

# CHAPTER 6

## NO CHILD LEFT BEHIND (NCLB) AND LITIGATION: A NATIONAL SURVEY

### 6.1 Introduction

The *No Child Left Behind Act* (NCLB) poses unprecedented challenges for the reform of this country's entire elementary and secondary school system that explicitly includes juvenile justice schools. Specifically, NCLB addresses the concern that too many of the most needy children are not achieving academically (United States Department of Education [USDOE], 2001, 2001a, 2001b). The new law emphasizes four major education reform ideals: (1) stronger accountability for states, local school districts, and schools; (2) increased local control and flexibility; (3) expanded choice for parents; and (4) a focus on scientifically based teaching methods that have been empirically supported (USDOE, 2001b).

Although NCLB represents a landmark federal intervention in juvenile justice education, lawsuits also have played a major role in demanding increased accountability within these systems. Since 1967, and up to NCLB, litigation served as the main avenue for improving juvenile justice education. Most states have experienced lawsuits, and most of these lawsuits were sparked by the relatively poor quality of educational services within juvenile justice programs. Since the passage of NCLB, however, juvenile justice agencies are being held to higher standards that place new demands on their already strained resources. Given the difficulties associated with meeting the mandates set forth in NCLB, the question of how well the states are doing in meeting these demands arises. In 2004, Florida's Juvenile Justice Educational Enhancement Program (JJEPP) conducted telephone surveys of 49 states to answer this question and to explore the difficulties in implementation of NCLB that are related to Florida's efforts to more fully implement NCLB.

Combined, NCLB and litigation have created an unparalleled demand for accountability in juvenile justice schools. JJEPP conducted the national survey to explore the level of NCLB implementation and accountability in other states' juvenile justice education systems. The purpose of this chapter is to examine the extent to which states have both complied with NCLB mandates and experienced litigation relating to juvenile justice education. In addition, state responses to these litigation experiences are addressed. Section 6.2 describes the methods used to conduct the national survey. It also addresses the difficulties inherent in conducting such a survey. Section 6.3 explains NCLB as it applies to juvenile justice education. Section 6.4 presents the results of the survey. Specifically, five aspects of the states' accountability systems are discussed: (1) states' administration of their juvenile justice education systems; (2) implementation of NCLB, with particular emphasis on Title I, Part D, requirements; (3) outcome data; (4) level of accountability; and (5) legal implications. Section 6.5 focuses on Florida's accountability system as it relates to both NCLB and the survey's findings on national trends. Section 6.6 provides a summary discussion of the chapter, including directions for future research.

## **6.2 Methods**

In 2004, JJEEP conducted a national survey based on telephone responses from 49 states<sup>1</sup>. This was an exploratory study aimed at obtaining a basic description of where Florida is in relation to the rest of the United States in implementing NCLB and any litigation experiences that relate to accountability levels. The survey was designed to address the following four issues: (1) the administration of state juvenile justice education systems; (2) implementation of NCLB; (3) level of accountability (i.e., program monitoring procedures, technical assistance and consequences); and (4) legal implications. This section describes the methods used in conducting the survey and the difficulties encountered. (See Appendix D for the complete survey instrument.)

First, a contact list was created using the following resources: (1) the Office of Juvenile Justice and Delinquency Prevention (OJJDP), (2) the National Center for Juvenile Justice, (3) the USDOE, (4) the Council for Educators of At-Risk and Delinquent Youth, and (5) each state's official website. This contact list included each state's key administrative personnel for juvenile justice and education. Second, when the telephone survey was conducted, state personnel were contacted in the following order: (1) juvenile justice education specialist; (2) education director; (3) juvenile justice director; (4) title I personnel; and (5) state advisory groups.

Two important difficulties emerged during the course of the survey. These were (1) multiple agency providers and (2) definitional issues. JJEEP immediately recognized that some states' juvenile justice education systems were fragmented, with multiple agency providers. The fragmentation of these systems was an impediment to conducting the survey. Additionally, definitional inconsistencies across states proved to be another obstacle. In particular, this issue should serve as a caution in interpreting data addressing the size of each state's juvenile justice education system for two reasons: (1) Some states may have overestimated the size of their systems by including dependent as well as delinquent youths, and (2) other states may have underestimated the size by excluding local privately operated facilities with no state oversight.

## **6.3 NCLB Requirements for Juvenile Justice Schools**

NCLB is an attempt to reform the nation's elementary and secondary education school systems, including strengthening the accountability mechanisms in states' juvenile justice education systems. The requirements of NCLB for juvenile justice schools, particularly Title I, Part D, emphasize reforms in the areas of evaluation and accountability, improvement of services, transition, and a state education agency plan. Each state is responsible for successfully implementing the goals of NCLB.

The adequate yearly progress (AYP) mandate requires that all schools, including juvenile justice schools, develop and enforce a uniform assessment and evaluation method that uses a standardized assessment for both reading and math, along with two additional measures for

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<sup>1</sup> Hawaii declined to participate in the survey.

determining AYP for each school. Additional mandates are that each school tests no less than 95% of their student population and that state requirements and definitions for AYP are based on growth expectations in achievement that should result in nationwide student proficiency in reading/language arts and mathematics by year 2012 (107-110 U.S.C. § 1115 [2001]).

NCLB requirements, in the attempt to improve teacher quality, emphasize the use of scientifically validated practices. Moreover, NCLB mandates that states must develop a plan ensuring that all teachers of core academic subject areas achieve “highly qualified” status by the 2005-2006 school year by obtaining full state certification or passing the State Teacher Licensing Examination, demonstrating competency in each subject area they teach, and (for new teachers) having at least a bachelor’s degree.

NCLB’s Title I, Part D, requirements concerning schools for neglected and delinquent youths include a program evaluation that requires juvenile justice schools be assessed using multiple and appropriate measures of student progress, that schools should be monitored, and that technical assistance be provided to schools as determined by the results of the evaluations. Additionally, it is required that juvenile justice educational programs evaluate student outcomes in the following areas: (1) maintain and improve educational achievement, (2) accrue school credits toward grade promotion and graduation, (3) return to school following release from an institution, (4) completion of high school and employment after release from an institution, and (5) participation in post-secondary education and job training. It is also required that the states use the results of their evaluations to plan and improve their juvenile justice education systems (107-110 U.S.C § 1431 [2001]).

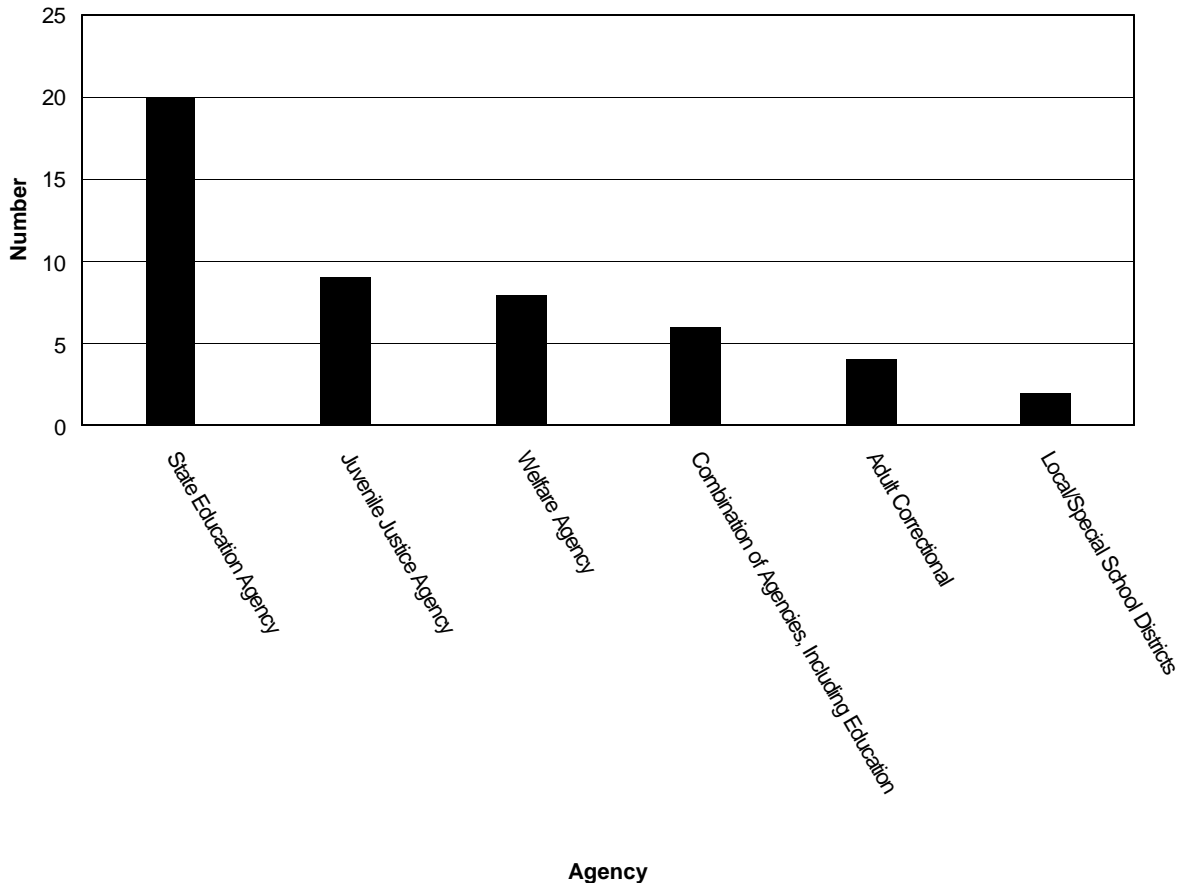
## **6.4 Survey Results**

The main objective behind conducting the national survey was to determine the level of compliance with NCLB requirements for juvenile justice schools across the nation. A second goal was to compare national progress with Florida’s to determine where Florida stands compared with the national average. The findings from the national survey are presented in six subsections: (1) states’ administration of juvenile justice education systems, (2) implementation of NCLB, (3) implementation of Title I, Part D, (4) outcome data, (5) level of accountability, and (6) legal implications.

## State Juvenile Justice Education Systems

Figure 6.4-1 shows the type of agency ultimately responsible for education within states' juvenile justice systems. Categories include: (1) state education agencies; (2) juvenile justice agencies; (3) welfare agencies; (4) a combination of agencies, including education (e.g. departments of education and departments of juvenile justice); (5) adult correctional agencies; and (6) special or local school districts (e.g., a separate juvenile justice school district with no geographical boundaries or local educational agencies).

Figure 6.4-1: Agency with Ultimate Responsibility for Juvenile Justice Education

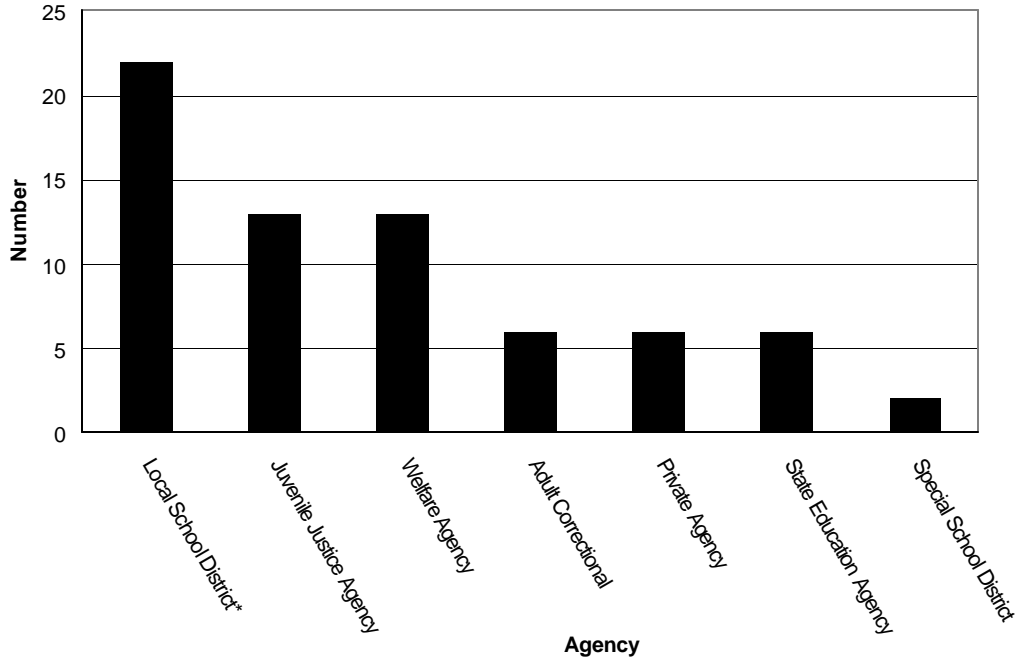


As Figure 6.4-1 illustrates, 20 states (41%) have a state education agency in charge of education within their juvenile justice system. Nine states (18%) have a juvenile justice agency, and eight states (16%) have a welfare agency in charge of their juvenile justice education system. Far less common are combinations of agencies, including educational agencies (9 states or 12%), adult correctional agencies (4 states or 8%) and one category, which includes one special school district and one state where local school districts are responsible (4%).

Regarding local responsibility of juvenile justice educational services, Figure 6.4-2 shows which agencies are responsible for employing the teachers within the juvenile justice educational programs in each state. This variable captures who operates education on a day-

to-day basis within juvenile justice facilities. Employers include: (1) local school districts, (2) juvenile justice agencies, (3) welfare agencies, (4) adult correctional agencies, (5) private agencies, (6) state education agencies, and (7) special school districts. (These categories are not mutually exclusive. Several states have multiple agencies in charge of employing teachers throughout their juvenile justice system.)

Figure 6.4-2: Agencies that Employ Teachers



\* Local school district also includes one state reporting local facilities as an employer.

As Figure 6.4-2 reveals, local school districts most commonly employ teachers in juvenile justice education systems across the nation (22 states), followed by juvenile justice and welfare agencies in 13 states each (27%). Adult correctional, private agencies, and state education agencies are each reported as employers in six (12%) states.

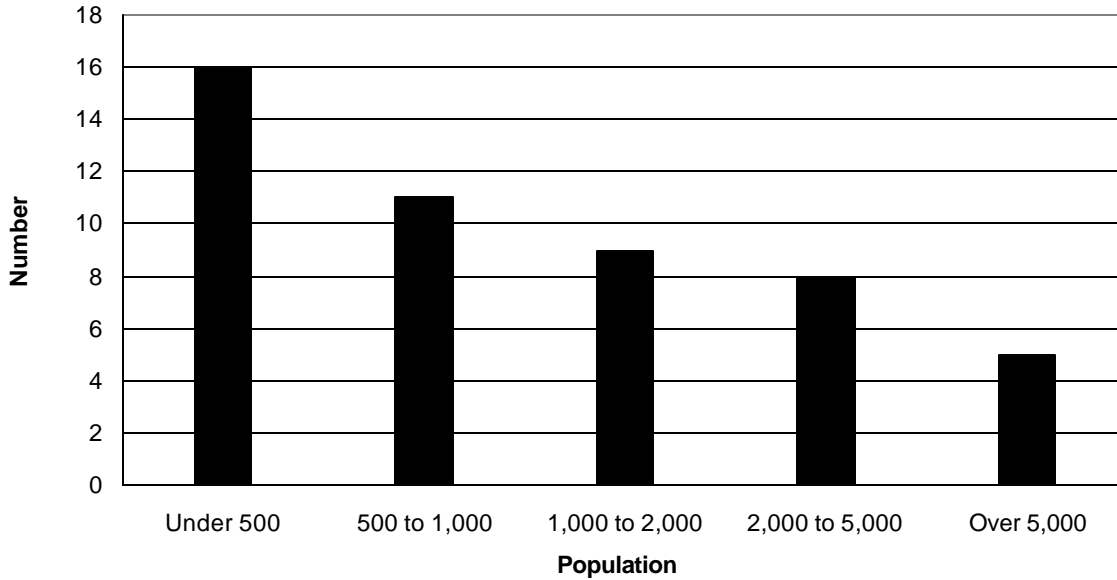
These findings indicate that state education agencies are much more likely to be ultimately responsible for juvenile justice education than to actually employ the teachers, while the opposite is true for local school districts. Local school districts and juvenile justice/welfare agencies provide the bulk of educational services while private providers employ less than a fifth of the states’ teachers.

Survey responses demonstrate that 25 states (51%) do not have any private juvenile justice residential facilities, while 24 states (49%) have some private juvenile justice residential educational programs.

Below, Figure 6.4-3 illustrates the size of juvenile justice systems throughout the nation. This survey item was measured by asking how many youths were served in each state’s juvenile justice system on any given day. These categories range from fewer than 500 youths

to more than 5,000 youths. For this particular survey item, one state (aside from Hawaii) failed to provide an answer; thus, the sample size is 48.

Figure 6.4-3: States' Estimated Daily Population (in percentages)

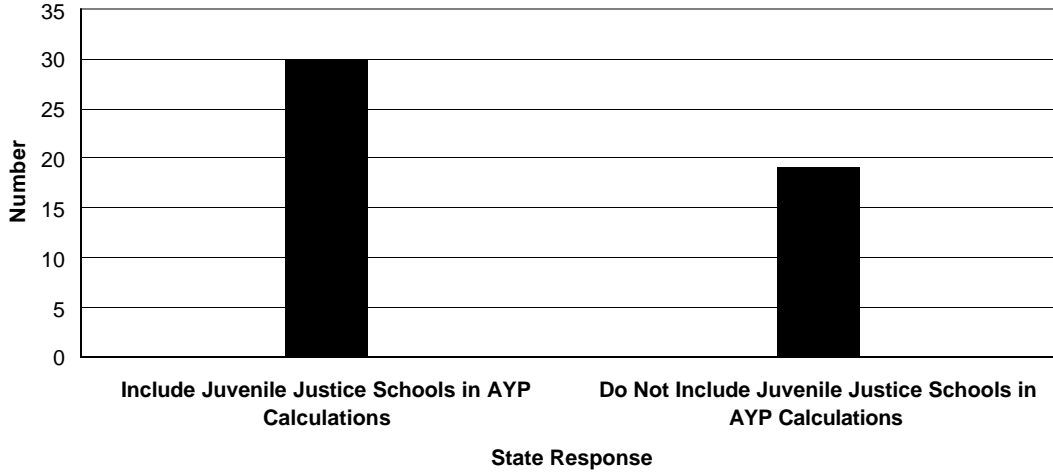


Most states have relatively small juvenile justice systems. Sixteen states (33%) have fewer than 500 youths, while 11 states (22%) have between 500 and 1,000 youths. Nine states (19%) have between 2,000 and 5,000 youths, eight states (16%) have between 1,000 and 2,000 youths, and only five states (8%) have more than 5,000 youths. The states with the largest systems are Florida, California, Maryland, Michigan, and Texas. New York, Illinois, and Pennsylvania, however, have more youths in their systems than these numbers suggest. For example, Chicago and New York City’s juvenile justice populations are not factored into their overall state estimates, while Pennsylvania includes only state facilities and no local or private facilities. In contrast, the smallest juvenile justice populations were found in Vermont, West Virginia, Rhode Island, and Montana. The following section addresses nationwide implementation of NCLB.

### Implementation of NCLB

As identified in Section 6.3, NCLB requires that states include juvenile justice schools in their calculation of AYP, make significant progress in meeting the highly qualified teacher requirement, and evaluate their programs. Figure 6.4-4 shows how many states are calculating AYP on their juvenile justice schools.

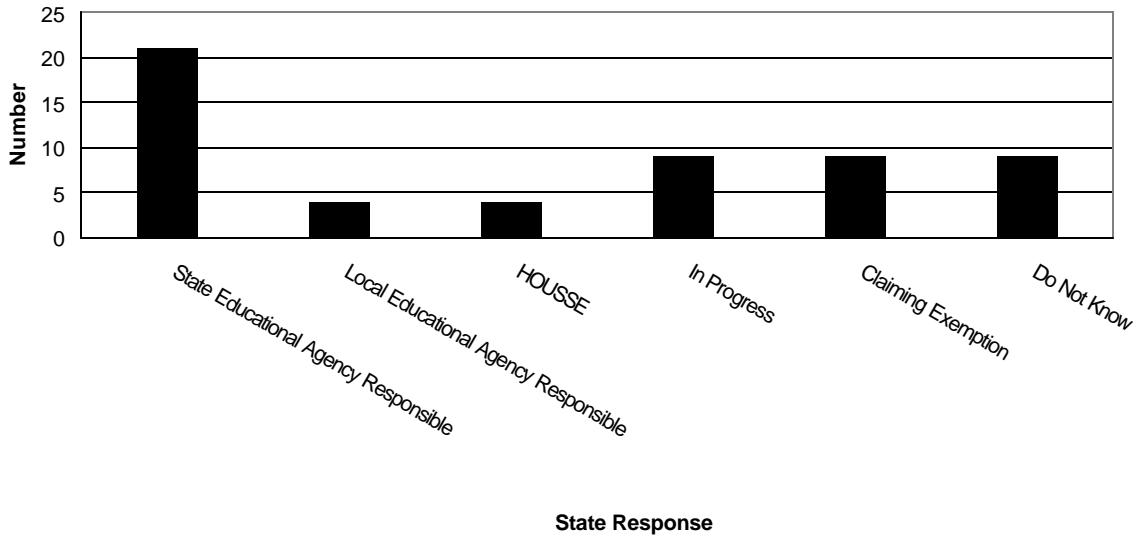
Figure 6.4-4: Inclusion of the NCLB AYP Requirement in Juvenile Justice Schools



As Figure 6.4-4 shows, 30 states (61%) calculate AYP on their juvenile justice schools; however, 19 states (39%) do not.

Another important requirement of NCLB is that of employing highly qualified teachers. The survey includes an open-ended question asking the states’ representatives about their plans to meet this particular requirement of NCLB. The responses were placed in the following categories: (1) working under the guidance of the state’s education agency; (2) making the local educational agency responsible; (3) using the High Objective Uniform State Standard of Evaluation (HOUSSE), (see Chapter 2, Section 3 for a more detailed discussion on HOUSSE); (4) in progress of meeting the requirement; (5) claiming an exemption (i.e., these particular respondents feel that NCLB does not apply to their state’s juvenile justice education system); and (6) do not know (i.e., these particular respondents do not have a plan for meeting the highly qualified teacher requirement). Figure 6.4-5 shows the states’ progress in meeting the highly qualified teacher requirement.

Figure 6.4-5: Implementation of NCLB’s Highly Qualified Teacher Requirement



\*Note: Response categories are not mutually exclusive.

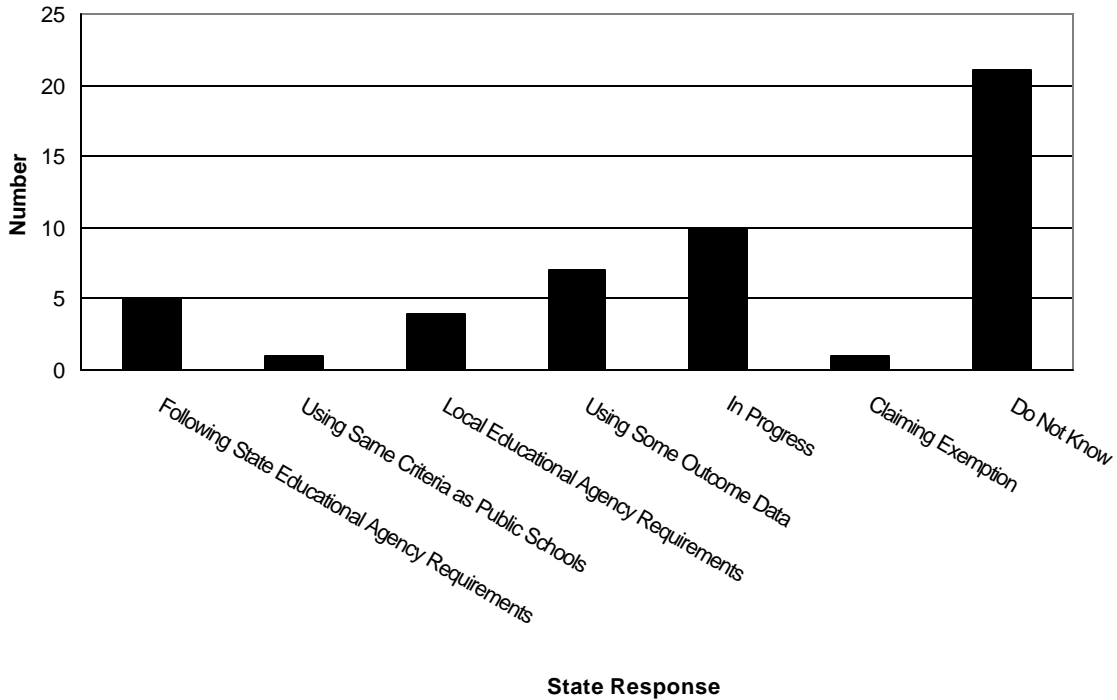
When asked about their progress in implementing the NCLB highly qualified teacher requirement, most states (21 or 43%) responded that they are working under the guidance of their state education agency. Other responses included: in progress (9 states or 18%), claiming exemption or does not apply (9 states), implementing HOUSSE (4 states or 8%), do not know or unable to determine (again 4 states for both), and local school districts are being made responsible (only 2 states or 4%). The following subsection is concerned with the states’ progress in implementing the Title I, Part D, program evaluation requirement.

### Implementation Of Title I, Part D

While the previous subsection focused on NCLB requirements for all types of schools, this subsection is concerned with Title I, Part D, which is entirely focused on schools that serve neglected, delinquent, and at-risk students.

Figure 6.4-6 illustrates the states’ progress in implementing the program evaluation requirement. As with the highly qualified teacher item, this too was an open-ended question, and the responses were placed accordingly. The response categories are also the same as those used for the highly qualified teacher requirement, with the exception of using the same criteria as public schools.

Figure 6.4-6: Implementation of Title I, Part D Program Evaluation Requirement



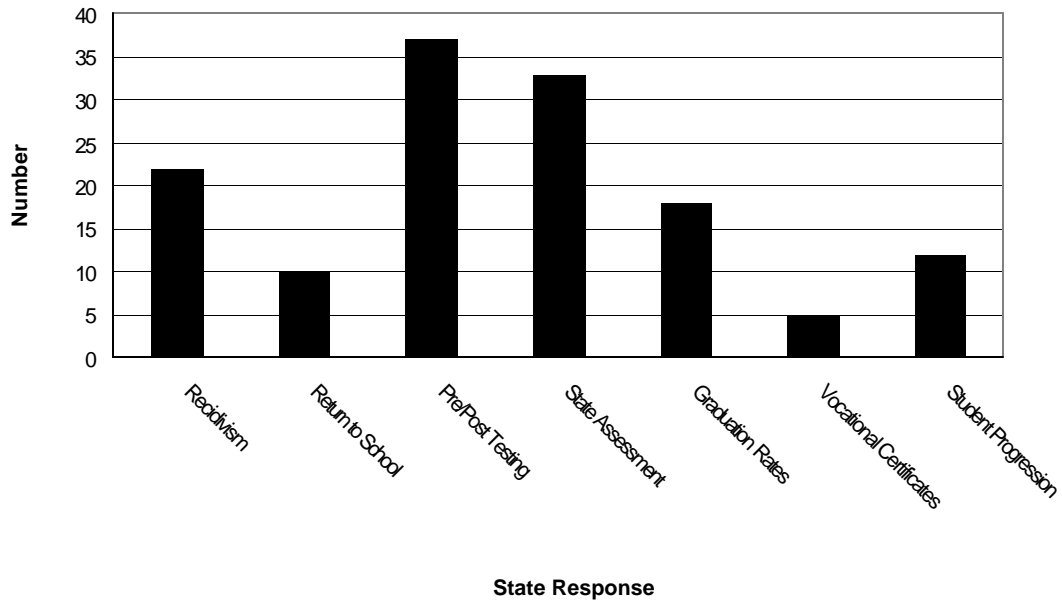
By far, the most common response to this survey question was that the respondent simply did not know or was unable to determine the state’s progress (21 states or 43%) in implementing the program evaluation requirement. Other states reported that they were: in progress of meeting the requirement (10 states or 20%), under the guidance of the state educational agency (5 states 10%), claiming exemption or does not apply (only one state), placing the requirement under the purview of local educational agencies (4 states), using the same accountability criteria as public schools (one state), and using some outcome data (seven states or 14%). Overall, the results indicate that the majority of the states are struggling to meet the program evaluation requirements. The following subsection discusses the measures and methods used in the program evaluation requirement.

## Outcome Data

This subsection presents data regarding three key aspects of the program evaluation: (1) types of outcome data collected, (2) whether or not the outcome data are used for evaluation purposes, and (3) how the states obtain their outcome data.

Recalling Section 6.3, NCLB requires that each state collect the following types of outcome data: (1) return to school, (2) academic achievement (while in a neglected & delinquent youth program), (3) annual state assessment (which is required for AYP calculations), (4) graduation rates, (5) vocational certificates, and (6) student progression. Figure 6.4-7 shows how many states collect each of these outcome measures. In addition, states were asked if they collected recidivism data in relation to youths’ educational outcomes. Note that these categories are not mutually exclusive, as NCLB requires that states collect a minimum of five indicators of student outcomes.

Figure 6.4-7: Types of Outcome Data Collected



As Figure 6.4-7 shows, the most common forms of outcome data that states collect are pre/post testing with 37 states reporting as a type of outcome data they use. 33 states use state assessments followed by recidivism (22 states), graduation rates (18 states), student progression (12), return to school (10 states), and vocational certificates (5 states). Most states (31 states or 63%) collect three or more measures of outcomes, while 18 states (37%) collect fewer than three measures. These results indicate that many states are not collecting the necessary information that will allow them to effectively evaluate their juvenile justice education systems.

Figure 6.4-8 illustrates the percentage of the states that use these outcome measures for evaluation purposes.

Figure 6.4-8: Outcome Measures Used for Evaluation

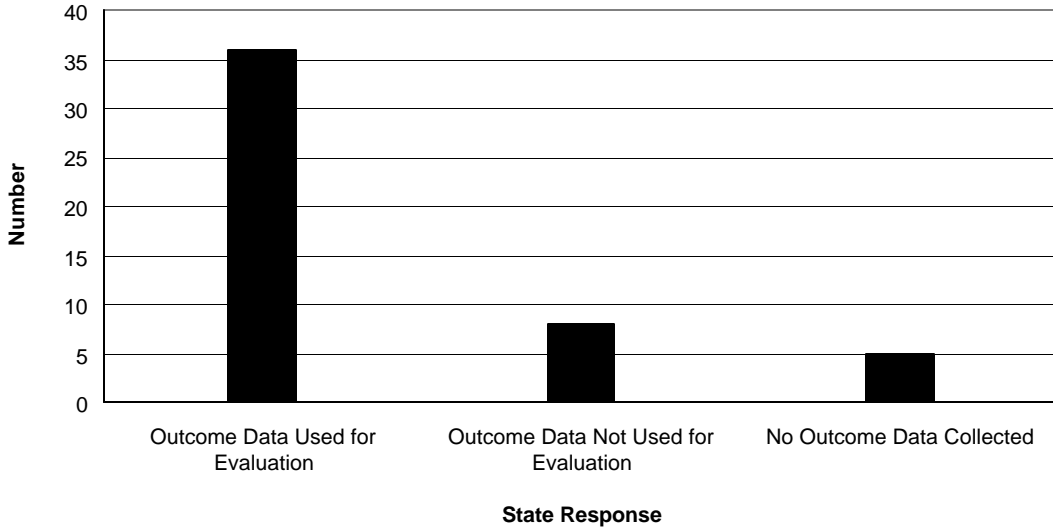
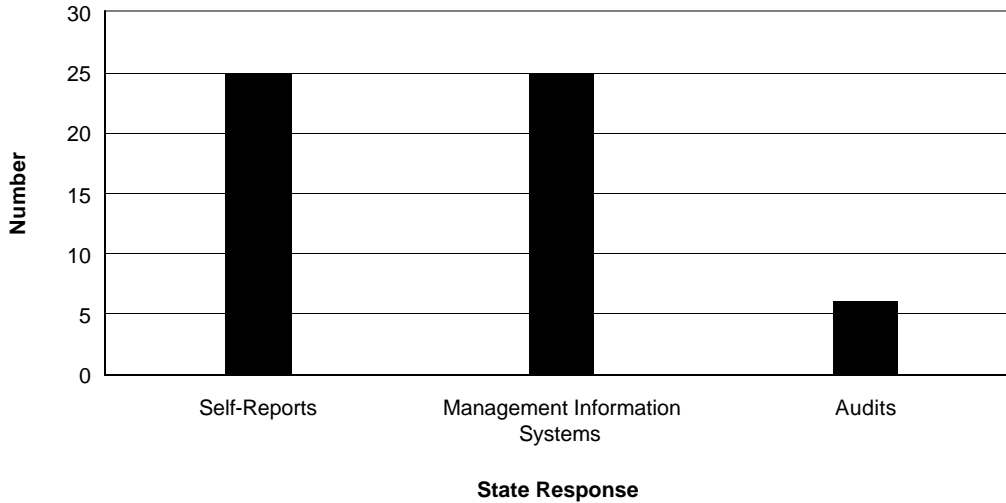


Figure 6.4-8 shows that most states (36, or 74%) do, in fact, use their outcome data for evaluation purposes. Conversely, eight states (16%) do not use their outcome data in evaluating their programs, and five states (10%) do not collect outcome data.

Figure 6.4-9 illustrates how the states obtain their outcome data. These categories are not mutually exclusive, as several states do not rely on just one method of data collection. These methods include: (1) self-reports (e.g., program self-reports of student outcomes), (2) management information systems (e.g., program level data entered into school district and state level databases), and (3) audits (e.g., on-site data collection).

Figure 6.4-9: Method of Obtaining Outcome Data

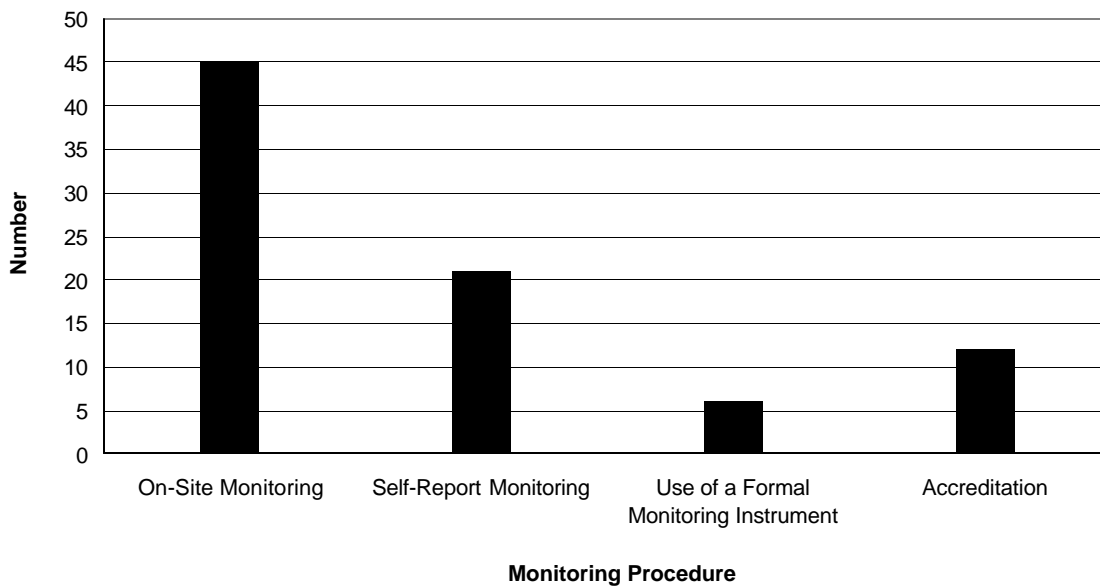


Equally common methods of gathering outcome data are self-reports and management information systems (25 states for each). Only six states (12%) reported using audits. In sum, most states collect pre/post and annual state assessment test data to measure student outcomes, and they use these outcome measures for evaluation purposes. Additionally, a majority of the states surveyed reported using self-reports and management information systems to collect these outcome measures. While this subsection was devoted to outcome data, the following subsection looks at accountability levels throughout the nation.

## Accountability Levels

This section examines the accountability mechanisms, based on NCLB requirements, within the states' juvenile justice education systems. In particular, the following aspects of accountability levels are presented: (1) method of monitoring, (2) frequency of monitoring, and (3) consequences for poor program performance. Figure 6.4-10 illustrates the number of states using different types of monitoring procedures used across the nation. Again, these categories are not mutually exclusive.

Figure 6.4-10: States' Procedures for Monitoring Juvenile Justice Educational Programs



Forty-five states report using on-site monitoring and followed by self-report monitoring used in 21 states. Very few states (only 6) use a formal monitoring instrument, while 12 states use an accreditation process.

Figure 6.4-11, shows the frequency with which states monitor their juvenile justice educational programs.

Figure 6.4-11: Frequency of Monitoring Juvenile Justice Educational Programs

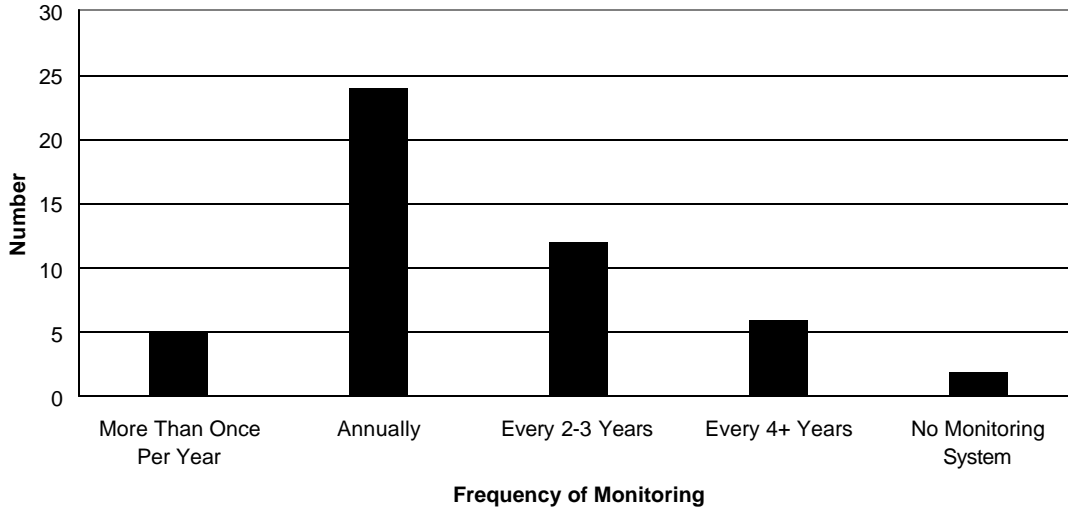
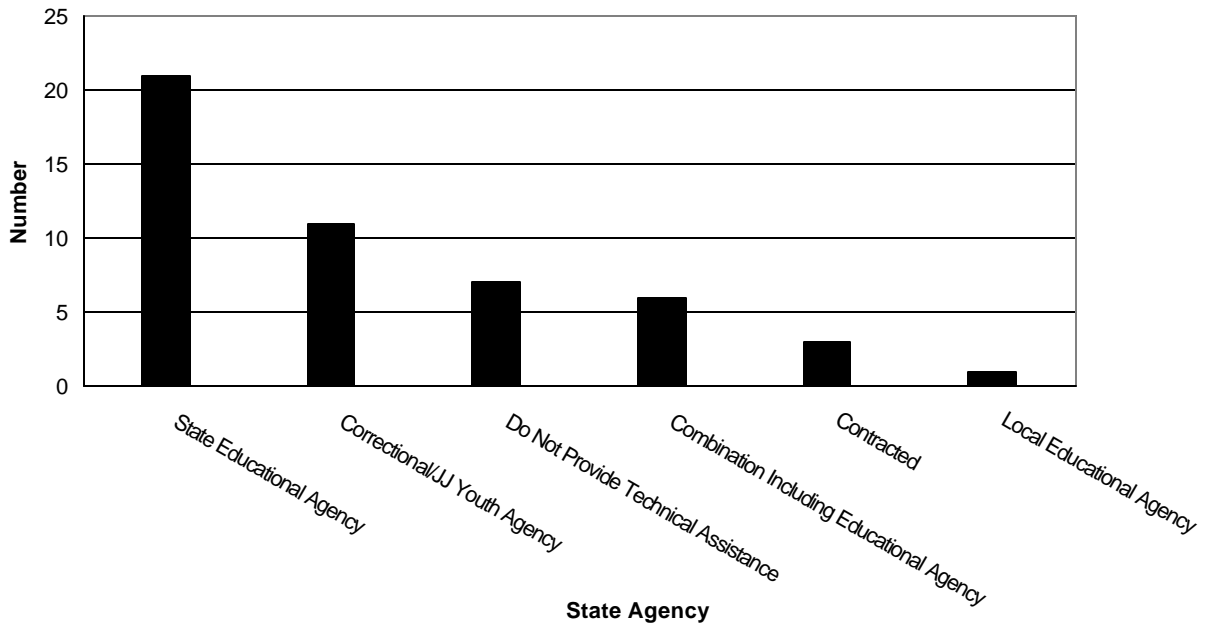


Figure 6.4-11 shows that the most common frequency of monitoring is annual used in 24 states (49%), followed by every 2-3 years (in 12 states 25%), every 4+ years, and more than once per year (in 5 states or 10%). Two states (4%) do not monitor their juvenile justice educational programs.

Figure 6.4-12 shows the states' progress in implementing the NCLB requirement regarding the provision of technical assistance for poor performing programs.

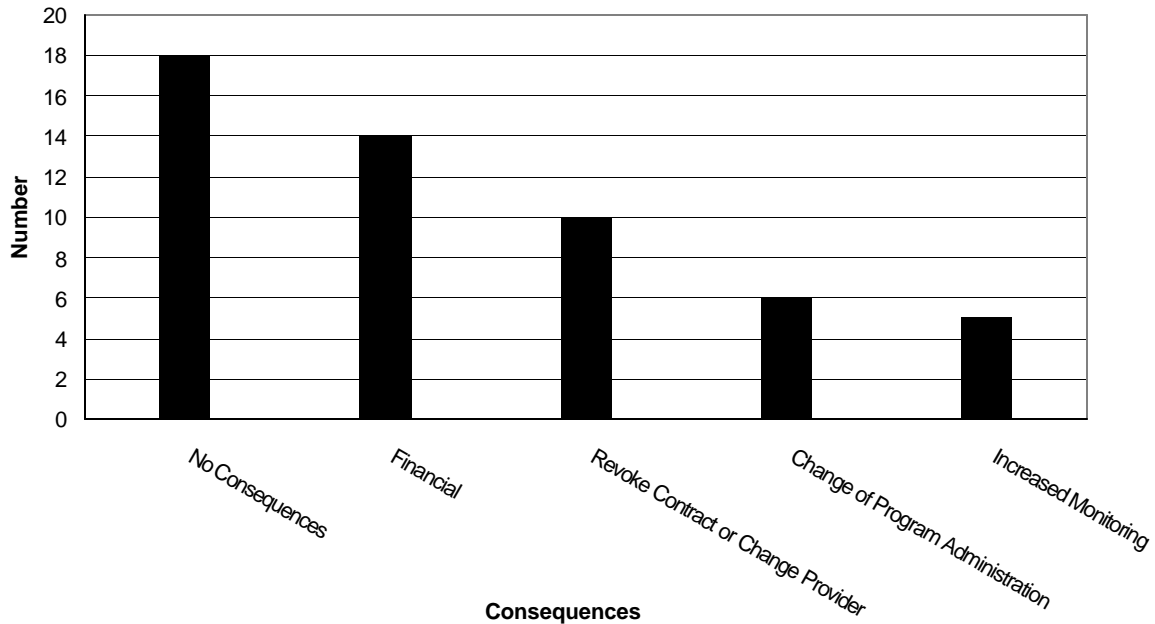
Figure 6.4-12: State Agencies in Charge of Technical Assistance



Seven states (14%) do not provide technical assistance to their low performing juvenile justice educational programs. Of those that do, it is most commonly provided by the state education agency in 21 states; followed by correctional or juvenile justice agencies in 11 states; a combination of agencies, including education in 6 states; contracted agencies in 3 states; and local education agencies in only one state.

Figure 6.4-13 shows the frequency of different consequences for low performing programs. Aside from the no consequences category, these categories are not mutually exclusive.

**Figure 6.4-13: Types of Consequences for Low Performing Programs**



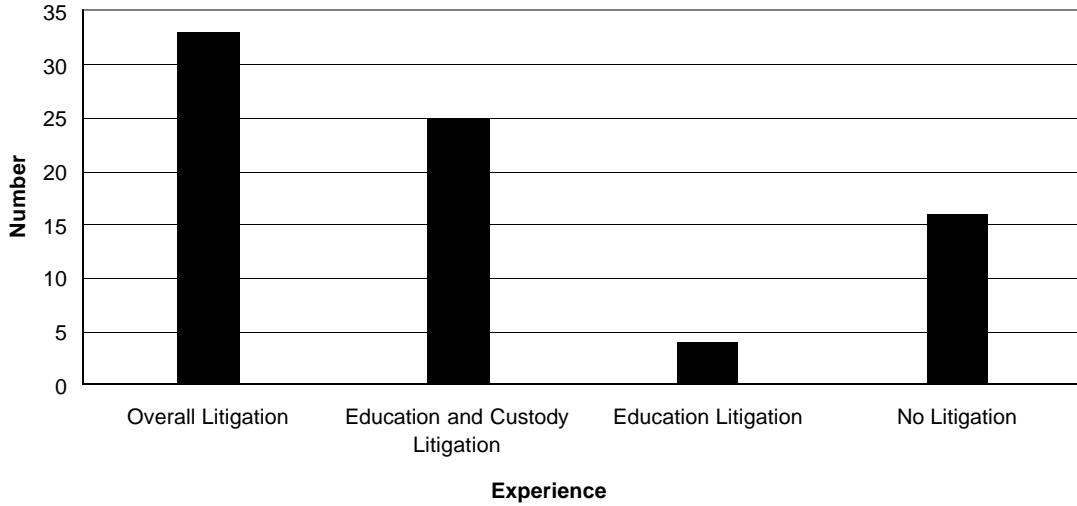
According to Figure 6.4-14, the most common consequences for low-performing programs include: (1) financial in 14 states (2) revoke contract or change provider in 10 states (3) change of program administration in 6 states and (4) increased monitoring in 5 states. Overall, annual on-site monitoring with financial repercussion for poor performance is the most common accountability mechanism across the nation. It must be noted that 18 states do not have sanctions for poor performing programs.

## **Legal Implications**

This section examines the frequency of lawsuits related to juvenile justice education and the changes implemented by states as a result of legal intervention.

Figure 6.4-14 shows that most states have, in fact, experienced litigation. While all participating states were able to answer whether or not they had experienced litigation within the past two decades, only 25 states were able to furnish details as to what prompted the lawsuits.

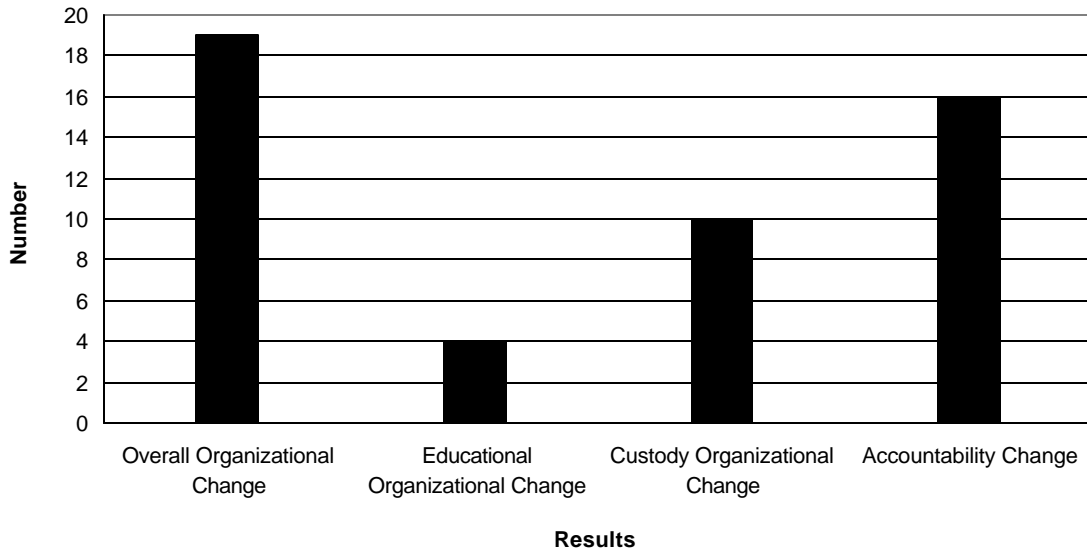
Figure 6.4-14: States' Litigation Experiences since 1980s



Juvenile justice related lawsuits have been quite common over the past two decades: Thirty-three states have experienced litigation, while 16 have not. In 25 of the 33 states that reported litigation, education services were a major part of the lawsuits. An additional four states experienced litigation that related entirely to educational services. Juvenile justice education related lawsuits were most often prompted by the violations of the Individuals with Disabilities Education Act (IDEA) requirements. IDEA relates to the free and appropriate education of students with disabilities. States with custody care related lawsuits were most often sued for violating the 8th and 14th constitutional amendments concerning due process and excessive use of force.

Figure 6.4-15 illustrates the organizational and accountability repercussions of these lawsuits. For the first three categories, one state (other than Hawaii) did not respond, and for the fourth category, two states (again, other than Hawaii) did not respond; thus, the sample size was 48 for the first three categories and 47 for the fourth category.

Figure 6.4-15: Results of Litigation



The most common response to litigation has been an overall organizational change (in 19 states). Other responses include: (1) accountability changes in 16 states, (2) custody organizational change in 10 states, and (3) educational organizational change in 4 states. Thus, the most common responses to the frequent lawsuits are overall organizational changes and changes in accountability mechanisms.

The general pattern is that states are making minimal progress in implementing NCLB requirements. At the same time, most states have experienced litigation resulting in overall organizational or accountability changes. This suggests that more lawsuits may be forthcoming if increased compliance is not demonstrated. While this section presented the general results of the national survey, Section 6.5 focuses more on Florida.

## **6.5 Florida's Accountability System**

The purpose of this section is twofold. First, Florida's accountability system will be described, with frequent references to NCLB compliance. Second, this system will be compared to national progress in implementing NCLB requirements. The ultimate purpose of this section is to compare Florida to other states.

In Florida, each juvenile justice school receives an annual on-site quality assurance (QA) review. The reviews monitor each school's level of educational services in the following areas: (1) transition services that assist students with returning to school and their home communities; (2) administration of academic and vocational assessments; (3) academic curriculum that addresses the state's education standards and the diverse needs of the students; (4) career and technical curriculum; (5) individualized instruction, (6) equitable services for students with disabilities; (7) teacher certification and professional development, including highly qualified teacher requirements; (8) student access to learning materials, technology, and resources; and (9) local school district monitoring and self-evaluation of their juvenile justice schools. Based on the results of these annual QA reviews, low performing school districts and juvenile justice schools are provided with technical assistance, corrective actions and, if necessary, interventions and sanctions. (For more detailed information on QA, technical assistance and corrective actions, refer to chapters 3 and 4 of this Annual Report.)

In conjunction with annual QA monitoring, JJEEP conducts longitudinal research on all juvenile justice commitment programs, using the following student achievement and community reintegration outcome measures: (1) annual QA monitoring results; (2) academic, vocational, and elective credits earned while incarcerated; (3) high school diplomas earned while incarcerated (including standard, special, and GED); (4) return to and attendance in public school after release; (5) employment after release; and (6) rearrest with conviction.

In addition, during 2005, the state is selecting and implementing a uniform academic entry/exit assessment instrument for juvenile justice schools. Juvenile justice schools will be required to electronically report these entry/exit assessment results through the state's automated student information database. Assessment results will be used to measure student gains while incarcerated in the areas of reading, writing, and mathematics.

Furthermore, although most juvenile justice schools are small and serve students for short periods of time, those schools that are large enough and have students enrolled for a significant length of time are evaluated consistent with the state's AYP plan. In addition, all juvenile justice schools must comply with the NCLB highly qualified teacher requirement. Moreover, these requirements are built into the QA review process; thus, they are evaluated on an annual basis. In addition, JJEPP is conducting research to identify best practices in the recruitment, hiring, and training of qualified teachers.

## **Florida Compared to the Nation**

This section compares Florida's current accountability system with that of the national average (i.e., the most frequent response provided by the participating states). Six aspects will be compared: (1) states' administration of their juvenile justice education systems; (2) implementation of general NCLB requirements; (3) implementation of Title I, Part D, specifically; (4) outcome data; (5) level of accountability; and (6) legal implications.

Regarding the structure of the systems themselves, Florida resembles the average state, in which the state educational agency is ultimately in charge of education. While state correctional/youth agencies typically employ the teachers throughout the nation, in Florida, local school districts and private agencies fulfill this function. The states are closely split between those that do not have private juvenile justice schools and those that do, with a slight majority of states not having private providers. In Florida, 45% of the juvenile justice educational programs are privately operated. The biggest break with the national average occurs in the size of the juvenile justice system: Florida has an estimated daily population of approximately 10,000 youths in detention, day treatment, and residential commitment programs, while the typical state handles fewer than 500 youths. In fact, only four other states (California, Maryland, Michigan, and Texas) reported having more than 5,000 youths in their systems on any given day.

Alternately, Florida is similar to the majority of the states with respect to NCLB compliance. First, as previously mentioned, both Florida and the average state include their juvenile justice schools in AYP calculations. Second, when asked about their progress in implementing the NCLB highly qualified teacher requirement, both Florida and the average state responded that they are working under the guidance of their state educational agency.

A stark difference emerges, however, when examining compliance with the Title I, Part D, program evaluation requirement. Whereas Florida is using outcome data, almost half of the states responded that they do not know or are unable to determine their progress in meeting this requirement.

Florida is also relatively unique with regards to outcome data. The average state uses pre- and post-testing and/or state assessments as indicators of student performance. Florida, on the other hand, uses five measures: (1) recidivism, in relation to other educational outcomes; (2) return to and attendance in school following release; (3) annual state assessments; (4) graduation rates; and (5) student progression. While most states collect some educational

outcome data on their juvenile justice youths, few collect more than three measures. Most states, including Florida, use outcome measures for evaluation purposes. Florida also uses multiple methods of data collection: (1) self-reports; (2) management information systems; and (3) audits. Conversely, most states use self-reports and/or management information systems alone. Only five other states reported using audits to measure program performance.

Florida's monitoring procedure is also somewhat different. As previously discussed, Florida uses both on-site monitoring and a formal monitoring instrument. And while most states have on-site monitoring, only five other states reported using a formal monitoring instrument. In addition, neither Florida nor the typical state use accreditation as a monitoring procedure; however, Florida and the average state conduct these evaluations annually. In the event of unsatisfactory evaluations, Florida offers both financial and provider consequences (i.e., revoke contract or change provider); the average state only has financial consequences for poor performance.

As revealed in Figure 6.4-15, most states, including Florida, have experienced litigation over their juvenile justice education systems. And, while less than half of the states made any organizational or accountability changes as a result of the litigation, Florida's response to its lawsuit included four major alterations: (1) overall organizational change; (2) educational organizational change; (3) custody organizational change; and (4) accountability change. Specifically, in response to a class action lawsuit referred to as "the Bobby M. case" (1983), Florida undertook a complete overhaul of its juvenile justice education system. This case resulted in creating the Department of Juvenile Justice, designating the Department of Education as the lead agency for juvenile justice education, placing the responsibility of educational services with local school districts, and mandating a research-driven QA system for both custody/care and education.

In sum, it appears that Florida has had more success in adapting to NCLB than has the average state. In particular, Florida excels in the following areas, despite its significantly larger delinquent population: (1) progress in implementing the Title I, Part D, program evaluation requirement; (2) collection of multiple outcome measures; (3) use of multiple methods of outcome data collection; (4) use of a formal monitoring instrument; and (5) system improvement as a result of litigation. In the following section, these findings are discussed as they relate to the increased demand for accountability arising from both NCLB and lawsuits. In addition, JJEEP's future research initiatives regarding this subject are presented.

## 6.6 Summary Discussion

This chapter was intended to illustrate both the nation and Florida's progress in implementing the requirements of NCLB. As Section 6.4 demonstrated, there are varying levels of progress in complying with NCLB mandates. For example, states have made more progress in implementing AYP and highly qualified teacher requirements than they have the Title I, Part D, program evaluation requirement. In addition, while most states collect outcome measures of academic gains, it is rare for them to examine community reintegration measures. Moreover, most states have experienced litigation, yet their responses to these legal interventions are somewhat limited.

Section 6.5 was devoted to Florida's accountability system. This section demonstrated that Florida is, indeed, well ahead of the curve, especially in the areas of Title I, Part D, outcome measures, monitoring, and responses to litigation. In short, Florida has had more success in implementing specific NCLB requirements. Given the drastically differing degrees in responses to litigation, it seems probable that more lawsuits may be forthcoming, particularly in those states that have demonstrated minimal compliance with NCLB.

One of the major findings, however, is the fragmentation of these state organizational structures. As touched upon in Section 6.2, the highly fragmented nature of multiple agencies that comprise these systems presented an obstacle in conducting the survey. Basically, various individual agencies were simply unaware of the operations of other involved agencies within their states. Because this fragmentation appears to have a direct effect on the knowledge certain component parts of these systems have regarding other component parts, it is possible that this lack of agency coordination has a negative effect on service delivery. Thus, in 2005, JJEEP plans to repeat the survey in an effort to determine the effect of multiple agencies and fragmentation on the provision of educational services within juvenile justice education systems. Another area for future research is the reliability and validity of the different outcome measures used by the states. In particular, JJEEP will examine the literature pertaining to the various outcome measures in order to identify the most useful types of outcome indicators. Finally, in the 2005 national survey, JJEEP will look at causation. JJEEP will incorporate variables into the next survey that will be compatible with causal analysis. As this was an exploratory analysis, this survey laid the foundation for more research-driven measures. For example, the 2005 survey will examine the relationship between complex organizational structures and service delivery.

In sum, although this survey has identified several important factors in the provision of education within juvenile justice systems, the 2005 survey will elicit more direct information regarding system improvement and best practices. Specifically, this survey suggests that fragmented organizational structures may have a significant impact on service delivery. In 2005, JJEEP will seek to ascertain which structures are most strongly associated with favorable outcomes, as well as which structures appear to be correlated with low levels of compliance and litigation.

