAT
- Students must receive a minimum of 300 minutes of daily instruction or its weekly equivalent.

5.3 Patterns of Corrective Actions

During the 1999 QAR cycle, JJEEP reviewers identified a total of 148 corrective actions, which resulted in 73 programs being required to develop corrective action plans. Figure 5.3-1 documents that the concerns were spread over a total of 10 areas of non-compliance.

Figure 5.3-1 Corrective Actions



The breakdown of compliance issues is as follows:

Entry Transition

- Records:
a lack of documented requests for student educational records
no documented follow-up plan for records not received in a timely manner and/or incomplete or missing student files
- Enrollment:
students not enrolled properly for credit
enrollment in the wrong courses and/or
other factors resulting in improper enrollment

On Site Transition

- Non-ESE:
the lack of an appropriate IAP for students enrolled in general education courses
- ESE:
any violation of mandated ESE services

Curriculum

- Pupil Progression:
not properly enrolled in a district- approved pupil progression plan
- Curriculum:
program not using a school district-approved curriculum

Personnel:

- Use of uncertified instructors in core curriculum areas
- Use of educational staff that have not been approved by the school board

Program Management

- State Assessments:
students not being afforded the opportunity to participate and receive results in state and district-wide assessments (e.g., HSCT, FCAT, Florida Writes!)
- 300-Minute Day:
students not receiving 300 minutes of daily instruction or its weekly equivalent

Funding and Support

- Inadequate number of qualified instructional personnel
- Lack of current instructional materials
- Lack of adequate education supplies for students and staff

Table 5.3-1 illustrates the corrective actions that were found in 73 DJJ programs.

Table 5.3-1 Corrective Actions by Security Level

FACILITY TYPE	# OF CORRECTIVE ACTIONS	% OF CORRECTIVE ACTIONS
Detention Centers	10	50%
Level Two	24	50%
Level Four	6	40%
Level Six	25	41%
Levels Eight and Ten	6	26%

A total of 32 different school districts were requested to develop corrective action plans for programs located within their districts. There was total cooperation on the part of the school districts. This indicated that local control works very well, and the school district administrators who participated in this initiative are commended.

5.4 Interventions and Sanctions

The transition standard and its indicators have accounted for 60% of the corrective actions during the past year. Historically, the movement of student records from district to district, home school to DJJ program, and program to program has been problematic. JJEEP personnel have provided a great deal of technical assistance to address this problem, and the situation appears to be improving. Similarly, there is a pattern of problems related to the proper enrollment of students in appropriate educational tracks. The major problem identified in 1999 was in the area of on-site transition. Many programs were either not providing educational plans for non-ESE students or were providing inadequate educational plans. JJEEP reviewers provided on-site technical assistance whenever this was a concern. Also, they mailed sample educational plans to programs upon their return to the office. JJEEP staff is in the process of developing a transition guide to provide programs with a blueprint for transitioning youth in facilities. We expect to see vast improvement in this area during the 2000 cycle.

The second most common area of noncompliance was in the area of ESE, with 27 corrective actions being written for ESE issues that particularly affect entry transition. Many of these concerns were sent to DOE, as these issues deal with both state and federal regulations. JJEEP reviewers again provided on-site technical assistance in many of these cases. There also was a great deal of communication and cooperation between the ESE specialists with the DOE, JJEEP staff, and school district personnel.

Another area of concern has been the use of non-certificated teachers in academic areas. This usually occurs when district-contracted providers administer their own educational services apart from using school district personnel

The following interventions and sanctions are taken from Rule 6A-05281, FAC. DOE is already implementing many of these activities, presented to the SBE on February 7, 2000.

“Each school district is responsible for ensuring appropriate educational services are provided to students in the district’s juvenile justice programs, regardless of whether the services are provided directly by the school district or through a contract with a private provider.

If an educational program in a DJJ facility or program has received an unsatisfactory overall rating on the educational component of the QAR or the educational program does not meet the minimum standards for a designated priority indicator of the quality assurance review, or the educational program has demonstrated noncompliance with state or federal requirements, the DOE shall initiate a series of interventions and graduated sanctions.”

“These interventions shall include:

- the provision of technical assistance to the program
- the development of a corrective action plan with verification of the implementation of the corrective actions after ninety (90) days
- a follow-up review of the educational program

The sanctions shall include:

- public release of the unsatisfactory findings, the interventions, and/or proposed actions
- assignment of a monitor, master, or management team to address identified deficiencies paid for by the local school board or private provider if included in the contract
- reduction in payment or withholding of state and/or federal funds

If the sanctions proposed above are determined to be ineffective in correcting the deficiencies in the educational program, the SBE shall have the authority to require further actions that shall include:

- requiring the school board to revoke the current contract with the private provider, if applicable
- requiring the school board to contract with the private provider currently under contract with DJJ for the facility
- require the school board to transfer the responsibility and funding for the educational program to another school district”

5.5 Summary

The success of the corrective actions process was truly overwhelming. Credit should go to all those involved in educating youth in juvenile justice settings, as a true spirit of cooperation with the process was evident. Each of the 73 programs that required a corrective action plan came into compliance within the 90-day window.

