



## Youth Entering the State's Juvenile Justice Programs Have Substantial Educational Deficits; Available Data Is Insufficient to Assess Learning Gains of Students

### *at a glance*

School districts are responsible for providing education to youth in Department of Juvenile Justice facilities. These youth typically have substantial educational deficits when they enter juvenile justice programs, including below grade-level reading and math skills.

Research shows that smaller juvenile justice programs provide the greatest opportunity to rehabilitate delinquent youth and reduce their recidivism. However, teachers in smaller programs are more likely to lack certification for some of the subjects and grade levels they teach.

The Department of Education and school districts have not met their obligation to collect data needed to assess learning gains of students in juvenile justice facilities. While available data indicates that students made learning gains while in juvenile justice programs, this data is highly incomplete and may not represent the actual academic status of all juvenile justice students.

### Scope

As directed by the Legislature, OPPAGA examined educational services provided to youth in Florida's Department of Juvenile Justice residential commitment and day treatment programs. Our study addressed four questions.

- How are educational services delivered in juvenile justice facilities?
- What is the academic status of students entering juvenile justice programs?

- What are the qualifications of instructors who teach at juvenile justice facilities?
- What information is available to assess the learning gains of students in juvenile justice facilities?

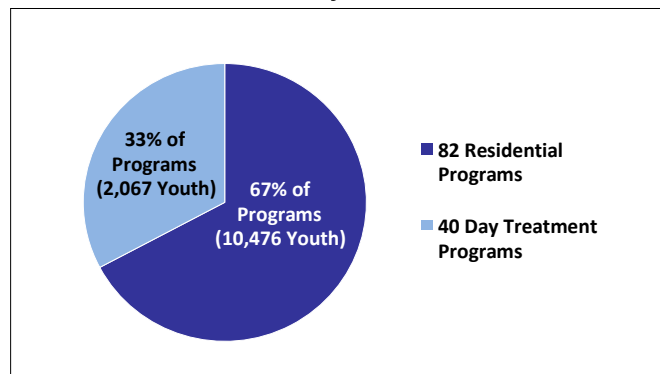
Our study did not assess educational services delivered in juvenile detention centers due to the short length of stay of most youth in these facilities. A separate OPPAGA report will assess the degree to which youth in juvenile justice facilities achieve other measures of educational attainment, including the attainment of General Equivalency Diplomas and job skills.

### Background

Delinquent youth who are placed into juvenile justice day treatment and residential programs receive educational services as part of these programs. Day treatment programs are non-residential community settings in which education and delinquency prevention and intervention services are provided on site. Some day treatment programs serve youth considered at risk of delinquency; others serve adjudicated youth on probation. Residential programs serve delinquent youth who are adjudicated for repeated or more serious crimes, and these programs provide academic and career education as well as treatment services. Both day treatment and residential commitment programs may be operated by the Department of Juvenile Justice or by private vendors under contract with the department.

As shown in Exhibit 1, delinquent youth were served in 40 day treatment and 82 residential programs during Fiscal Year 2008-09. During this period, 2,067 youth participated in day treatment programs while 10,476 were served in residential commitment facilities. Most of these programs served youth ages 13 to 18, and over half of these youth were in the 9<sup>th</sup> or 10<sup>th</sup> grades. According to the Department of Education, the typical length of commitment in juvenile justice residential treatment programs ranges from six to nine months; youth spend between one and two years in day treatment programs.

**Exhibit 1**  
**In 2008-09, Students Were Served in 122 Juvenile Justice Residential and Day Treatment Facilities**



Source: Juvenile Justice Educational Enhancement Program, College of Criminology, Center for Criminology and Public Policy Research, Florida State University, October 8, 2009 for data on number of programs, and Department of Juvenile Justice, Program Accountability Measures, for youth served in 2008-09 in residential and day treatment programs.

## Questions and Answers —

### *How are educational services delivered in juvenile justice facilities?*

School districts are responsible for providing educational services to youth in residential and day treatment facilities. Florida law requires school districts to provide these youth with educational services comparable to those provided to students in regular schools, as well as increased access to vocational education and General Equivalency Diploma (GED) preparation.<sup>1</sup> It is important for delinquent youth to receive effective educational services as these programs are often their last and best chance to

<sup>1</sup> Sections 1003.52(2) and (3)(a), F.S.

receive educational services that can prepare them for a productive adult life.

School districts may deliver educational services directly or through a contractor. During 2008-09, school districts provided direct educational services to most (49, or 60%) of the residential treatment programs, but contracted with private entities to provide these services in most (38, or 93%) of the day treatment facilities, as shown in Exhibit 2. School districts remain responsible for the quality of education provided in residential and day treatment juvenile justice facilities regardless of whether they provide these services directly or through a contractor.

**Exhibit 2**  
**School Districts and Private Entities Provide Educational Services in Juvenile Justice Residential and Day Treatment Facilities**

Facility Type	Education Provider		
	School District	Private Not-for-Profit	Private For-Profit
Residential	49	23	10
Day Treatment	2	37	1
<b>Total</b>	<b>51</b>	<b>60</b>	<b>11</b>

Source: Juvenile Justice Educational Enhancement Program, College of Criminology, Center for Criminology and Public Policy Research, Florida State University, October 8, 2009.

These educational services are largely funded through the Florida Education Finance Program. In 2007-08, the Florida Education Finance Program provided \$67.8 million to school districts for educational services to youth in day treatment and residential delinquency programs.<sup>2</sup> Districts receive a per-pupil allocation for each student served as well as supplemental allocations for services to youth in juvenile justice programs and for those requiring Exceptional Student Educational (ESE) services. In addition, districts receive federal funds for serving neglected and delinquent youth. In 2007-08, the most recent year for which data is available, school districts received \$11.2 million in Title I Part D Subpart 2 funds and allocated \$5.5 million of these monies to residential and day treatment juvenile justice programs.

<sup>2</sup> Some data used in our analyses was not available for 2008-09 at the time of publication. To provide a consistent basis for comparison, we used 2007-08 data for all analyses.

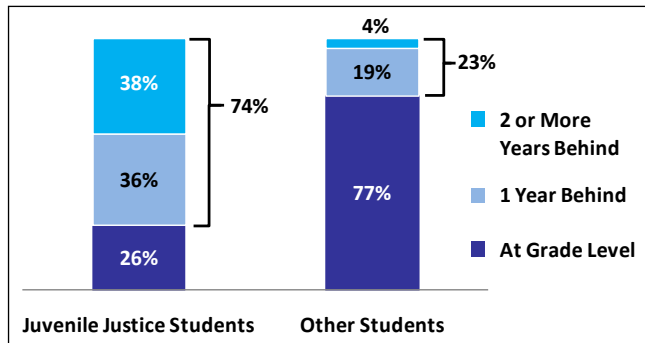
**What is the academic status of students entering juvenile justice programs?**

Most students entering juvenile justice programs are older and academically behind their peers, and are likely to have had attendance problems at school.

As shown in Exhibit 3, most (74%) of the students entering juvenile justice facilities in 2007-08 were one or more years academically behind (resulting in their placement in grades lower than those that typically serve their age). In contrast, only 23% of other students (those not served by juvenile justice facilities) were one year or more academically behind their peers.

The relatively low academic status of the youth served by juvenile justice programs likely reflects these students' school attendance problems and retention for poor academic performance. FCAT (Florida Comprehensive Assessment Test) scores of the youth entering juvenile justice facilities in 2007-08 showed that these students were academically behind their peers in reading at all grade levels, as shown in Exhibit 4. While the differences between the two groups varied by grade level, overall most (86%) of the juvenile justice students scored below Level 3 in reading, the minimum score to be considered performing on grade level, compared to less than half of other students. The differences between the two groups were greatest in the lower grades.

**Exhibit 3  
Students in Juvenile Justice Programs Were More Likely To Be One or More Years Academically Behind Other Students Their Age<sup>1</sup>**



<sup>1</sup> Some data used in our analyses was not available for 2008-09 at the time of publication. To provide a consistent basis for comparison, we used 2007-08 data for all analyses.

Source: OPPAGA analysis of Department of Education data.

**Exhibit 4  
Students Entering Juvenile Justice Programs in 2007-08 Scored Significantly Below Their Peers in Reading<sup>1</sup>**

Grade Level at Program Entry	Percentage Scoring Below Level 3 in Reading Based on the <i>Previous Year's</i> FCAT		Difference
	Juvenile Justice Students	Other Students	
5-7	77%	32%	44%
8	79%	37%	42%
9	89%	53%	35%
10	88%	58%	30%
11	90%	62%	28%
<b>All</b>	<b>86%</b>	<b>46%</b>	<b>40%</b>

<sup>1</sup> Based on 2006-07 FCAT results (the school year immediately prior to the students' placement in juvenile justice programs in 2007-08). Grade level is the students' enrolled grade level at the beginning of the 2007-08 school year. We combined data for grades 5-7 due to the small number of juvenile justice students in these grades. Eleventh graders took the 10th grade FCAT the previous year. The 10th grade FCAT is the last FCAT given. We excluded 12th grade figures which represented only those students who scored below Level 3 in 10th grade and retook the FCAT in 11th grade.

Source: OPPAGA analysis of Department of Education data.

Students entering juvenile justice programs had similar academic deficiencies in mathematics. Overall, 81% of students entering juvenile justice programs scored below Level 3 in FCAT mathematics the previous year compared to 39% of other students, as shown in Exhibit 5. These differences were largest in the lower grades.

**Exhibit 5  
Students Entering Juvenile Justice Programs in 2007-08 Were Significantly Behind Their Peers in Mathematics<sup>1</sup>**

Grade Level at Program Entry	Percentage Scoring Below Level 3 in Math Based on the <i>Previous Year's</i> FCAT		Difference
	Juvenile Justice Students	Other Students	
5-7	90%	40%	49%
8	86%	40%	46%
9	82%	39%	43%
10	77%	37%	39%
11	71%	32%	40%
<b>All</b>	<b>81%</b>	<b>39%</b>	<b>41%</b>

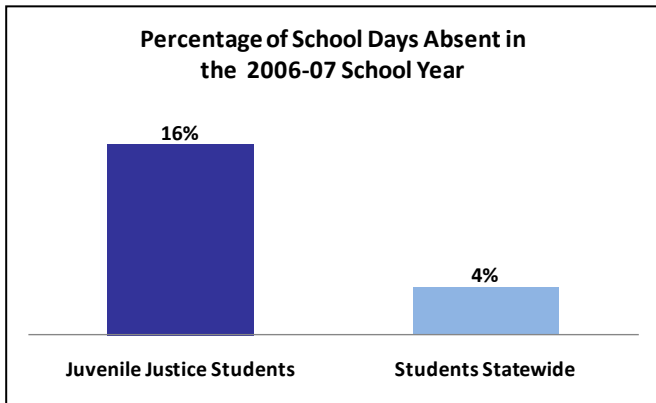
<sup>1</sup> Based on 2006-07 FCAT results (the school year immediately prior to the students' placement in juvenile justice programs in 2007-08). Grade level is the students' enrolled grade level at the beginning of the 2007-08 school year. We combined data for grades 5-7 due to the small number of juvenile justice students in these grades. Eleventh graders took the 10th grade FCAT the previous year. The 10th grade FCAT is the last FCAT given. We excluded 12th grade figures which represented only those students who scored below Level 3 in 10th grade and retook the FCAT in 11th grade.

Source: OPPAGA analysis of Department of Education data.

In addition, students entering juvenile justice facilities were more likely to have had school attendance problems. Data maintained by the Department of Education shows that students entering juvenile justice programs in 2007-08 were absent for 16% of the prior school year, compared to 4% for their peers, as shown in Exhibit 6.

These findings are consistent with national research that links poor academic performance and attendance with juvenile delinquency. Juvenile justice programs can be a unique opportunity to address these problems because they can enforce mandatory school attendance and provide more individualized instruction.

**Exhibit 6**  
**Students Entering Juvenile Justice Facilities in 2007-08 Had Higher Rates of Absenteeism in the Previous Year Than Their Peers**



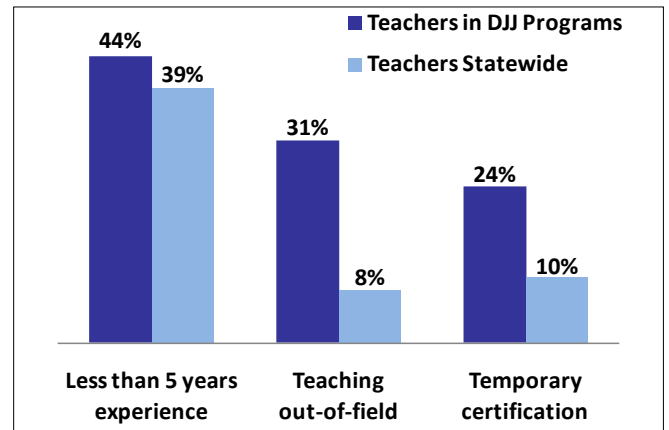
Source: OPPAGA analysis of Department of Education data.

***What are the qualifications of instructors who teach at juvenile justice facilities?***

Educational research links both teaching experience and certification in the subject matter being taught to positive student outcomes. In addition, it can be more burdensome for instructors to teach in areas in which they have no formal training due to the additional time needed to prepare for these courses.

As shown in Exhibit 7, teachers at juvenile justice facilities tend to have less experience than those in traditional schools. These instructors are also more likely to have temporary teaching certificates and teach subject areas and grade levels for which they lack certification.

**Exhibit 7**  
**Teachers in Juvenile Justice Facilities Are More Likely Than Teachers Statewide to Lack Needed Certification and to Be Inexperienced**



Source: OPPAGA analysis of Juvenile Justice Educational Enhancement Program and Department of Education data for 2007-08, the most recent data available.

This situation partly reflects the relatively small size of many juvenile justice programs, which can require teachers to teach multiple grade levels and subject areas. Research has shown that smaller community-based programs present the greatest opportunity to rehabilitate delinquent youth. In 2008, the Legislature limited the size of residential juvenile justice facilities to a maximum of 165 beds.<sup>3</sup> Currently, one-third of residential beds are located in a facility housing 50 or fewer youth. As a result, these programs typically have too few students to justify hiring different teachers for each grade and subject area taught.

To help address this situation, the Department of Education issued a technical assistance paper in 2006 encouraging juvenile justice programs to hire teachers with middle grades integrated curriculum certification. This certification is designed for instructors who teach multiple subject areas and allows those teaching fifth through ninth grades to be certified in 57 middle school and 61 high school courses. However, this certification does not extend to some high school-level subjects such as Algebra II needed by some students in juvenile justice programs.

Following the release of the technical assistance paper, teachers' rates of certification in all core subjects improved in juvenile justice facilities.

<sup>3</sup> Chapter 2008-65, *Laws of Florida*.

However, the percentage of teachers at juvenile justice facilities who lacked appropriate certifications remained higher than at other schools.<sup>4</sup>

As shown in Exhibit 8, the percentage of teachers at juvenile justice facilities who lacked certification in the subject they were teaching was substantially higher in the core areas of language arts, mathematics, and science than for the state as a whole; for reading the rate was more than twice that of teachers statewide.

**Exhibit 8  
Instructors of Core Subjects in Juvenile Justice Facilities Were More Likely To Teach Out of Their Field of Certification than Other Teachers in 2007-08**

Subject	Percentage of Out-of-Field Teachers	
	Juvenile Justice Programs	Statewide
Language Arts	27%	5%
Math	32%	4%
Science	28%	6%
Reading	71%	30%

Source: OPPAGA analysis of Juvenile Justice Educational Enhancement Program and Department of Education data.

Out-of-field reading teaching was more prevalent in the programs in which school districts contracted for educational services than in those programs for which the school district provided educational services directly. As shown in Exhibit 9, most (84%) of reading teachers in programs with contracted education in 2007-08 did not have the reading certification, compared to 55% of those at district-operated educational programs. These differences were smaller for other subject areas. Contracted programs were somewhat more likely to have out-of-field teachers in math (a 9% difference) than district-operated programs, while district programs were slightly more likely to have out-of-field instructors in English and science (6% and 5% differences, respectively).

<sup>4</sup> Since the data for the percentage of out-of-field teachers statewide is from a different source and uses a more rigorous standard than the data reported for juvenile justice teachers, the gap between juvenile justice schools and non-juvenile justice schools is likely to be larger than that shown in Exhibit 8. The statewide percentage of out-of-field teachers, as reported by the Department of Education, is based on the number of courses taught by a teacher who has the proper certification for that specific course. Since juvenile justice programs are small and students have a wide range of grade levels and course needs, the Juvenile Justice Educational Enhancement Program determined that it is more appropriate to count a juvenile justice teacher as in-field if that person is certified in the broad subject area taught most of the time, and it reports this measure.

**Exhibit 9  
Reading Teachers in Contracted Programs Were More Likely To Lack Appropriate Certification Than Those In Programs Operated by School Districts in 2007-08**

Provider Type	Out-of-Field Reading Teachers	Total Reading Teachers	Percentage of Reading Teachers that are Out-of-Field
School District	49	89	55%
Contracted	101	121	84%
<b>Total</b>	<b>150</b>	<b>210</b>	<b>71%</b>

Source: OPPAGA analysis of Juvenile Justice Educational Enhancement Program and Department of Education data.

Contractors hired by the school districts to provide education at juvenile justice programs cited several reasons for their difficulty attracting and retaining experienced and appropriately certified teachers. Most reported difficulty hiring teachers with needed multiple certifications or who were willing to obtain additional certification after being hired. The contractors also reported that teachers with appropriate credentials often had difficulty meeting the professional development requirements needed to maintain multiple certifications, or left their positions once they obtained the desired certifications. Based on our interviews, we found that salary was a barrier to the ability of the 11 contracted programs we visited to recruit and retain highly qualified teachers because school districts offered higher compensation than the contracted programs. In contrast, none of the staff at the eight district-operated programs we visited cited salary as a barrier. Administrators at district-operated programs said that the salaries paid to their teachers were commensurate with the higher number of instructional days in a year-round school, and they had few difficulties recruiting certified teachers to work in their programs.

Budget constraints may affect contractors' ability to offer competitive salaries. Department of Juvenile Justice, school district, and program administrators noted that while smaller programs provide more effective rehabilitation treatment, they increase educational costs per student. The financial consequences of small program sizes may be greatest for contractor-operated sites that often cannot spread the costs over multiple schools as can school districts.

Additional information is needed to assess the impact of out-of-field teachers on the learning gains of Department of Juvenile Justice students. Because smaller programs are considered more successful in rehabilitating juvenile delinquents than larger programs, the challenges in recruiting teachers with certification in all subject areas and grade levels are likely to continue. Currently, there is not sufficient data to determine what effect, if any, the high rate of out-of-field teachers in juvenile justice programs has on student learning. During our site visits, teachers mentioned the significant impact they felt they had on juvenile justice students, who often were attending school regularly for the first time in many years. Similarly, students we spoke to cited lack of distractions and the additional individual attention they received as positive differences between education in a juvenile justice program and their prior school experiences. The Department of Education will need to address several data issues described in the next section of this report before it can assess the impact that out-of-field teachers and other factors in juvenile justice settings have on student learning gains.

***What information is available to assess the learning gains of students in juvenile justice facilities?***

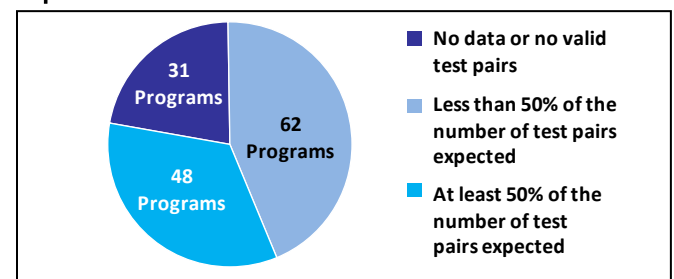
The Department of Education has not collected sufficient information to assess learning gains of students in juvenile justice facilities. Section 1003.52(3)(b), *Florida Statutes*, directed the department, with the assistance of school districts, to select a common assessment instrument for students in juvenile justice facilities and implement it in all facilities by January 1, 2005. The department selected the Basic Achievement Skills Inventory to assess the learning gains of juvenile justice students in grades 3 through 12 in reading, mathematics, and language arts.<sup>5</sup> This test is to be administered as a pre-test within 10 school days after students enter juvenile justice programs and again as a post-test when students who were in the program for at least 45 school days leave the program. The department required juvenile justice programs to begin using

<sup>5</sup> This assessment is necessary because juvenile justice students enter and exit programs throughout the school year, making it difficult to evaluate their learning gains using the Florida Comprehensive Achievement Test (FCAT), which is normally given one time per year and is based on the assumption that most students are enrolled in one school for the entire school year.

the Basic Achievement Skills Inventory for students in the 2006-07 school year. This instrument replaced 32 different tests that juvenile justice programs had historically used to assess learning gains of their students; this mixture of tests had made it difficult for the state to assess the educational gains of students in juvenile justice programs.

However, the Department of Education and school districts have not adequately implemented testing of juvenile justice students using the Basic Achievement Skills Inventory. As a result, the state continues to lack the ability to assess the educational progress of students in juvenile justice facilities. As shown in Exhibit 10, for the 2007-08 school year, 31 programs reported no valid test data for their students. In addition, 62 programs reported pre-test and post-test scores for fewer than half of their students who exited the programs during the year. Only 48 of the 141 programs (34%) reported complete information for at least half of their students. One reason for some of these reporting failures may have been that seven of these programs closed during the year. The Department of Education requires that juvenile justice students be given an exit test before being transferred to another program. Thus, administrators in these seven programs should have recorded this data before leaving. Overall, we estimated that department’s data does not include the entry and exit test scores for approximately 63% of students exiting juvenile justice facilities in 2007-08. See Appendix A for details of how we developed this estimate.

**Exhibit 10**  
**Two-thirds of Juvenile Justice Programs Reported No Data or Less than Half the Number of Test Results Expected for the 2007-08 School Year<sup>1</sup>**



<sup>1</sup> We estimated the number of tests expected from attendance data for youth who entered juvenile justice schools after July 1, 2006, when the Basic Achievement Skills Inventory was implemented, and exited during the 2007-08 school year. See Appendix A for details.

Source: OPPAGA analysis of Department of Education Basic Achievement Skills Inventory test data.

School district and facility staff identified several reasons for missing student test data. Some districts' data systems did not include the data elements needed to record test data.<sup>6</sup> In addition, the Department of Education and the test provider did not make school districts and program staff aware of software functions that would allow them to electronically download test data (the Basic Achievement Skills Inventory is administered via computer and test data is captured electronically). We contacted three large juvenile justice programs for which the department had no reported data in 2007-08 and found that the student test scores were stored and available on the facilities' computers. Furthermore, program and school district staff indicated that they manually re-entered test data into district data systems from paper reports. In addition to being inefficient, manual re-entry of test scores increases the likelihood of data problems and errors, and appears to have resulted in considerable loss of data.

Further, it is difficult to determine whether juvenile justice students for whom test scores are available are making appropriate academic progress. Because the Basic Achievement Skills Inventory is a norm-referenced test, students' academic gains must be compared to those achieved by the students used to provide the normed performance expectations. While national norms are available for this test, they are inappropriate to use to interpret the academic gains of juvenile justice students. The norm group was tested at specified time periods that correspond to standard school grading periods (9 weeks and 18 weeks) and semesters. In contrast, juvenile justice students remain in programs for varying periods of time; norms that correspond to each these time periods are not available.<sup>7</sup> Thus, the norms provided with the Basic Achievement Skills Inventory are inappropriate to use to assess the learning gains of most juvenile justice students.

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<sup>6</sup> Two of these districts relied on a database maintained by a regional educational consortium and were not aware that the database lacked a field to indicate whether the test was an entry or exit test.

<sup>7</sup> Juvenile justice students enter and exit programs throughout the calendar year. Most juvenile justice students are in programs for six to eight months, and many are in programs for nine months to a year.

To address this issue, the department has directed school districts to use new software that calculates a growth scale value score that can be used to determine whether juvenile justice youth have made learning gains. Unlike the previous norm-referenced score for the Basic Achievement Skills Inventory, the growth scale value score can be used to show growth in specific abilities and skills, and does not require a normative comparison group to evaluate student learning gains. The department required that districts report these scores beginning in the 2008-09 school year. Accordingly, the state may have the ability to assess the outcomes of educational services provided to students in juvenile justice programs in future years, but it lacks the ability to determine the system's current educational outcomes.

Appendix A presents an assessment of the limited test data that is available for juvenile justice students. These data indicate that the tested students were making academic progress during their stay in the programs. However, these results are highly incomplete and may not represent the academic status of all juvenile justice students. In addition, teachers and administrators we interviewed questioned the reliability and usefulness of the Basic Achievement Skills Inventory test results. They asserted that, due to the design and length of the test, many students give up and arbitrarily fill in ('Christmas tree') answers to complete the test.<sup>8</sup> In addition, they indicated that the test is not designed to provide the diagnostic information needed to develop individual instruction plans for incoming students. Because of these limitations, they said that their programs had to use other, shorter diagnostic assessments for incoming students in addition to the Basic Achievement Skills Inventory.

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<sup>8</sup> The Basic Achievement Skills Inventory mixes difficult and easy test questions throughout the test rather than presenting the questions in a progression from easy to difficult. Students are allowed a maximum of 115 minutes to answer all test questions. According to some individuals we interviewed, the construction and length of the test may discourage students with substantial academic deficiencies from making a serious effort to complete the test.

## Recommendations

To improve the state’s ability to assess the educational achievement of students in juvenile justice programs, we recommend that the Department of Education take the actions described below.

- To improve data quality, we recommend that the department work directly with information systems personnel in each school district to ensure that district information systems capture the data the department needs to calculate juvenile justice student learning gains. The department should assess the adequacy of each district’s information system to collect and report these data, and provide training and assistance to district and program staff as needed to help them automate the data collection process. The department should also review the data submitted by districts and use other department data sources to identify and address in a timely manner any problems with the data being reported.
- To ensure that the department reports reliable information about the learning gains of students in juvenile justice facilities, we recommend that the department assign responsibility for evaluating the completeness of the data and student learning gains to its Division of Accountability, Research, and Measurement.
- To determine if high rates of out-of-field teachers in juvenile justice programs have a

significant negative impact on student learning, we recommend that the department’s analysis of Basic Achievement Skills Inventory scores include an assessment of the relationship between out-of-field teachers and the learning gains of juvenile justice students.

- We also recommend that the department consider the reliability and usefulness of the Basic Achievement Skills Inventory test results in determining whether to renew its contract with the test manufacturer in the fall of 2010.

In addition, we recommend that the Legislature consider amending s. 1003.52(3)(b), *Florida Statutes*, to require that the Department of Education make annual status reports to the Legislature on the learning gains of students in juvenile justice facilities and the steps it has taken to ensure the completeness and reliability of juvenile justice student performance data.

## Agency Response

In accordance with the provisions of s. 11.51(5), *Florida Statutes*, a draft of our report was submitted to the Commissioner of the Florida Department of Education and the Secretary of the Florida Department of Juvenile Justice to review and respond.

Their written responses have been reprinted herein in Appendix B.

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OPPAGA supports the Florida Legislature by providing evaluative research and objective analyses to promote government accountability and the efficient and effective use of public resources. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021), by FAX (850/487-3804), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475). Cover photo by Mark Foley.

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## Appendix A

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# Juvenile Justice Students' Scores on the Basic Assessment of Skills Inventory

All students are required to be tested with the Basic Achievement Skills Inventory within 10 days of entering a juvenile justice education program and when they exit if they have been in the program for at least 45 school days. This instrument is a set of norm-referenced standardized tests and assesses students' academic skills in math, reading, and language arts. Test creators standardized this instrument in 2002-03 using a stratified random sample of students from ages 8 to 18 closely matching 2000 U.S. census data.

For students exiting Department of Juvenile Justice education programs in 2007-08, Table A-1 presents the difference between students' norm-referenced standardized entrance and exit scores for the three subjects by grade level. Although juvenile justice students made gains with respect to the norm group, it is unclear whether the size of these gains is academically significant given length of time youth were in the juvenile justice program.

Limitations. There are two primary limitations to the data reported in Table A-1.

First, because of reporting problems, many programs are not represented in the student test information the data we obtained from the Department of Education. Of the 141 programs that had students exiting in 2007, over a fifth (31 programs, or 22%) did not have any entry or exit tests for students (16 programs), or did not have any entry/exit test pairs from which to calculate student gains (15 programs). Second, the programs that were represented with pairs of students' entry and exit tests had data for fewer students than expected. We estimated that in 2007 approximately 7,922 students exited juvenile justice programs after staying 45 days or longer, and thus should have taken entry and exit tests.<sup>9</sup> However, there were only 2,910 students with test pairs in the department's data. We were able to increase the number of students for which data was available by obtaining test information directly from three large program providers that were missing information in the department's data.

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<sup>9</sup> Juvenile justice programs operate year around, and students may enter and exit at any point during the school year. Attendance data from the Department of Education captures the date when a student exits a program during a school year. This data shows that 10,399 students should have had Basic Achievement Skills Inventory entry and exit tests, since they entered Department of Juvenile Justice programs after Basic Achievement Skills Inventory testing began and exited in 2007-08 after a length of stay of 45 days or greater. However, if the school year ends while the student is still in a program, the student's exit date for that year is reported as the last day of the school year. As expected given this practice, we found elevated numbers of students with May and June exit dates from Department of Juvenile Justice programs. Providers reported that this is accurate for day treatment programs, since, unlike residential programs, day treatment programs are often able to time a student's exit to coincide with the end of the school year. To estimate the number of students in residential programs that should have an exit exam during 2007, we calculated the average number of students exiting per month, excluding May and June (when school years typically end), and multiplied by 12. If the resulting estimate for a program was higher than the attendance data number, we used the lower number based on attendance data. If the programs had more entry and exit test pairs than the estimated number expected, we counted the number of test pairs as the number expected. These calculations resulted in an estimate of 7,922 students who should have had Basic Achievement Skills Inventory entry and exit tests.

Second, it is unclear whether the differences between juvenile justice students’ entrance and exit scores in math, reading, and writing were large enough to conclude that youth in juvenile justice programs made adequate academic progress during the period. We lacked an adequate standard from which to assess the gains in standard scores. The tables of typical growth in standard scores provided by the test developers did not provide good benchmarks for assessing whether the students in Florida’s juvenile justice programs made adequate progress relative to the time they were in the program. Students in juvenile justice programs have variable lengths of stay depending on the type of program, and the tables provided were for three set lengths of time that were not well matched to the length of time youth typically stay in Florida juvenile justice programs. Furthermore, juvenile justice students tend to score below average on standardized tests, and greater academic gains might be expected for students who are further behind. This is because students with lower initial test scores have more room for improvement than students testing in the middle or at the top of academic knowledge. As a result, the gains of juvenile justice students can only be compared to the average gain of the norm group, which may overstate juvenile justice students’ academic gains.

**Table A-1  
Students Made Academic Gains While in Juvenile Justice Program But it Is Unclear Whether These Gains Were Adequate Given The Length of Time Spent in the Programs**

Subject	Grade Levels	Number of Students with Valid Test Scores	Mean Entrance Score	Mean Exit Score	Difference <sup>1</sup>
Math	3-4	197	85.7	88.4	2.6
	5-6	32	84.9	86.9	1.9
	7-8	380	82.6	86.6	4.0
	9-12	2,084	87.4	91.1	3.7
Reading	3-4	201	85.4	87.8	2.3
	5-6	33	85.4	90.9	5.6
	7-8	378	83.9	87.2	3.3
	9-12	2,073	86.4	91.0	4.7
Writing	3-4	202	86.8	90.2	3.4
	5-6	33	86.0	91.3	5.3
	7-8	374	83.4	87.1	3.7
	9-12	2,060	88.5	92.2	3.5

<sup>1</sup> Differences were calculated for students who took the same Basic Achievement Skills Inventory test level at entrance and exit. A mean score of 100 indicates that the test takers’ performance equaled the performance of the norm group for the same Basic Achievement Skills Inventory subtest. Accordingly, mean entrance and exit scores less than 100 indicate that the test takers’ performance was less than expected based on the performance of the norm group. Differences are calculated for each student; therefore, the average difference does not reflect a simple subtraction of the mean exit and entrance scores provided in the exhibit.

Source: OPPAGA analysis of Department of Education data.

## Appendix B

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# FLORIDA DEPARTMENT OF EDUCATION



Dr. Eric J. Smith  
Commissioner of Education

### STATE BOARD OF EDUCATION

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January 12, 2010

Dr. Gary VanLandingham  
Director  
Office of Program Policy Analysis  
and Government Accountability  
111 West Madison Street, Room 312  
Tallahassee, Florida 32399-1475

Dear Dr. Van Landingham:

Thank you for sharing with our office a copy of the Draft OPPAGA Report, *Youth Entering the State's Juvenile Justice Programs Have Substantial Educational Deficits; Available Data is Insufficient to Assess Learning Gains*. Our comments and response are listed below.

We look forward to the next report in this series which will address additional educational attainment measures of students in juvenile justice programs. This report should provide a more well-rounded evaluation of these programs and their success with their students.

### RECOMMENDATIONS

The OPPAGA report includes five recommendations, one for both the Florida Legislature and the Department of Education and four for the Department of Education. The recommendations, and our response follow.

***Recommendation 1: To improve data quality, we recommend that the department work directly with information systems personnel in each school district to ensure that district data systems capture the data the department needs to calculate juvenile justice student learning gains. The department should assess the adequacy of the district's data systems to collect and report these data, and provide training and assistance to district and program staff as needed to help them automate the data collection process. The department should also review the data submitted by districts and use other department data sources to identify and address in a timely manner any problems with the data being reported.***

Dr. VanLandingham  
 January 12, 2010  
 Page Two

Since the implementation of the Basic Achievement Skills Inventory (BASI) in fiscal year (FY) 2006-07, the Department has worked with school districts to improve the quality of their data reporting. Training has been provided to district MIS staff at the annual database conference as well as individual program staff through the Juvenile Justice Education Institute. The Department has also provided ongoing technical assistance through phone calls and e-mail. In the third year of reporting (FY 2008-09), 97.5 per cent (117 of 120) of juvenile justice programs reported entry and/or exit data. The Department is currently verifying the number of valid scores and anticipates a significant improvement over prior years.

***Recommendation 2: To ensure that the department reports reliable information about learning gains of students in juvenile justice facilities, we recommend that the department assign responsibility for evaluating the completeness of the data and student learning gains to its Division of Accountability, Research, and Measurement.***

The Department currently assigns responsibility to both the program office in the Division of Public Schools and the Division of Accountability, Research, and Measurement. This collaboration insures that school district information systems personnel and program personnel receive consistent information and guidance from the Department.

***Recommendation 3: To determine if high rates of out-of-field teachers in juvenile justice programs have a significant negative impact on student learning, we recommend that the department's analysis of Basic Achievement Skills Inventory scores include an assessment of the relationship between out-of-field teachers and the learning gains of juvenile justice students.***

The Department has no comment.

***Recommendation 4: We also recommend that the Department of Education consider the reliability and usefulness of the Basic Achievement Skills Inventory test results in determining whether to renew its contract with the test manufacturer in the fall of 2010.***

Selection of the BASI was the result of a formal procurement process conducted by the Department. There is no option for the Department to "renew its contract" with the developers of the BASI in fall of 2010 unless this assessment is selected through a formal procurement process. The Department is considering the use of assessment tools that are currently available in the state that are more closely aligned to instruction and would be more sensitive to measuring student gains. This would be consistent with current Florida Statute 1008.22(3)(c)11.

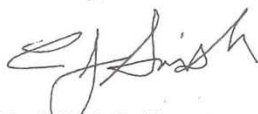
***Recommendation 5: In addition, we recommend that the Legislature amend s.1003.52(3)(b), Florida Statutes, to require that the Department of Education make annual status reports to the Legislature on the learning gains of students in juvenile justice facilities and to detail the steps it has taken to ensure the completeness and reliability of juvenile justice student performance data.***

The Department currently submits an annual Juvenile Justice Education report to the legislature. Information about student performance data can be incorporated into the existing report.

Dr. VanLandingham  
January 12, 2010  
Page Three

The Department is committed to continuing its efforts in collaboration with the Department of Juvenile Justice to ensure a quality education for youth in the State's Juvenile Justice Programs. The results from the OPPAGA report will be used to support these efforts.

Sincerely,



Dr. Eric J. Smith  
Commissioner

kd/ewj

cc: Secretary Frank R. Peterman, Jr.  
Dr. Frances Haithcock  
Ed Jordan  
Jeff Sellers  
Mary Jane Tappen  
Kris Ellington  
Bambi Lockman  
Karen Denbroeder  
Ruth Jones



**FLORIDA DEPARTMENT OF JUVENILE JUSTICE**  
**Charlie Crist, Governor** **Frank Peterman, Jr., Secretary**

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January 5, 2010

Gary R. VanLandingham, Director  
Office of Program Policy Analysis & Government Accountability  
111 West Madison Street, Room 312, Claude Pepper Building  
Tallahassee, Florida 32399-1475

Dear Director VanLandingham,

Thank you for the opportunity to review and respond to Report No. 10-xx dated January 2010 entitled, "Youth Entering the State's Juvenile Justice Programs Have Substantial Educational Deficits; Available Data Is Insufficient to Assess Learning Gains." The summary refers to the responsibility of the school districts, documented deficits of students entering juvenile justice education programs and lack of multiple grade levels and subject areas certifications within smaller programs. Available data validate student learning gains while in juvenile justice programs.

It is my understanding that a significant investment of time, travel, interviews and information analysis went into the report's preparation. The opportunity to review the initial draft report December 18<sup>th</sup> with your personnel was also appreciated in addition to the revised draft and extended response date of January 5, 2010. The OPPAGA report includes a recommendation for both the Florida Legislature and the Department of Education and four recommendations for the Department of Education. Our responses to these recommendations are as follows:

***Recommendation 1: To improve data quality, we recommend that the department work directly with information systems personnel in each school district to ensure that district data systems capture the data the department needs to calculate juvenile justice student learning gains. The department should assess the adequacy of the district's data systems to collect and report these data, and provide training and assistance to district and program staff as needed to help them automate the data collection process. The department should also review the data submitted by districts and use other department data sources to identify and address, in a timely manner, any problems with the data being reported.***

Input provided to the Office of Education within the Florida Department of Juvenile Justice from school districts and contracted educational personnel indicate more time is needed for instruction versus additional academic assessments exceeding current standardized testing requirements.

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*The mission of the Department of Juvenile Justice is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.*

Mr. VanLandingham  
January 5, 2010  
Page Two

***Recommendation 2: To ensure that the department reports reliable information about learning gains of students in juvenile justice facilities, we recommend that the department assign responsibility for evaluating the completeness of the data and student learning gains to its Division of Accountability, Research, and Measurement.***

The Department has no comment.

***Recommendation 3: To determine if high rates of out-of-field teachers in juvenile justice programs have a significant negative impact on student learning, we recommend that the department's analysis of Basic Achievement Skills Inventory scores include an assessment of the relationship between out-of-field teachers and the learning gains of juvenile justice students.***

The current report did not differentiate results of BASI outcomes based upon teacher certification.

***Recommendation 4: We also recommend that the Department of Education consider the reliability and usefulness of the Basic Achievement Skills Inventory test results in determining whether to renew its contract with the test manufacturer in the fall of 2010.***

The Department concurs with this recommendation if adjusted for consideration into the possibility of future procurement.

***Recommendation 5: In addition, we recommend that the Legislature amend s.1003.52(3)(b), Florida Statutes, to require that the Department of Education make annual status reports to the Legislature on the learning gains of students in juvenile justice facilities and to detail the steps it has taken to ensure the completeness and reliability of juvenile justice student performance data.***


The Department of Juvenile Justice currently collaborates with the Department of Education in providing current annual reports to the legislature. Juvenile justice education students participate in standardized testing required of students in traditional schools, receive grades, earn credits, standard high school diplomas, special diplomas and Florida High School Diplomas and participate in annual yearly progress as demonstrated by FCAT at those programs with the ability to capture said data. Juvenile Justice education students also participate in the Ready to Work program, Florida Virtual School, credit retrieval, academic remediation, personal social skills, vocational training and coursework.

The significant deficits in the academic status of students entering juvenile justice programs underscores the need for remedial education and increased curricular flexibility in process as a result of the juvenile justice education rule passed in November 2009. Juvenile justice schools throughout Florida are also now participating in FAIR, a reading assessment conducted three times a year designed to assess progress aligned with instruction.

Mr. VanLandingham  
January 5, 2010  
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The Department of Juvenile Justice is committed to effective partnerships with the Department of Education and school districts throughout Florida in meeting the educational needs of students while under supervision of the state of Florida. The ongoing interest and support of the Florida legislature in working to improved educational performance and reduced recidivism of these students continues to be greatly appreciated.

Sincerely,

  
Frank R. Peterman, Jr.  
Secretary

FRP/te

Cc: Rod Love, Deputy Secretary  
Terri Eggers, Director of Education  
Ms. Mary Eubanks, Inspector General  
Ms. Kim Mills, Director Auditing, Executive Office of the Governor  
Dr. Eric J. Smith, Commissioner of Education