

Regular Session, 2012

SENATE BILL NO. 156

BY SENATOR MURRAY

CHILDREN'S CODE. Provides for academic plan for children committed to the Department of Public Safety and Corrections. (gov sig)

1 AN ACT  
2 To enact Children's Code Art. 905.1, relative to children committed to the Department of  
3 Public Safety and Corrections, to provide for assessment of reading ability; to  
4 provide for creation of an academic plan and timetable; to provide for court  
5 approval; to provide certain procedures, terms and conditions; and to provide for  
6 related matters.  
7 Be it enacted by the Legislature of Louisiana:  
8 Section 1. Children's Code Art. 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 custody of the Department of Public**  
12 **Safety and Corrections, the department shall assess the child to determine his**  
13 **reading ability. Such assessment shall occur within fifteen days of the child's**  
14 **admission to a secure care facility.**  
15 **(1) If the child's reading ability is at grade level or above, the**  
16 **department shall devise a written academic plan and timetable that will allow**  
17 **the child to earn a high school diploma, General Equivalency Degree or**

1 certificate of achievement from the Special School District, while he is in the  
2 department's custody.

3 (2) If the child's reading ability is below grade level, the department  
4 shall devise a written academic plan and timetable to improve the child's  
5 reading ability up to grade level, or up to a minimum of two grade levels higher  
6 than the child's assessed reading ability grade level, while the child is in the  
7 department's custody.

8 B. The department shall submit the academic plan and timetable to the  
9 court for approval. A copy of the plan and timetable, along with the reading  
10 assessment, shall be provided to the parents or guardian of the child, the district  
11 attorney, and counsel for the child at the time it is submitted to the court.

12 C. The court may approve the academic plan and timetable without a  
13 hearing. On motion of the parents or guardian of the child, the district  
14 attorney, or counsel for the child, the court shall set a hearing on the proposed  
15 academic plan and timetable. Such motion shall be filed within five days of the  
16 department submitting the plan to the court.

17 D. The department shall provide a quarterly report to the court on the  
18 child's academic progress, unless the court determines that the best interests of  
19 the child requires the report to be provided more frequently.

20 E. Upon discharge from the department's custody, a copy of the child's  
21 academic plan and all progress reports shall be provided to the child's parents  
22 or guardian, and to the school or academic program in which he is enrolled  
23 upon release.

24 F. The academic plan, timetable and progress reports may be provided  
25 to the court and all parties by electronic transmission.

26 Section 2. The legislature finds that the Louisiana Office of Juvenile Justice (OJJ)  
27 operates secure care facilities for youth adjudicated delinquent and placed in its custody for  
28 secure care by a court. There are three facilities for males and one for females. There is an  
29 alternative school at each facility.

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

5 OJJ receives 100% of the Minimum Foundation Program funding for each student  
6 in its care. Approximately 300 students per year attend the alternative schools at OJJ  
7 facilities.

8 According to statistics compiled by the National Assessment of Adult Literacy  
9 (NAAL), nearly 85% of American youth in the juvenile court system are functionally  
10 illiterate and more than 70% of adult prison inmates cannot read above a fourth-grade level.

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

13 Therefore, it is the public policy of Louisiana that education is one of the most  
14 important aspects of delinquency rehabilitation and that improving reading skills is of the  
15 highest priority for the juvenile justice system. The purpose of this legislation is to  
16 implement that policy by providing a uniform system of measurement, accountability, and  
17 transparency regarding the academic progress of incarcerated youth to their parents, the  
18 courts, and to the public.

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

---

The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Julie J. Baxter.

---

#### DIGEST

Proposed law in Children's Code (Ch. C. Art. 905.1) provides that Department of Public Safety and Corrections (DPSC) shall, within 15 days of a child's admission to a secure care facility assess the child's reading ability grade level.

Proposed law (Ch. C. Art. 905.1) requires DPSC to develop an academic plan and timetable to improve the child's reading ability and present such plan and timetable (by electronic

means, if so desired) to a court for approval, with copies to the child's parents or guardian, district attorney and counsel for the child. Provides that the court may approve without a hearing or any of these parties may request a court hearing regarding approval of the plan. Also provides for DPSC to submit a quarterly report to the court on the child's progress under the plan, or more frequent reports if that is determined by the court to be in the best interest of the child. Upon the child's discharge from DPSC custody, DPSC will provide a copy of the child's academic plan and all progress reports to the child's parents or guardian and the school where the child enrolls upon release.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds Ch. C. Art. 905.1)