

CHAPTER 6 CONTRACTS AND COOPERATIVE AGREEMENTS

6.1 Introduction

Educational contracts and cooperative agreements define and clarify the responsibilities and procedures school districts, private providers, and the Department of Juvenile Justice (DJJ) are to follow in order to ensure effective partnerships. Contracts between school districts and private providers must include all statutory requirements as stated in sections 1003.52 and 1003.53, F.S., and Rule 6A-6.05281, FAC. These sections specifically address programming and service requirements for youths in DJJ facilities. This chapter provides information about 2002 contract management findings, the technical assistance that DOE and JJEEP provided in 2002, and the qualitative status of submitted 2003 contracts and cooperative agreements.

In 2002, the Florida Department of Education (DOE) and the Juvenile Justice Educational Enhancement Program (JJEEP) continued to assist school districts in developing their respective juvenile justice education contracts and cooperative agreements, conducting reviews of contract management initiatives, and analyzing the quality of contracts and cooperative agreements for 2003. These activities are in compliance with Florida Statutes and State Board of Education Rules, including Rule 6A-6.05281(9) and (11), FAC, that require school districts to submit all cooperative agreements and contracts to DOE for review prior to the October Full-Time Equivalent (FTE) Reporting Survey.

The chapter includes four subsequent sections. Section 6.2 analyzes data gathered during the 2002 review cycle on indicators E4.01, E4.02, and E4.03. Section 6.3 discusses the technical assistance JJEEP and DOE provided on contract development and contract management during the 2002 review cycle. JJEEP, DOE, and DJJ staff reviewed the 2002/2003 contracts and cooperative agreements to assess compliance with sections 1003.52 and 1003.53, F.S., and Rule 6A-6.05281(9) and (11), FAC. The results from this content analysis are summarized in Section 6.4. Section 6.5 provides a summary discussion of the importance of interagency collaboration and contractual agreements in the provision of quality juvenile justice education.

6.2 Results of JJEEP's Review of Contract Management During 2002

Educational Standard Four: Contract Management is comprised of three compliance indicators. Together they define the contractual roles and responsibilities of all school

districts in relation to juvenile justice students while ensuring local oversight of juvenile justice educational programs by the school districts. It should be noted that the ratings assigned to indicators E4.01, E4.02, and E4.03 reflect the way school districts handle their responsibilities according to the terms of their contracts and cooperative agreements with private providers and DJJ. Therefore, school districts, and not programs, are rated on Standard Four.

Data gathered in the 2002 review cycle provided the scores for school district-operated educational programs and private provider-operated educational programs on compliance indicators E4.01, E4.02, and E4.03. A total of 146 educational programs received a non-deemed review during this review cycle. Of these, public school districts operated 78 programs, government agencies operated two programs¹, and private education providers operated 66 programs. Figures 6.2-1, 6.2-2, and 6.2-3 provide comparisons of full compliance, substantial compliance, and noncompliance ratings for 144 public and private educational programs for indicators E4.01, E4.02, and E4.03.

The rating assigned to indicator E4.01 reflects whether a current contractual document exists and the quality of contract management provided by the school district. The first component of indicator E4.01 requires verification that school districts have a designated contract manager. A contract manager's responsibilities include communicating regularly with the program and ensuring that the school district and the programs are fulfilling their contractual obligations and other obligations required by state and federal law. The second component of indicator E4.01 requires documentation confirming that either the contract manager or designated administrator monitors the expenditures of all state and federal educational funds provided through the school district. The final component of E4.01 requires documentation of periodic evaluations of the program's educational activities and programming.

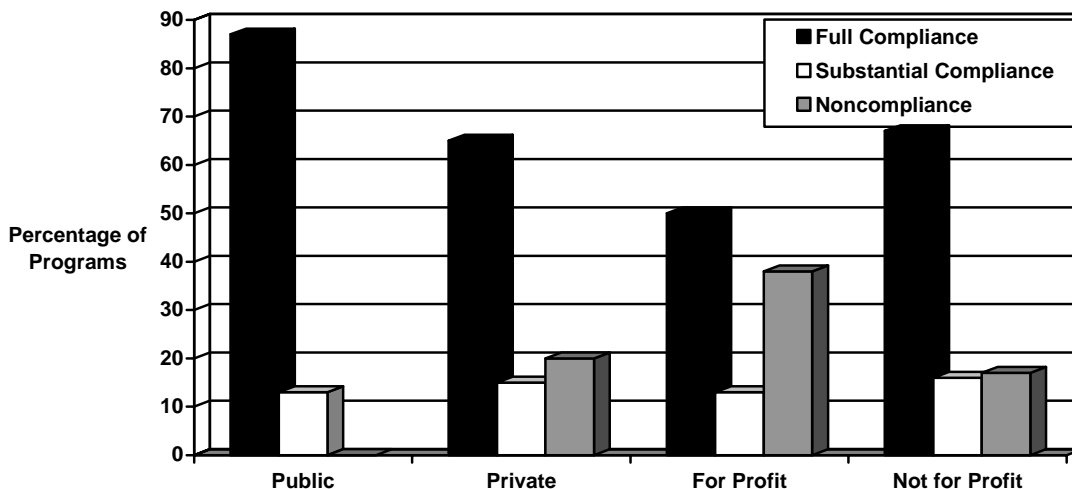
Figure 6.2-1 illustrates a public/private program comparison on indicator E4.01. One hundred eleven (111) programs out of the possible 146, received full compliance ratings on this indicator. Sixty-eight (68) of these programs were public-operated programs (87% of all public-operated programs); 43 were private-operated programs (39 not-for-profit and 4 for-profit). Twenty programs received substantial compliance ratings for this indicator. Ten (13) were public-operated programs (13% of all public-operated programs); ten (10) were private-operated programs (nine not-for-profit and one for-profit). Thirteen programs received noncompliance ratings for this indicator. None of the publicly operated school districts were in noncompliance on E4.01, 10 of the private not for-profit educational programs, and 3 of the for-profit programs were in noncompliance. The majority of programs within the state were in full compliance on indicator E4.01 (87% of the public, 67% of the private not-for-profit, and 50% of the private for-profit). It should be noted, however, that 17% of the not-for-profit and 38% of the for-profit education providers received noncompliance ratings on indicator E4.01.

The 2002 QA findings for indicator E4.01 reported that school districts received noncompliance and substantial compliance ratings because of a lack of oversight intended to ensure that programs fulfilled their contractual obligations as required by state and federal

¹ The two educational programs operated by government agencies are not included in this analysis.

law. Specific areas of weakness frequently cited were the inconsistent provision of exceptional student education (ESE) services, the lack of expenditure monitoring, and the absence of documented periodic evaluations of the programs' educational component.

Figure 6.2-1: Comparison by Percentage of E4.01 Compliance Ratings for Public-Operated Programs and Private-Operated Programs



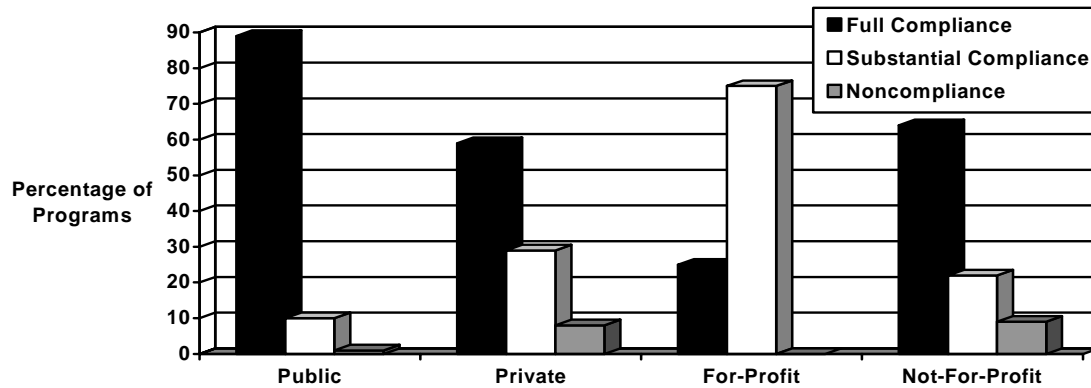
In addition to evaluating programs for compliance on indicator E4.01, QA reviewers assessed the technical assistance that school districts provided to programs in 2002. Indicator E4.02 requires school districts to document the support they give to programs in the areas of school improvement plan (SIP) development and implementation, curriculum development, coordination of state and local assessment activities, student enrollment, registration and withdrawal through the school district management information system (MIS), the issuance of permanent report cards and cumulative transcripts, providing access for teachers' professional development and inservice training, and access to substitute teachers.

Figure 6.2-2 illustrates a public/private program comparison on indicator E4.02. One hundred nine (109) programs received full compliance ratings on this indicator. Sixty-nine (69) were publicly operated programs (89% of all public-operated programs) and 39 were private-operated programs (37 not for-profit and 2 for-profit). Twenty-eight (28) programs received substantial compliance ratings for this indicator. Eight (8) were public-operated programs (10% of all public-operated programs) and 25 were private-operated providers. Six programs received noncompliance ratings for this indicator: one public-operated program (one percent of all public-operated programs) and five private not-for-profit programs (eight percent of all private programs).

School districts received substantial compliance and noncompliance ratings for indicator E4.02 in 2002 when there was evidence of lapses in technical assistance and/or in school district support in a number of required areas. This occurred primarily when school districts provided little or no technical assistance for the development of SIPs, and for inefficient or lack of school district MIS support with the registration and withdrawal of students and the provision of permanent report cards and cumulative transcripts. There was some weakness in

school districts' monitoring of curriculum development and in their provision of professional development and inservice training

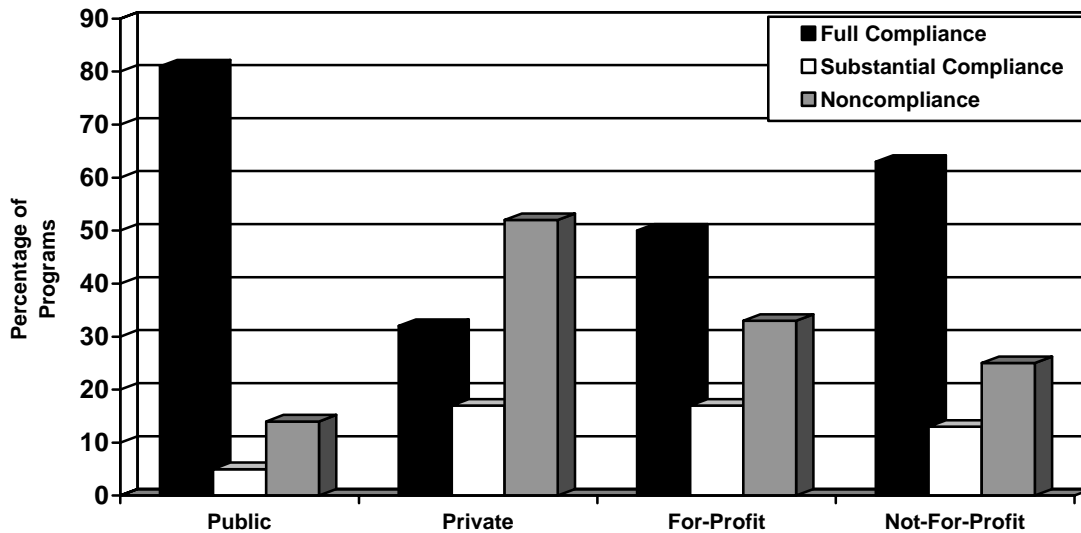
Figure 6.2-2: Comparison by Percentage of E4.02 Compliance Ratings for Public-Operated Programs and Private-Operated Programs



The new indicator E4.03 evaluates the school districts' data management strategies that include the assignment of individual school identification numbers, appropriate year-round school calendars that enabled students the opportunity to earn more credits during the summer months, and documentation of all appropriate student data, including entry and exit assessment scores into the school district MIS.

Figure 6.2-3 summarizes the QA scores for public and private education providers for indicator E4.03. Ninety-eight (98) programs received full compliance ratings for this indicator (67% of all programs). Sixty-three (63) were public-operated programs (81% of all public-operated programs); 34 were private-operated programs (29 not for-profit and five for-profit). Fifteen programs received substantial ratings on this indicator. Four were public-operated programs (5% of all public-operated programs); 11 were private-operated programs (ten not for-profit and one for-profit). Thirty-three (33) programs received noncompliance ratings for this indicator (23% of all programs). Fourteen percent (14%) of the public programs, 19% of the private not for-profit programs, and 25% of the private for-profit programs were in noncompliance on this indicator. It is anticipated that the high percentage of programs in noncompliance on this indicator will decrease next year because of the assistance JJEEP provided to the programs in 2002 in the areas of correcting and revising data management techniques.

Figure 6.2-3: Comparison by Percentage of E4.03 Compliance Ratings for Public-Operated Programs and Private-Operated Programs



QA reviewers reported that school districts received noncompliance ratings for indicator E4.03 during the 2002 cycle most frequently because there was inaccurate information or non-reporting to the school district MIS of academic entry and exit assessment results. Additionally, school districts received noncompliance ratings because programs had not been assigned individual school numbers as required, and this should not be a significant concern in 2003.

The analysis of scores and reviewer comments on these three indicators show a continuing need to emphasize and improve oversight and evaluation of school district programming, interagency collaboration for school improvement, and the management and transmittal of information.

As the preceding findings demonstrate, most school districts provided adequate contract management and technical assistance to the juvenile justice educational programs during 2002. The quality of contract management services provided by school district-operated programs, however, was approximately 20-25% higher than that offered to educational programs that were operated by private providers. This general pattern of school district-operated programs providing a greater quality of contract management services has been a consistent finding since JJEPP began evaluating school districts' performance in contract management in 2000.

6.3 Technical Assistance for Juvenile Justice Cooperative Agreements and Contracts

Throughout 2002, JJEPP and DOE staff provided school district contract managers and program educational personnel with technical assistance on the development and writing of

appropriate contracts and cooperative agreements, and on interagency collaboration for appropriate implementation of these contractual documents.

A team of JJEEP and DOE staff read all 2002 contracts and cooperative agreements submitted by school districts from October 2001 through January 2002. The team generated a checklist of findings for each reviewed contractual document using either a *2001-2002 Juvenile Justice Education Cooperative Agreement Review* checklist or a *2001-2002 Juvenile Justice Education Contract Review checklist*. These checklists were a component of a 2002 technical assistance packet that DOE developed for each school district.

The technical assistance packet included:

- copies of blank checklists used for contractual document review for program and school district reference;
- completed *2001-2002 Juvenile Justice Education Cooperative Agreement Review* checklists and/or *2001-2002 Juvenile Justice Education Contract Review* checklists as appropriate to each school district;
- the June 2001 *Juvenile Justice Cooperative Agreements and Contracts* technical assistance paper;
- the October 2001 DOE memorandum *Implementation of the New Provisions for District Cooperative Agreements and Contracts with the Department of Juvenile Justice*; and
- samples of exemplary 2002 contracts and cooperative agreements from four programs.

The June 2001 DOE technical assistance paper entitled, *Juvenile Justice Cooperative Agreements and Contracts*, addressed interagency collaboration and instructions for writing cooperative agreements and contracts between school districts, DJJ, and private providers for the provision of educational services.

The October 2001 DOE memorandum, *Implementation of the New Provisions for District Cooperative Agreements and Contracts with the Department of Juvenile Justice*, described the protocol to be used for contract and cooperative agreement review. It addressed section 228.041(43), F. S., regarding the reduction of instructional days to provide for increased teacher planning time, the approval of this reduction by the school board, and the inclusion of this decreased number of days of instruction in contracts. It discussed the amendment to section 230.235(3), F. S. CS/CS/HB267, which requires all school districts to develop cooperative agreements with DJJ, and all school district cooperative agreements with DOE to “specify guidelines that will ensure that all *no contact orders* entered by the court are reported and enforced.” The memorandum included a sample format for the DJJ and school districts’ *no contact orders* written procedures.

In the early months of the 2002 QA review cycle, from February through May 2002, JJEEP QA reviewers delivered the technical assistance packets to school district contract managers during the initial visit to school districts. QA reviewers discussed the contents of the packets with school district administrators to ensure that the documents would be used to assist school districts, programs, private providers, and DJJ in the development of future contracts

and cooperative agreements. Designated DOE staff were available by phone, through on-site visits, and through e-mail to offer more information and technical assistance as needed. Participants in the June 2002 Juvenile Justice Educational Institute and Southern Conference on Corrections had another opportunity to receive technical assistance during a presentation on contracts and cooperative agreements. Presenters included DOE, DJJ, school district, and JJEPP staff. The workshop addressed the significant differences among contracts, cooperative agreements, and service agreements; the need for collaboration among all parties to develop a contract; the importance of defining all partners' roles and responsibilities; and the QA review process for contract management.

JJEPP staff offered two sessions at a two-day DOE technical assistance workshop in September 2002, which gave all participants another opportunity to review the requirements and strategies for development of contracts and cooperative agreements.

This extensive array of technical assistance activities resulted in school districts, DJJ, and programs having a better understanding and awareness of the nature of these contractual documents. Most significant was the clarification of the differences among cooperative agreements, which are developed between school districts and DJJ; contracts, which are between school districts and private providers; and agency service agreements, which are between providers, DJJ, and other service-delivery agencies. Based on that knowledge, school districts were for the most part able to produce the appropriate 2003 contractual documents relevant to the agencies with which they had educational partnerships.

In November and December 2002, JJEPP, DOE, and DJJ staff reviewed all program contracts and cooperative agreements for 2003 that were submitted to DOE between August 2002 and December 31, 2002. As of December 31, DOE had received 70 contracts, which was 89% of all contracts due. This is a 25% increase over 2001 in the number of contracts received. Fifteen contracts have not yet been submitted to DOE. Two contracts cannot be written since negotiations are still in process; one contract has not been drawn up because of a change in provider and a shift in school district personnel; and one contract lacked a signature page.

The DOE received cooperative agreements from 37 of the 46 districts that have juvenile justice educational programs². Of the nine school districts that did submit a cooperative agreement with DJJ, to date, all but one of the districts not submitting cooperative agreements submitted related information. Five submissions were determined to be facility agreements, two were interagency agreements, and one was a victim's rights amendment. Technical assistance is being provided on an individual basis to these districts to correct these problems.

Table 6.3-1 lists all the school districts that submitted contracts and/or cooperative agreements for review as of December 2002.

² Hardee County School District, while required to submit a cooperative agreement, only supervises one program that opened in 2002 and did not receive a QA review. Therefore, Hardee County is not included in discussion or data analyses in the other chapters.

Table 6.3-1: List of School Districts that Submitted Contracts and Cooperative Agreements for Review

Contracts	Cooperative Agreements
Alachua	Alachua
Bay	Bay
Brevard	Bradford
Broward	Broward
Charlotte	Charlotte
Citrus	Citrus
Collier	Collier
DeSoto	DeSoto
Duval	Escambia
Escambia	Hamilton
Hardee	Hardee
Hillsborough	Hillsborough
Holmes	Holmes
Jefferson	Jefferson
Lee	Lee
Leon	Leon
Levy	Levy
Liberty	Liberty
Madison	Madison
Manatee	Manatee
Marion	Marion
Miami-Dade	Martin
Monroe	Nassau
Okaloosa	Okaloosa
Okeechobee	Orange
Orange	Osceola
Palm Beach	Palm Beach
Pasco	Pasco
Pinellas	Polk
Polk	St. Johns
Sarasota	St. Lucie
Seminole	Santa Rosa
St Lucie	Sarasota
Union	Seminole
Volusia	Volusia
Walton	Walton
	Washington

The results summarized in this section highlight the importance of the continual provision of technical assistance during 2002. This technical assistance has resulted in a marked improvement in the timely submission of contracts and cooperative agreements in comparison to past years.

6.4 Compliance Review of Cooperative Agreements and Contracts and Implications for Program Operation

A committee comprised of JJEEP, DOE, and DJJ staff participated in the 2003 contract/cooperative agreement review process. The committee used the same written protocol from the previous year, including the checklist of required and appropriate content (see Appendices E and F). This review was completed in mid-December 2002.

The quality of 2002-2003 contracts and cooperative agreements continued to vary. As in 2001-2002, there was a wide range in the way school districts approached the required components of the documents. Some components of the contracts and cooperative agreements were addressed in detail, some were referenced in attached documentation, some were merely mentioned, and others were omitted.

Contracts and cooperative agreements from several school districts were exemplary and are noted for their overall high quality in Table 6.4-1.

Table 6.4-1: High Quality Contracts and Cooperative Agreements

Contracts	Cooperative Agreements
Citrus	Leon
Collier	Hamilton
Hardee	Collier
Leon	Escambia
Levy	Desoto
Liberty	Palm Beach
Okeechobee	Washington
Polk	
Volusia	
Walton	

Contracts require the following components:

- Terms of Agreement
- Funding
- Coordination (responsibilities of parties to the contract)
- Student records
- Instructional services and academic expectations
- Student eligibility (including special student services)
- Qualifications and procedures for selection of instructional staff
- Interventions and sanctions (including correcting deficiencies)
- Transition services
- Individual academic plans (IAPs)
- Student assessment
- Pre-contract negotiation procedures (including workforce development)

Cooperative agreements require the following components:

- General provisions
- Roles and responsibilities of each party
- Administrative issues, including sharing information
- Classroom management procedures, including attendance policies
- Methods for dispute resolution
- Curriculum and delivery of instruction
- Procedures for educational evaluation of students with special needs
- Procedures for providing qualified instructional personnel
- Provisions for professional development and training to work with juvenile delinquents
- Transition plans
- Allocation of resources including local, state, and federal funding
- Strategies for correcting deficiencies
- Provisions for ensuring the safety of educational personnel
- Procedures and timelines for credit documentation and records transfer
- Citing of new facilities
- Guidelines for No Contact orders

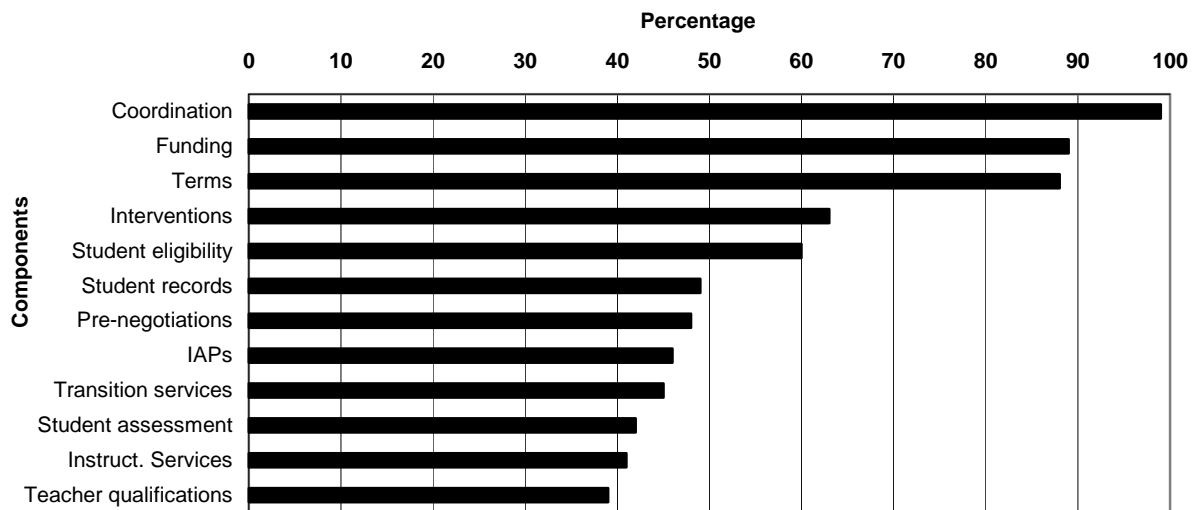
JJEEP, DOE, and DJJ staff who reviewed the contracts and cooperative agreements for 2003 recorded the number of required components that were omitted and the elements that were mentioned but lacked specificity and detail. Some of the noted problem areas repeated problems from the previous year.

Figure 6.4-1 illustrates the percentage of the required components that were addressed in the 70 submitted contracts. The majority of all reviewed contracts state clearly the desire of all parties to coordinate their efforts in the provision of educational services at DJJ facilities. The school district funding component and program funding are addressed with specificity in most contracts. The indemnification clause and/or authority to create the cooperative agreement and the allocation of resources is either not addressed or given little attention in

approximately one fourth of cooperative agreements. Pre-contract negotiation activities to ensure the eligibility and financial stability of private providers, and to ensure that services are coordinated with DJJ are described in less than 50% of the contracts.

Two thirds of all reviewed contracts described the areas necessary for meeting the needs of special students and of selecting qualified teachers to provide students with appropriate instruction and curriculum. Two thirds of the reviewed cooperative agreements included details on procedures for educational evaluation for exceptional student education or other special needs of students. Elements of workforce development issues were addressed in two thirds of all reviewed contracts.

Figure 6.4-1: Percentage of Required Components Addressed in Contracts

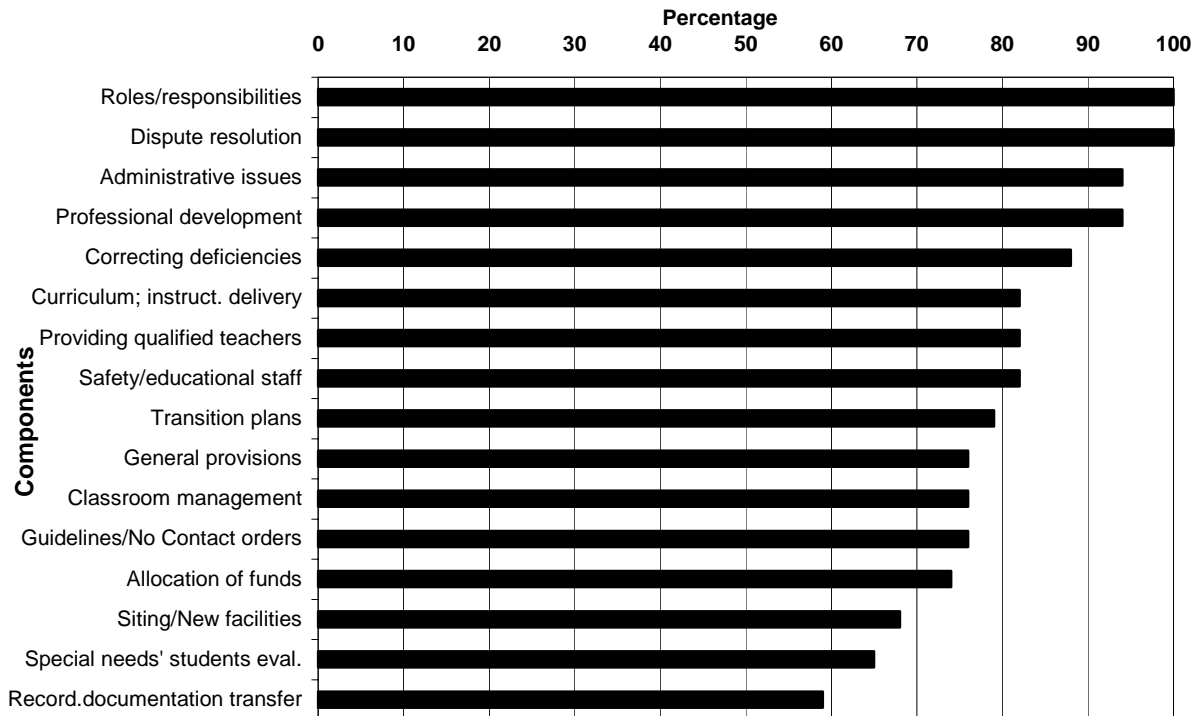


With few exceptions, contracts include the student/family privacy clause; however, less than 50% of contracts itemize procedures for the maintenance of student records, including use of the school district MIS. Approximately 60% of cooperative agreements described procedures and timelines for documentation of credits earned and transfer of student records.

Figure 6.4-2 illustrates the percentage of required components addressed in the 37 cooperative agreements. Some elements included in cooperative agreements and contracts are mentioned but not specific to the degree desirable for effective communication between the parties and contract management. Of significance are the omissions and lack of specificity in approximately 40% of the contracts of the process to access teacher substitutes and of school board procedures for the approval of non-certified teachers. Forty percent (40%) of contracts also do not include definitive strategies to assist students with preparing for and taking the GED test, and to provide students with tutorial services. Similarly, about the same percentage of contracts provide few or no procedures for classroom management, and failed to describe planned methods of instructional delivery. Conversely, 67% of cooperative agreements addressed classroom management procedures and attendance policies.

The required component for cooperative agreements regarding procedures for no contact orders and victim protection was addressed in over three fourths of the reviewed documents. Another required component for cooperative agreements that must be addressed is the citing of new facilities and new construction and operation of such facilities. This was detailed in more than two thirds of these contractual documents.

Figure 6.4-2: Percentage of Required Components Addressed in Cooperative Agreements



A comparison of the high percentage of omissions of certain required components of contracts for 2002/2003 to related QA indicators demonstrates several issues. The required contract components are student assessment, individualized academic plans (IAPs), and transition services. They were selected because the high number of omissions and/or lack of specificity for these components have occurred in contracts for two years. The QA indicators are Entry Transition Assessment, On-Site Transition Student Planning, and Exit Transition. All 146 programs that were not deemed in 2002 were included for comparison. The percentage of programs receiving poor ratings included the following: 44% for E1.02 (Entry Transition: Assessment); 45% for E1.03 (On-Site Transition Student Planning); and 51% for E1.06 (Exit Transition).

Sixty-four programs received poor ratings for E1.02 in 2002 because they used inappropriate assessments, did not administer assessments in the required time frame, and/or did not use assessment results for instructional planning and instructional delivery. These sixty-four programs and many other providers are currently seeking the most appropriate academic assessments that will not only provide educational staff with information on how best to assist

their students in the classroom, but will also serve as a program entry and exit assessment test. The uncertainty and lack of clarification that surround assessment activities appears to have adversely affected contract development in this area for 2003.

During 2002, 65 of the 146 reviewed programs did not develop IAPs within the required time frame, did not include the necessary components in the IAPs, did not use the IAPs to monitor progress, or did not provide students in ESE programs with mandated services as needed. All these factors resulted in unsatisfactory ratings. For a second year, approximately 54% of reviewed 2002-2003 contracts devoted little or no attention to the procedures for student academic planning, and for developing IAPs. These findings are a strong indication that continued technical assistance is vital to improve the area of student academic planning.

The breadth and quality of transition services, including exit transition activities, differed greatly among programs during the 2002 cycle. Varying requirements or limitations of the programs, JJEEP standards, DJJ standards, and inconsistent support from some school districts and facility operators all contributed to 75 programs, or 51% of all reviewed programs earning low ratings for E1.06. This occurred because of the lack of educational representation at exit staffings, poorly developed or nonexistent exit plans, missing records for students exiting the programs, and poor quality exit portfolios in DJJ discharge packets. The review of contracts for 2002-2003 revealed that, for the second year in a row, as many as 55% of all parties involved in transition services at DJJ facilities may lack both written procedures to assist students with reentry into school, community, and/or work settings, and transmittal of accurate records.

Finally, and in reference to the data presented in section 6.2, there is a correlation between deficits in school district contract management of private-operated educational programs and omissions of required contract components that include strategies for correcting deficiencies and resolving disputes, approval of noncertified teachers and access to substitutes, and the existence of a financial/accounting system.

6.5 Summary Discussion

The majority of school districts and programs currently have a better understanding of the nature of contracts and cooperative agreements as a result of extensive technical assistance provided throughout the 2002 QA review cycle. A continuing focus on improving the quality of next year's contracts and cooperative agreements through technical assistance, use of boiler-plate documents, and networking among school districts and providers should lead to future best practices. All parties to contractual documents can further refine their roles and responsibilities by ensuring that every required component of contracts and cooperative agreements is addressed. When they recognize the significance of contractual documents as integral elements of programs' policies and procedures, for program operation, and for school improvement, all school districts, DJJ, and educational program providers may be motivated to make contracts and cooperative agreements a part of the evaluative process for ongoing improvement in program quality. Moreover, as JJEEP's research continues to identify and validate best practices in juvenile justice education, increasing emphasis will be

focused upon the important role of contracts and cooperative agreements in ensuring successful implementation of these best practices by individual educational programs.