

SENATE BILL NO. 156

BY SENATORS MURRAY AND MORRELL

1 AN ACT

2 To enact Children's Code Article 905.1, relative to children committed to the Department  
3 of Public Safety and Corrections; to provide for an assessment of academic grade  
4 level; to provide for creation of an academic plan; to provide for submission of the  
5 academic plan and reports to the court; to provide certain procedures, terms and  
6 conditions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 905.1 is hereby enacted to read as follows:

9 **Art. 905.1. Academic plan for children committed to the Department of Public**  
10 **Safety and Corrections**

11 **A. When a child is assigned to the secure custody of the Department of**  
12 **Public Safety and Corrections following an adjudication of delinquency, the**  
13 **department shall assess the child's academic grade level using a research-based**  
14 **diagnostic tool within thirty days of the child's admission to a secure care**  
15 **facility.**

16 **B. The department shall develop a written academic plan for the child**  
17 **based upon all of the following criteria for each individual child:**

18 **(1) Grade level diagnostic test results.**

19 **(2) Past academic performance.**

20 **(3) The individualized education plan or individualized learning plan, as**  
21 **applicable.**

22 **(4) The length of time the child will be in the department's secure**  
23 **custody.**

24 **C. If the child tests at grade level or above, the individualized education**  
25 **plan or individualized learning plan shall be structured to allow the child to**  
26 **timely prepare for or earn a high school diploma, General Educational**  
27 **Development Certification or certificate of achievement from the Special School**

1 District, during the period the child is in the department's secure custody.

2 D. If the child tests below grade level, the individualized education plan  
3 or individualized learning plan shall be structured, depending on the child's  
4 abilities, to bring the child's academic performance up to grade level or as  
5 reasonably close thereto as possible, during the period the child is in the  
6 department's secure custody.

7 E. The department shall submit the individualized education plan or  
8 individualized learning plan to the court within forty-five days of the child's  
9 admission to the secure care facility and a copy shall be provided to the parents  
10 or guardian of the child, the district attorney, and counsel for the child at the  
11 time it is submitted to the court.

12 F. A report on the child's academic progress shall be included in the  
13 department's quarterly report to the court.

14 G. Upon discharge from the department's custody, a copy of the child's  
15 academic plan and all progress reports shall be provided to the child's parents  
16 or guardian. The department shall provide this information to the school or  
17 academic program in which the child is thereafter enrolled upon written  
18 request.

19 Section 2. The legislature finds the following:

20 (A)(1) The Louisiana Office of Juvenile Justice, hereinafter referred to in this  
21 Section as "OJJ", operates secure care facilities for youth adjudicated delinquent and placed  
22 in its custody for secure care by a court. There are three facilities for males and one for  
23 females. There is an alternative school at each facility.

24 (2) R.S. 17:100.1 provides that an alternative school located in a secure care facility  
25 is a public school and, as such, it is included by the State Board of Elementary and  
26 Secondary Education in the formula used to determine the cost of the Minimum Foundation  
27 Program in all public elementary and secondary schools.

28 (3) OJJ receives one hundred percent of the Minimum Foundation Program funding  
29 for each student in its care. Approximately three hundred students per year attend the  
30 alternative schools at OJJ facilities.

1 (4) According to statistics compiled by the National Assessment of Adult Literacy  
2 (NAAL), nearly eighty-five percent of American youth in the juvenile court system are  
3 functionally illiterate and more than seventy percent of adult prison inmates cannot read  
4 above a fourth-grade level.

5 (5) Improved literacy among youth in OJJ custody will provide a foundation for  
6 these young people's future success and reduce juvenile delinquency recidivism rates.

7 (B) Therefore, it is the public policy of Louisiana that education is one of the most  
8 important aspects of delinquency rehabilitation and that improving reading skills is of the  
9 highest priority for the juvenile justice system.

10 (C) The purpose of this Act is to implement the policy stated in Subsection (B) of  
11 this Section by providing a uniform system of measurement, accountability, and  
12 transparency regarding the academic progress of incarcerated youth to their parents, the  
13 courts, and to the public.

14 Section 3. This Act shall become effective upon signature of the governor or, if not  
15 signed by the governor, upon expiration of the time for bills to become law without signature  
16 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If  
17 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
18 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_