

CHAPTER 13 CONTRACTS AND CONTRACT MANAGEMENT

13.1 Introduction

This chapter describes the efforts of the Juvenile Justice Educational Enhancement Program (JJEED) and the Department of Education (DOE) in juvenile justice education contracts and contract management. House Bill (HB) 349 required that DOE develop model contracts and that JJEED, through the quality assurance (QA) process, evaluate school districts both as direct service providers and as contract managers. To address these mandates, JJEED and DOE, in collaboration with the Department of Juvenile Justice (DJJ), school districts, and providers, have developed the following strategies and requirements. 1) JJEED developed and added a new standard (contract management) to the 2000 Educational QA Standards. This standard evaluates the performance of school districts in overseeing the educational component of both public and privately operated educational programs under their jurisdiction. 2) Rule 6A-6.05281, FAC, which was enrolled in March 2000, requires school districts to conduct contract management, and it outlines specific requirements for education contracts with private providers. 3) JJEED and DOE are developing a technical assistance paper (TAP) explaining the requirements for cooperative agreements, requirements for contracts with private providers, and effective contract management strategies. 4) Rule 6A-6.05281, FAC also requires that school districts submit all of their cooperative agreements and contracts annually to DOE before the October full-time equivalent (FTE) reporting survey, so that DOE may review them for compliance with statute and rule.

This chapter provides an overview of the effort to develop model contracts and implement effective management of juvenile justice education contracts. The chapter includes four subsequent sections. Section 13.2 describes the requirements for cooperative agreements and contracts. Section 13.3 describes JJEED's compliance review of cooperative agreements and contracts. Section 13.4 reviews JJEED's evaluation of a school district's contract management efforts. Section 13.5 provides a summary of this chapter.

13.2 Requirements for Cooperative Agreements and Contracts

The forthcoming contract/cooperative agreement TAP will outline the requirements for cooperative agreements and contracts from §230.23161(14), F.S. and Rule 6A-6.052821, FAC. Essentially, cooperative agreements are working arrangements between school districts and DJJ for programs in which the educational component is directly operated by the

school district. If agreed to by DJJ, school districts may develop individual cooperative agreements for any or all of the DJJ programs within their jurisdiction. Paragraph 14 of §230.23161, F.S. requires that cooperative agreements address the “roles and responsibilities of each agency, including contract providers; administrative issues, including procedures for sharing information; allocation of resources, including maximization of local, state, and federal funding; procedures for educational evaluation of educational disabilities and special needs; curriculum and delivery of instruction; classroom management procedures and attendance policies; procedures for provision of qualified instructional personnel, whether supplied by the school district or under contract by the provider; and for performance of duties while in a juvenile justice setting, provisions for improving skills of instructional personnel in teaching and of all educational personnel in working with juvenile delinquents; transition plans for students moving into and out of juvenile facilities; procedures and timelines for the timely documentation of credits earned and transfer of student records; methods and procedures for dispute resolutions; provisions for ensuring the safety of educational personnel; support for the agreed-upon educational program; and strategies for correcting any deficiencies identified through the QA review process.” Rule 6A-6.05281, FAC also requires that cooperative agreements contain procedures and timelines for the notification and sighting of new DJJ facilities within the school district, and notification by the school district of the entity that receives workforce development funding with the school district.

Contracts between school districts and private providers for the provision of educational services to be delivered by the private provider “must comply with the requirements of Rule 6A-6.05281, FAC.” These requirements address every section of the rule, including student eligibility, student records, student assessment, individual academic plans (IAPs), transition services, instructional program and academic expectations, qualifications and procedures for selection of instructional staff, funding, contracts with private providers, interventions and sanctions, and coordination.

Rule 6A-6.05281, FAC also requires that school districts submit all of their cooperative agreements and contracts to DOE annually, prior to the October FTE reporting survey, for verification of compliance with statute and rule. The following section summarizes the results of the compliance review for Fall 2000.

13.3 Compliance Review of Cooperative Agreements and Contracts

During September 2000, DOE requested that school districts submit their cooperative agreements with DJJ and contracts with private providers. Table 13.3-1 indicates the school districts that did not submit some or all of their cooperative agreements and/or contracts to DOE by December 31, 2000.

Table 13.3-1: Cooperative Agreements and/or Contracts Not Submitted to DOE by December 31, 2000 (by School District)

Cooperative Agreements	Contracts
Bay	Charlotte (Eagle Vision only)
Bradford	Escambia
Escambia	Glades
Hamilton	Hendry
Hernando	Lee
Leon (Detention Center Only or DJJ overall)	Levy
Manatee	Madison
Martin	Okaloosa
Nassau	Polk
Okaloosa	Santa Rosa
Osceola	Sarasota
Palm Beach	St Lucie
Polk	NA
Santa Rosa	NA
Sarasota	NA
Seminole	NA
Washington (Dozier, Jackson Juvenile Offender, and Eckerd Youth Development Center)	NA

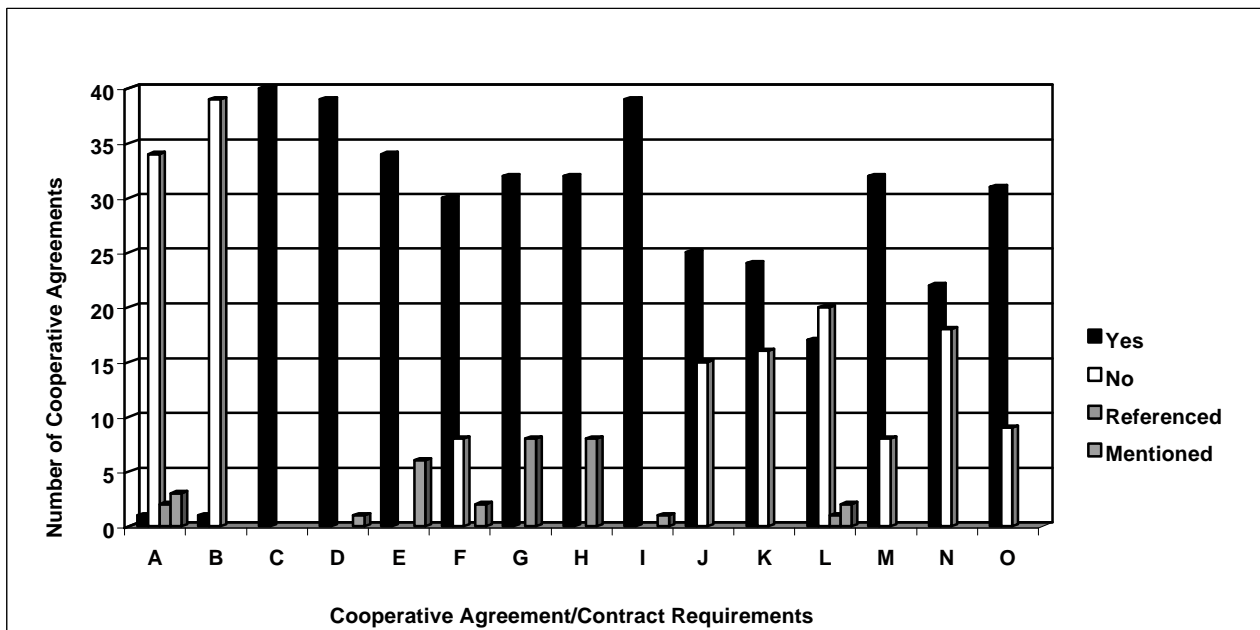
The cooperative agreements and contracts submitted to DOE were reviewed for compliance to ensure they addressed the requirements of statute and rule. Forty (40) cooperative agreements were reviewed for compliance with the following 15 requirements:

- A. Timelines and responsibilities for the notification by DJJ to the local school board of the siting of new facilities and the awarding of a contract for construction or operation of such a facility. Rule 6A-6.05281(9), FAC.
- B. The provider(s) of workforce development programs in the school district in which the DJJ facility is located shall be responsible for notifying the DJJ program of the requirements for enrollment and completion of these programs. Rule 6A-6.05281(9)(d), FAC.
- C. Roles and responsibilities of each agency, including the roles and responsibilities of contract providers. §230.23161(14)(a), F.S.
- D. Administrative issues including procedures for sharing information. §230.23161(14)(b), F.S.
- E. Allocation of resources including maximization of local, state, and federal funding. §230.23161(14)(c), F.S.
- F. Procedures for educational evaluation of educational disabilities and special needs. §230.23161(14)(d), F.S.
- G. Curriculum and delivery of instruction. §230.23161(14)(e), F.S.
- H. Classroom management procedures and attendance policies. §230.23161(14)(f), F.S.
- I. Procedures for provision of qualified instructional personnel, whether supplied by the school district or provided under contract by the provider, and for performance of duties while in a juvenile justice setting. §230.23161(14)(g), F.S.
- J. Provisions for improving skills in teaching and working with juvenile delinquents. §230.23161(14)(h), F.S.

- K. Transition plans for students moving into and out of juvenile facilities. §230.23161(14)(i), F.S.
- L. Procedures and timelines for the timely documentation of credits earned and transfer of student records. §230.23161(14)(j), F.S.
- M. Methods and procedures for dispute resolution. §230.23161(14)(k), F.S.
- N. Provisions for ensuring the safety of education personnel and support for the agreed-upon education program. §230.23161(14)(l), F.S.
- O. Strategies for correcting any deficiencies found through the QA process. §230.23161(14)(m), F.S.

Figure 13.3-1 illustrates the presence of each requirement from statute and/or rule in the 40 cooperative agreements that were submitted to DOE. School districts either submitted one overall cooperative agreement with DJJ or individual operating agreements with all of the DJJ programs, which directly provide educational services. If the cooperative agreement contained the specific requirements from statute and/or rule, a *Yes* was indicated; if a specific requirement was not found, a *No* was indicated; if the requirement was referenced in the cooperative agreement through a supporting document, such as the school district’s dropout prevention plan (DOP) or the program’s policies and procedures, the word *Referenced* was indicated; and if the cooperative agreement mentioned the requirement, but was not specific, the word *Mentioned* was indicated. School districts were asked to revise those requirements indicated with *No* or *Mentioned*.

Figure 13.3-1: Cooperative Agreements Compliance Results



In the 40 cooperative agreements reviewed, 68% of all statutory and rule requirements were present. Figure 13.3-1 illustrates that the majority of cooperative agreements did not include the requirement that they contain procedures and timelines for the notification and siting of

new DJJ facilities within the school district, and for notification of the entity that receives workforce development funding. It is anticipated that once school districts have been notified of these deficiencies and have time to make the necessary revisions, most cooperative agreements will contain these requirements in 2001. Without the inclusion of these two new requirements, cooperative agreements contain 78% of all remaining statutory requirements. In addition, several cooperative agreements lacked requirements, such as, the safety of educational personnel, timely documentation of credits earned, transfer of student records, and transition planning.

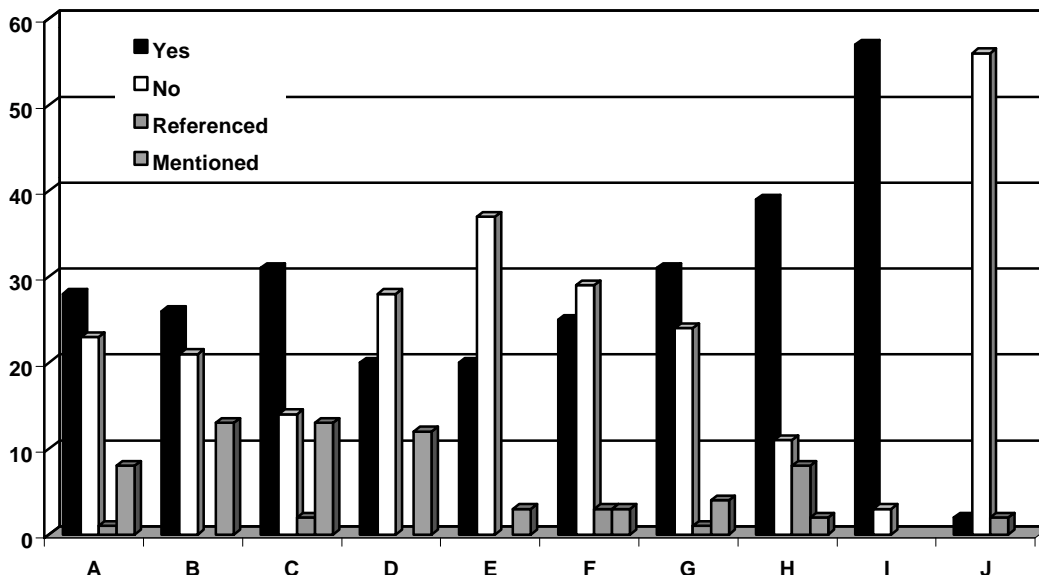
Compliance Review of Contracts with Private Providers

Sixty contracts between school districts and private providers were reviewed for compliance with the requirements in Rule 6A-6.05281, FAC. Each section of the rule contained a new requirement for contracts, and these requirements were measured using the same procedure outlined above for cooperative agreements.

The following 10 requirements were used to review contracts:

- A. Methods and procedures for dispute resolutions.
- B. Student eligibility (Exceptional Student Education (ESE), 504, Limited English Proficiency (LEP), General Education Development (GED)). Rule 6A-6.05281(1), FAC.
- C. Student records (enrollment, content, confidentiality, and transfer). Rule 6A-6.05281(2), FAC.
- D. Student assessment (academic and vocational, pre- and post-, state and district). Rule 6A-6.05281(3), FAC.
- E. IAPs. Rule 6A-6.05281(4), FAC.
- F. Transition services (planning, guidance, and exit portfolios). Rule 6A-6.05281(5), FAC.
- G. Instructional program and academic expectations (curriculum, 250 days of instruction, GED, tutorial, instructional delivery). Rule 6A-6.05281(6), FAC.
- H. Qualifications and procedures for the selection of instructional staff. Rule 6A-6.05281(7), FAC.
- I. Funding. Rule 6A-6.05281(8), FAC.
- J. School board notification of entity receiving workforce development funding. Rule 6A-6.05281(9)(d), FAC.

Figure 13.3-2: Results of 60 Contract Reviews



Only 49% of the total requirements for contracts were found in the 60 contracts reviewed. It is important to note that some of the requirements that were missing in the majority of contracts were also low QA performing areas, including the development of IAPs, the provision of transition services, and the conducting of assessment testing.

Although over half of the requirements for contracts between school districts and private providers were not found in the contracts reviewed, they are new requirements. It is anticipated that next year, after school districts are notified of the missing requirements and are provided with the contract/cooperative agreement TAP, many of the contracts will be found to be in compliance for DOE’s 2001 review of contracts.

JJEEP also collected data on the amount of FTE funding given to each privately operated program based on its contract with the school district. FTE funding ranged from 80% to 95% with a state average of 84%. Most contracts did not stipulate which, if any, categorical funding was being provided to programs.

After the compliance review of cooperative agreements and contracts in November and December 2000, DOE expects the mailing of individual letters to each school district indicating their deficiencies, if any, in each of their cooperative agreements and contracts in early 2001. Each school district will be asked to revise its contract and/or cooperative agreement, if necessary, and resubmit them to DOE for another compliance review by the October FTE Reporting Survey for 2001.

With proper information provided to school districts on the requirements for cooperative agreements and contracts, it is expected that the majority will be found in compliance for the 2001 DOE compliance review.

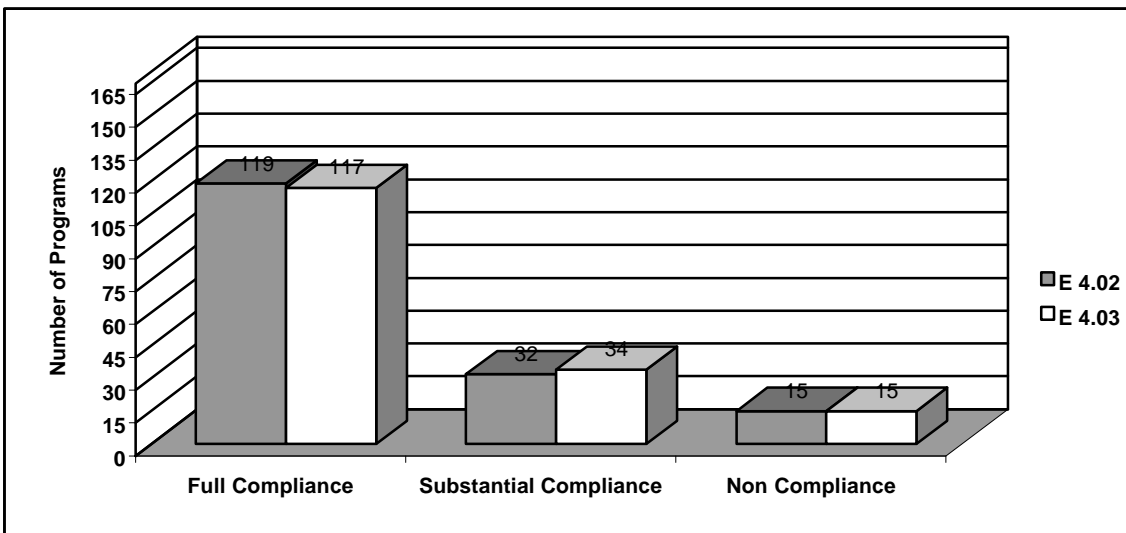
13.4 Contract Management

Beginning with the 2000 QA cycle, JJEPP began evaluating school districts for contract management and oversight of individual DJJ educational programs under the school district’s supervision.

The contract management standard is comprised of two compliance indicators, which define the roles and responsibilities of all agencies involved with juvenile justice students and ensure local oversight of juvenile justice educational programs. Contract management indicators are evaluated for both direct service (district-operated) educational programs and contracted (private-operated) educational programs. The ratings for the contract management indicators do not affect the overall QA rating of the individual program, but rather, only reflect the services of the school district that is responsible for the educational program. The indicators include E4.02 Contract Management (the intent of this indicator is to ensure that there is local oversight by the school district of educational services), and E4.03 Oversight and Assistance (to ensure that the school district provides adequate support to juvenile justice educational programs).

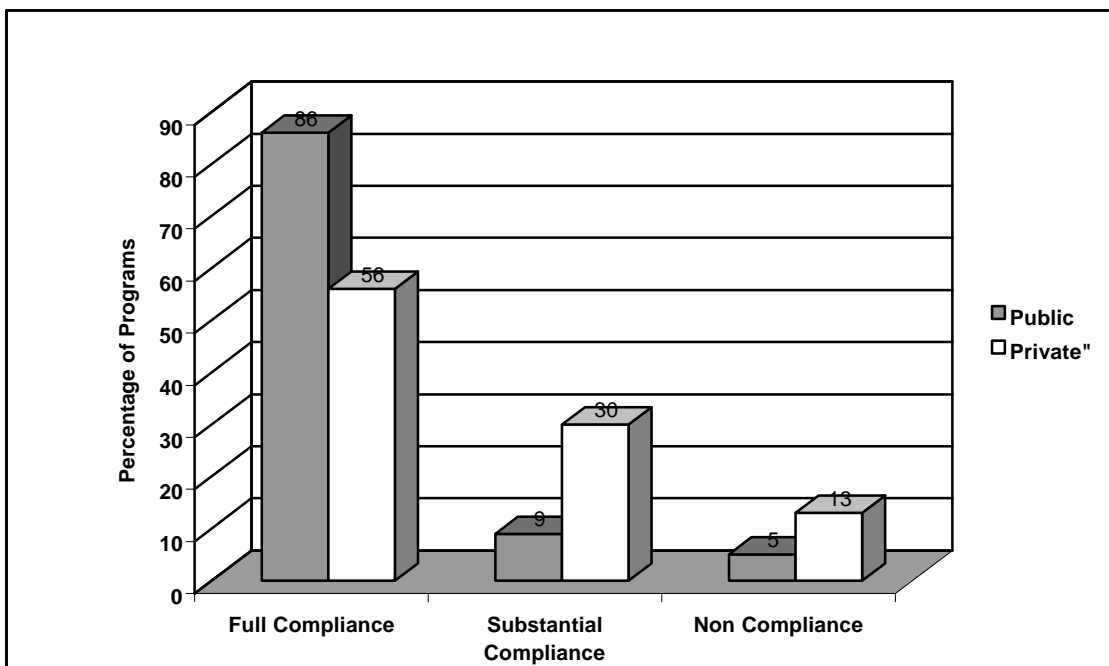
Figure 13.4-1 compares the number of programs found to be in full, substantial, or noncompliance for E4.02 Contract Management with those for E4.03 Oversight and Assistance.

Figure 13.4-1: Contract Management Ratings for 166 Programs



The majority of programs were found to be in compliance with the contract management indicators. Only 15 of 166 programs were found in noncompliance for E4.02 and E4.03. However, the results are quite different for public and privately operated programs. Figure 13.4-2 indicates the percentage of both publicly and privately operated programs in full, substantial, or noncompliance for both the contract management indicators (E4.02 and E4.03) combined.

Figure 13.4-2: Contract Management Compliance Ratings for Public and Private Programs



Public programs that are directly operated by local school districts had a full compliance rating that was 30% higher than privately operated programs. This may suggest that school districts (which are responsible for contract management) may be more likely to provide a higher level of administrative oversight of the programs they directly operate, than of privately operated programs with contracted educational services. Clearly, if this is the case, steps need to be taken to remedy this practice.

13.5 Summary

To provide quality educational, treatment, and transition services for youth in the juvenile justice system, effective interagency collaboration is essential. The document that defines this collaboration is the cooperative agreement. Cooperative agreements define and clarify responsibilities and procedures for school districts and DJJ to follow to ensure an effective partnership. Contracts between school districts and private providers should contain all of

the statutory requirements. School districts should provide the same level of administrative oversight to privately operated educational programs as they do to publicly operated ones.

To address the deficiencies noted in this chapter, school districts should use measurable requirements in their contracts with private providers while conducting periodic evaluations of their contracted programs to ensure that providers are addressing the requirements set forth in the contracts.

In 2001, JJEPP and DOE plan to provide technical assistance and training in the areas of interagency collaboration, writing contracts between school districts and private providers for the provision of educational services, and contract management strategies that address the deficiencies found in privatization.

