



REPLACEMENT AGENDA

COMMITTEE OF THE WHOLE WORKSHOP BOARD OF COUNTY COMMISSIONERS

Board Chambers
Suite 100
Ernie Lee Magaha Government Building - First Floor
221 Palafox Place

May 10, 2018
9:00 a.m.

Notice: This meeting is televised live on ECTV and recorded for rebroadcast on the same channel. Refer to your cable provider's channel lineup to find ECTV.

1. Call to Order

(PLEASE TURN YOUR CELL PHONE TO THE SILENCE OR OFF SETTING.)
2. Was the meeting properly advertised?
3. Update Pensacola Showcase
(Dickey Appleyard - 15 min)
 - A. Board Discussion
 - B. Board Direction
4. Forest Creek Apartments
(Chips Kirschenfeld - 15 min)
 - A. Board Discussion
 - B. Board Direction
5. Progress Update on the New Correctional Facility
(Steve Jernigan, Bay Design/Bob Dye - 10 min)
 - A. Board Discussion
 - B. Board Direction

6. Covenant for the Community
(Jack Brown/Alison Rogers - 15 min)
 - A. Board Discussion
 - B. Board Direction

7. Mid-Town Commerce Park Request for Letters of Interest
(Amy Lovoy - 20 min)
 - A. Board Discussion
 - B. Board Direction

8. Pensacola Beach Restroom Facilities
(Paolo Ghio - 15 min)
 - A. Board Discussion
 - B. Board Direction

9. Future Development and Planning of OLF-8
(Jack Brown - 15 min)
 - A. Board Discussion
 - B. Board Direction

10. New TRIUMPH Projects
(Chips Kirschenfeld - 15 min)
 - A. Board Discussion
 - B. Board Direction

11. Alcohol Sales Measurement
(Andrew Holmer - 10 min)
 - A. Board Discussion
 - B. Board Direction

12. Navy Boulevard Project Development & Environmental Study Public Hearing Presentation
(Ben Faust, DRMP - 15 min)
 - A. Board Discussion
 - B. Board Direction

13. Library Cards to Be Used for the Escambia County Area Transit "Summer Wheels" Youth Pass Program
(Mike Crittenden/Todd Humble - 15 minutes)
 - A. Board Discussion
 - B. Board Direction

14. Escheated Ponds
(Joy Jones/Wes Moreno - 20 min)
 - A. Board Discussion
 - B. Board Direction

15. Grade Results Juvenile Justice and Incarcerated Education
(Chris Lee - 15 min)
 - A. Board Discussion
 - B. Board Direction

16. Status of Results of the Recent Fire Services Investigation into Sexual Harassment and Changes that Have Been Implemented
(Mike Weaver/Paulette Stallworth - 15 min)
 - A. Board Discussion
 - B. Board Direction

17. BioMedical Waste
(Patrick Johnson - 15 min)
 - A. Board Discussion
 - B. Board Direction

18. Private Road Municipal Services Benefit Unit (MSBU)
(Commissioner Steven Barry - 10 min)
 - A. Board Discussion
 - B. Board Direction

19. Adjourn

Committee of the Whole

3.

Meeting Date: 05/10/2018

Issue: Update Pensacola Showcase

From: Jack Brown, County Administrator

Information

Recommendation:

Update Pensacola Showcase
(Dickey Appleyard - 15 min)

- A. Board Discussion
 - B. Board Direction
-

Attachments

No file(s) attached.

Committee of the Whole

4.

Meeting Date: 05/10/2018

Issue: Forest Creek Apartments

From: Chips Kirschenfeld, Director

Information

Recommendation:

Forest Creek Apartments
(Chips Kirschenfeld - 15 min)

- A. Board Discussion
 - B. Board Direction
-

Attachments

Forrest Creek Apartments FEMA Grant



Forest Creek Apartments FEMA Grant

Board of County Commissioners

5/10/2018

April 2014



FEMA / FL DEM Grant

- Grant approved by BCC: 2018
- Scope of Work: Acquire and demolish 17 buildings, convert land to open space with deed restriction
- End of Grant Period: August 30, 2019

- Federal Share: \$17,529,729.66 (90%)
- Local Share: \$ 1,947,747.74 (10%)
- Total Project Cost : \$19,477,477.40 (100%)

- Grant Tasks: Acquisition of Property \$12,040,952.00
- Demolition & Debris Removal \$ 5,793,642.50
- Relocation Assistance \$ 1,397,920.00 (4 counselors, moving expenses)
- Grant Management \$ 244,962.90
- Total Project Cost \$ 19,477,477.40

Property Appraisals

- Sales Comparison Approach
 - County 1: $\$45,000/\text{unit} \times 200 \text{ units} = \9M
 - County 2: $\$50,000 \text{ to } \$52,000/\text{unit} \times 200 \text{ units} = \$10\text{M to } \$10.4\text{M}$
 - Owner: $\$70,000/\text{unit} \times 200 \text{ units} = \14M
- Income Approach
 - County 1: $\text{Net } \$1,060,025 / 10.5\% \text{ cap rate} = \10.1M
 - County 2: $\text{Net } \$1,032,962 / 9.75\% \text{ cap rate} = \10.594M
 - Owner: $\text{Net } \$1,050,527 / 6.75\% \text{ cap rate} = \15.565M

Final Value Opinion

- County 1: \$ 9.5M
- County 2: \$10.5M
- Owner: \$15.5M

- County 1 and 2 Average: \$10.0M

Vouchers

- Appraisals do not include a separate value for vouchers
 - Sales Comparison Approach – other apartment complex sales
 - Income Approach – based on rental income and occupancy
- BCC desire to convert Project Based Vouchers to Section 8 Housing Choice Vouchers
 - Separate federal agency manages vouchers – HUD

BCC Direction

- Option 1: Authorize staff to offer appraisal avg of \$10M
- Option 2: Authorize staff to offer other amount

- Staff will return to BCC with response from Owner

Committee of the Whole

5.

Meeting Date: 05/10/2018

Issue: Progress Update on the New Correctional Facility

From: Robert E. Dye, Interim Facilities Director

Information

Recommendation:

Progress Update on the New Correctional Facility
(Steve Jernigan, Bay Design/Bob Dye - 10 min)

- A. Board Discussion
 - B. Board Direction
-

Attachments

may update



New Escambia County Correctional Facility

Progress update

Steve Jernigan– Bay Design

Key Points

- Permits submitted –
 - FDOT – approval received
 - ECUA – in progress. Comments received and answered.
 - DRC – Development order received 25 April
- Test pilings in progress
- Design Development plans distributed
 - Review meetings scheduled May 15 - 17
- 1st ODP purchase processed.
 - Concrete purchase



Upcoming activity

1. Commissioning Authority and Threshold Inspector Agreements by mid May
2. Final Construction Documents due by June 18th
3. Full building permit approval anticipated by July 16th

Next progress update - June Committee of the Whole

Questions?

Committee of the Whole

6.

Meeting Date: 05/10/2018

Issue: Covenant for the Community

From: Jack Brown, County Administrator

Information

Recommendation:

Covenant for the Community
(Jack Brown/Alison Rogers - 15 min)

- A. Board Discussion
 - B. Board Direction
-

Attachments

Covenant for the Community

Covenant for the Community Workforce Diversification Plan

Draft - Workforce Diversification Plan

Escambia County Code of Ordinances

Memorandum - Federal and State Statutes

APPENDIX A

Covenant for the Community

Workforce Diversification Plan for

Office Project Located at _____,
Pensacola, FL

Memorandum of Understanding

This Workforce Diversification Plan describes the goals and processes for maximizing the utilization of Minority, Women, and Local Business Enterprises in, and the training and employment of local residents for the _____ development in Pensacola, Florida. This Plan has been drafted and adopted by _____ in cooperation with the undersigned partnering contractors. The Plan establishes goals and procedures for meaningful economic inclusion and the parties agree to review the Plan and assess the effectiveness of its implementation as the Project continues. Amendments may be made from time to time when the parties agree that enhancements would be beneficial.

BUILDING A VIBRANT COMMUNITY

On behalf of _____
_____ Date _____

By: _____

On behalf of _____
_____ Date _____

By: _____

PURPOSE

The parties to this Workforce Diversification Plan for _____ (the "Plan") are united in their efforts to ensure, to the extent commercially reasonable, that ALL individuals, regardless of race, color, religion, age, gender, national origin, ancestry, creed, union membership, sexual orientation, or disability will have the maximum opportunity to be involved in significant ways in the construction of _____ (the "Project"). The parties are also united in realizing that the people who live in **Escambia and Santa Rosa Counties** and particularly within the **City of Pensacola**, where the Project is located, should share in the prosperity generated by the construction of the Project as an economic engine.

This plan establishes goals and methods for maximizing minority inclusion and local resident employment at the Project.

- This Plan shall be attached to all Project solicitations. All contracts and subcontracts entered into by _____ shall contain the Plan's inclusion goals and reporting responsibilities.

DISADVANTAGED BUSINESS Inclusion Goals

The following overall Project procurement goals have been established:

| | | |
|---------------------|----------------|---------------|
| Construction | 20% MBE | 5% WBE |
|---------------------|----------------|---------------|

APPENDIX A

Minority and Woman Owned Business inclusion will be reported in two separate manners: as a fixed monetary value for M/WBE contracting based on the final project budget, and on a man-hours basis via the tracking of employees performing work on the project. The percentages listed above are presented for reference as ALL BIDDERS on the Project will be expected to contribute to _____ effort to comply with the Plan.

Methods FOR MEETING DISADVANTAGED BUSINESS Inclusion Goals

Prime Contractors, Subcontractors, and other business entities that are awarded Project contracts (“**Contractors**”) shall use their best practical efforts to meet or exceed the established Disadvantaged Business Inclusion goals.

- Bidders that exceed the stated hiring goals may be given priority consideration.
- Contractors who submit proposals as joint ventures in a mentor-protégé relationship may be given priority consideration for contract awards.

Each Contractor shall prepare and submit to _____ a detailed inclusion plan that identifies its own ownership composition, its own scope of work, any part of that scope it intends to subcontract, and how it intends, through subcontracting, joint venturing, or using vendors and suppliers, to meet the established inclusion goals. A meeting is encouraged with the Diversity Administrator (as described in Article VIII of this Plan) during the course of preparation of the Contractor inclusion plan.

- The template for the Contractor’s Workforce Diversification Plan is included as Exhibit A.

Each Contractor issuing solicitations for subcontracts or purchase orders shall take actions to ensure that Contracts will be awarded and administered in accordance with good faith and in the best interest of the overall goal of workforce diversification on this project.

Establishing Good Faith Best Practical Efforts

If any Contractor's Workforce Diversification Plan does not meet or exceed the established goals, the Contractor should prepare an analysis showing how it has made a good faith "best effort" to achieve the project goals. This analysis should include, but not be limited to, the following:

- Solicitation through newspapers, advertisements, job fairs, etc.;
- Correspondence between the Contractor firm and any MBE/WBE firms;
- Logs of phone calls to M/WBE firms listed in the City of Pensacola, Escambia County, or Santa Rosa County directories;
- Bid results and reasons why insufficient M/WBE awards were made.

_____ expects each Contractor to put forth good faith effort to meet or exceed the overall goals.

Non-Discrimination IN CONTRACTING AND HIRING Policy

Each Contractor performing work or providing goods or services shall ensure that it, along with its Subcontractors, shall not discriminate on the basis of race, color, religion, age, gender, national origin, ancestry, creed, union membership, sexual orientation, or disability in the award and performance of its contract and/or any sub-contracts that may be needed to perform the work or services for which they are contracted. Likewise, Contractor shall ensure that it, along with its Subcontractors, shall not discriminate on the basis of race, color, religion, age, gender, national origin, ancestry, creed, union membership, sexual orientation, or disability in the Project with respect to all employment practices. The Contractor shall comply with all applicable requirements of any federal, state or local law ordinance or regulation relating to affirmative action, equal opportunity and nondiscrimination in employment, and shall use its best practical efforts to meet all local goals relating thereto.

APPENDIX A

RESIDENT INCLUSION GOALS

In addition to the above-referenced overall contracting and non-discrimination goals established for the Project, the parties to this Plan voluntarily agree to work together so that, to the greatest extent within the limits of commercial reasonableness, individuals who reside in **Escambia and Santa Rosa County, Florida** (hereafter, "**Local Residents**") shall be preferred for hiring by the Contractors that work on the Project. Furthermore, the parties commit to collaborating on procedures to provide the necessary training for such work, as appropriate.

The overall employment goal established by this Plan shall apply to the total number of workers employed by a business winning a contract award for goods or services required for the design, construction, and management of the Project.

The minimum goal for employing Local Residents shall be 75% of all on-site employees.

In addition, this Plan establishes goals that apply to the number of new employees needed by a business winning a contract award for goods or services required for the design, construction, and management of the Project. Qualified Local Residents shall be given priority for employment under this agreement and will be considered before non-residents to be hired to fill new jobs created by this project.

The minimum goal for hiring Local Residents shall be 100% of all newly hired employees.

The objectives of this Plan are overall goals for the entire project and will not be evaluated on a contract by contract basis, although all Contractors and Subcontractors shall submit monthly manpower reports for the purpose of tracking Local Resident involvement in the Project.

Methods FOR MEETING LOCAL RESIDENT Economic Inclusion Goals

Persons or business entities that are awarded Project contracts ("**Contract Awardees**") shall use their best practical efforts to meet or exceed the established Local Resident Inclusion goals. Each Contract Awardee shall execute the Non-Discrimination in Hiring form attached hereto and made a part hereof as Exhibit B.

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Each Contract Awardee shall schedule a meeting with _____ within two weeks of contract award. The meeting will provide the Awardee the opportunity to learn about the full range of workforce resources and employment related services available to them and to acquire assistance in developing its Manpower Projection Plan.

Each Contract Awardee shall submit a Manpower Projection Plan, using the form attached hereto and made a part hereof as Exhibit C no later than 30 days after contract award or 14 days prior to mobilization, whichever is earlier. The Manpower Projection Plan shall describe the general scope of the work under the Contract Awardee's contract, its total projected staffing, projected number of new hires, the type of skills and expertise needed for new hires that will be involved in fulfilling the contract and a timeline for commencing the work.

In the event that Contract Awardee's Manpower Projection Plan changes due to revisions in the scope of its contract or its approach to the work, the Contract Awardee should submit an update to its Plan to _____ as promptly as possible but in no event after commencement of the work.

Should the Contract Awardee's Manpower Projection Plan indicate a need to fill new jobs, the Contract Awardee should make notification through _____ for a period of fourteen (14) days prior to publicly advertising the openings. This will enable _____ to identify and refer qualified Local Residents to the Contract Awardee as candidates for these job opportunities. Public advertisements for job openings may appear in minority-owned media and non-minority-owned media.

No Contract Awardee will be required to hire personnel who are unqualified to fill job openings, however Contract Awardees are encouraged to consider opportunities for on-the-job training for qualified entry level workers.

Monitoring and Reporting

_____ shall monitor the Disadvantaged Business Inclusion and Local Resident hiring activity of the Contractors and submit monthly reports that document its progress to _____, LLC.

Disadvantaged Business Inclusion Reporting: Each Contractor with Subcontractors, suppliers, or vendors, shall provide the following information on a monthly basis with their Applications for Payment:

APPENDIX A

- A breakdown of all amounts billed for that month by Subcontractor and supplier indicating the M/WBE status of that Subcontractor or supplier;
- A contract-to-date summary of the total amount billed by each firm and presented showing the percentage of billings by M/WBE firms to the prime contract's value;
- Signed and notarized Affidavits of Total Payments to Date from each firm.

Any Contractor's failure to provide the monthly Subcontractor report could result in the delay of processing of the Contractor's Application for Payment.

Local Resident Inclusion Reporting: Manpower reports shall be submitted monthly by each Contractor, Subcontractor, and consultant with any workforce dedicated to the Project, along with request for payment.

Manpower reports shall include the name, address and zip code, and race of each employee dedicated to the Project, their job classification, and whether they are a new or existing employee.

All manpower reports will be compiled by _____ into an overall compliance statement, including copies of the individual manpower reports, and be forwarded to _____ monthly for review.

Any Contractor's failure to provide the monthly manpower report could result in the delay of processing of the Contractor's Application for Payment.

IMPLEMENTATION AND ADMINISTRATION

_____ has designated _____ during the construction of the Project as the Diversity Administrator, who shall be responsible for implementation of this Plan. The Diversity Administrator shall act as the primary coordinator of all aspects of this Plan and will be the primary point of contact for _____.

Coordinating with internal and external resources, the Diversity Administrator will be responsible for all implementation activities including the following:

BUILDING A VIBRANT COMMUNITY

- Disadvantaged Business Inclusion
 - Coordinate with Contractors on Project Scheduling and provide early notice of bidding schedules
 - Represent the Project at Contracting Expos and Pre-Bid Conferences
 - Monitor Contractor and Subcontractor bid advertising
 - Review and consolidate M/WBE Inclusion Plans from Contractors
 - Compose/submit required reports to _____
- Resident Inclusion
 - Coordinate with Contractors on Project Scheduling and provide advanced notice of Manpower Projections for planning of training and recruitment programs
 - Assist with identification of existing training programs that can be leveraged to help fill manpower needs, including sources of funding for worker training
 - Represent Project in interfacing with Contractors, Local Churches, Workforce Agencies, and Walk-Up Applicants
 - Review and consolidate Manpower Reports from Contractors
 - Compose/submit required reports to _____

More specific responsibilities may be developed as the project progresses to ensure the maximum effectiveness of the implementation of this Workforce Diversification Plan.

End of Document

Exhibits Follow

APPENDIX A

**EXHIBIT A
CONTRACTOR'S WORKFORCE DIVERSIFICATION PLAN**

The following shall constitute this Contractor's plan for satisfying the M/WBE contracting goals set forth in the Workforce Diversification Plan for _____ . This information shall be provided for each trade or service that will be utilized for this project. Use additional sheets if necessary.

Name of Contractor: _____

Total Bid Amount: _____

| Planned Overall M/WBE Participation {Goals} Include prime contractor's information, if applicable: | | | | |
|---|--------------------------|--|-----------------|--------------------|
| Name of Contractor, Subcontractor, or Vendor | M/WBE Certification # | Trade, Service, Or Work to be Provided | Dollar Value | % Participation |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

The Subcontractors and vendors listed above ___ are or ___ are not (check one) currently under contract for the scope of work indicated. Actual M/WBE Inclusion will be monitored as part of the monthly Application for Payment so this Plan is submitted to indicate the means anticipated to achieve the inclusion goals.

Additional Comments:

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By signing below, I attest that the above information is accurate to the best of my knowledge and that we will put forth our best practical efforts to achieve said participation goals.

Signature of Owner/Chief Executive Officer

Date

APPENDIX A

**EXHIBIT B
CONTRACTOR AND SUBCONTRACTOR
ACKNOWLEDGEMENT FORM**

Contractor is responsible for getting all Subcontractors to complete and sign this form. Please print out multiple forms as needed.

NON-DISCRIMINATION IN HIRING

NOTICE

The Contract Awardee and its Subcontractors shall not discriminate nor permit discrimination against any person because of race, color, religion, age, gender, national origin, ancestry, creed, handicap, sexual orientation, union membership, disabled or Vietnam era veteran status, or limited English proficiency in the performance of the contract, including, but not limited to, preparation, manufacture, fabrication, installation, erection and delivery of all supplies and equipment. In the event of receipt of such evidence of such discrimination by a Contract Awardee or its agents, employees or representatives, _____ shall have the right to terminate the Contract for cause. In the event of the continued refusal on the part of the Contract Awardee to comply with this anti-discrimination provision, the Contract Awardee may be removed from the list of approved bidders of _____.

The Contract Awardee agrees to include subparagraph (1) above with appropriate adjustments for the identity of the parties in all subcontracts, which are entered into for work to be performed pursuant to the Contract.

Trade Name of Prime Contractor: _____

(Seal)

Signature of Prime Contractor Representative

or

Trade Name of Subcontractor: _____

(Seal)

Signature of Subcontractor Representative

**EXHIBIT C
MANPOWER PROJECTION PLAN**

| | | |
|--|-----------------------------------|-----------------------------------|
| Contractor: | | |
| Contract Scope: | | |
| Total Bid Amount: | Start Date: | End Date: |
| Total # of Employees on Payroll: | | Woman or Minority Owned Business: |
| <input type="checkbox"/> 0-50 | <input type="checkbox"/> 51-100 | <input type="checkbox"/> Yes |
| <input type="checkbox"/> 101-150 | <input type="checkbox"/> 151-200+ | <input type="checkbox"/> No |
| Contractor Contact Information (person Responsible for working with _____ Company to achieve local hiring goals) | | |
| Contact Name: | | |
| Work Address: | | |
| City: | State: | Zip: |
| Office Telephone: | Cell: | |
| Email Address: | | |

WORKFORCE PLAN

| Projected Number of Required Workers for this entire project | Total Number of Current Employees on payroll | Projected Number of New Hires for this entire project |
|--|--|---|
| | | |

APPENDIX A

1. Is recruitment required for new hires by the Contractor?
 Yes No How soon? _____ days

2. If no, will former workers be brought back?
 Yes No How Many? _____

3. Is recruitment required for any of your Subcontractors?

Yes No

If so, have them complete plan.

4. Does the Contractor have openings on other projects?

Yes No

5. If recruitment is required, complete chart below and attach job descriptions for each.

| Position Title | # Jobs | Skills Required | Wage Rate | Experience Level (1=skilled, 2=entry, 3=no experience) |
|----------------|--------|-----------------|-----------|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

By signing below, I attest that the information above is accurate to the best of my knowledge and ensure that my company will put forth our best practical effort to hire local residents for all job openings available as a result of this project. This will assist to achieve the project hiring participation goals.

 Name of Authorized Contractor Representative

 Signature of Authorized Contractor Representative

 Date

COVENANT FOR THE COMMUNITY
WORKFORCE DIVERSIFICATION PLAN

- 1) Establishes the following DBE INCLUSION/PARTICIPATION GOALS for a Project:
 - Minority Business Enterprise 20%
 - Women Business Enterprise 5%
- 2) All Contractors awarded contracts for the Project are required to prepare a DBE INCLUSION PLAN detailing the percentage of anticipated DBE participation for the Project.
- 3) If the Contractor fails to meet the DBE participation goal, the Contractor is required to submit a report detailing the Contractor's "BEST EFFORTS" to achieve the goal, including:
 - Evidence of solicitation/procurement efforts;
 - Correspondence with DBEs;
 - Logs of telephone communications with DBEs;
 - Bid/Solicitation results.
- 4) All Contractors and related subcontractors performing work or providing goods/services for the Project must agree to comply with a NON-DISCRIMINATION POLICY.
- 5) Establishes the following RESIDENT/LOCAL INCLUSION GOALS for a Project:
 - 75% of all existing employees must be local residents; and
 - 100% of newly hired employees must be local residents.
- 6) All Contractors awarded contracts for the Project are required to prepare a MANPOWER PROJECTION PLAN to include the following information:
 - Scope of Work for the Project;
 - Projected manpower requirements for the Project;
 - Number of new hires required for the Project (must be publicly advertised);
 - Skill/expertise required for each position.
- 7) On a monthly basis, all Contractors are required to provide the following:
 - a. DBE INCLUSION REPORT detailing amounts billed by all subcontractors/vendors during the month and whether the subcontractors/vendors are DBEs; and the total amount billed to date by all subcontractors/vendors and percentage of that total billed by DBEs.
 - b. MANPOWER REPORT listing the name/address, job classification, and race of each employee of the Contractor who is performing work on the Project, and whether each employee listed in the report is a new or an existing employee.

WORKFORCE DIVERSIFICATION PLAN FOR PD #17-18.XXX

This Workforce Diversification Plan (hereinafter referred to as the “Plan”) describes the goals and procedures for promoting inclusion and providing equal opportunity for Minority, Women, and Small Business Enterprises to participate in the _____ (hereinafter referred to as the “Project”). This Plan shall be attached to all solicitations related to this Project, and all related contracts and subcontracts shall incorporate the terms of this Plan. The County shall review the Plan and assess the effectiveness of its implementation as the Project continues. The County reserves the right to amend or rescind this Plan.

Definitions. As used in this Plan, the following terms shall have the following meanings:

Small Business Enterprise (SBE) shall mean a local business located in Escambia or Santa Rosa County performing a commercially useful business function with ten (10) or fewer employees and a net worth of not more than one million dollars.

Minority Business Enterprise (MBE) shall mean a *Small Business Enterprise* that is at least 51% owned/operated by minority members.

Women Business Enterprise (WBE) shall mean any *Small Business Enterprise* that is at least 51% owned/operated by women members.

The purpose of this Plan is to ensure, to the extent permitted by law, that all individuals, regardless of race, color, religion, gender, gender identity, sexual orientation, national origin, veteran status, or disability, have an equal opportunity to participate in this Project. This Plan shall not be construed to provide for or require any preferences, set-asides, or other contractual requirements based upon race, gender or ethnicity.

Non-Discrimination Policy. Persons or business entities performing work or providing goods and services for this Project shall not discriminate on the basis of race, color, religion, gender, gender identity, sexual orientation, national origin, veteran status, or disability, with regard to any employment practices and shall comply with all applicable requirements of federal, state or local law or regulations relating to equal opportunity and non-discrimination.

Procurement Goal. This Project shall have a *Small Business Enterprise* procurement goal of 15% based upon total Project expenditures. All persons or business entities that are awarded contracts for this Project shall use their best efforts to meet or exceed the established procurement goal.

Reporting Requirements. The County shall monitor the utilization of MBEs, WBEs, and SBEs for this Project. All persons or business entities that are awarded a contract for this Project shall submit a monthly report with the Application for Payment providing the following information:

- 1) A list of all employees performing work on the Project, to include the employee’s job classification and whether the employee is a new or existing employee;
- 2) A list of all subcontractors/suppliers performing work on the Project, to include the name and address, and whether the subcontractor/supplier is certified with the Escambia County SBE Program; and
- 3) An itemization of amounts billed by each subcontractor/supplier performing work on the Project.

MEMORANDUM

ESCAMBIA COUNTY CODE OF ORDINANCES

Sec. 46-110. Local preference in bidding (as enacted 9/16/13 and amended 1/21/16)

Local Business is a business located in Escambia or Santa Rosa County for at least one year prior to the solicitation.

The ordinance provides the following preferences in bidding:

A. Local Business.

When a non-local business bids the lowest bid amount that is-
between \$50,000- 249,999.00 and the bid of a local business is within 5%, or
between \$250,000- 999,999.00 and the bid of a local business is within 3%, or
in excess of \$1,000,000.00 and the bid of a local business is within 2%
the local business may match the lowest bid price of the non-local bidder.

B. Local Business located within a designated CRA.

When a non-local business bids the lowest bid amount that is-
between \$50,000- 249,999.00 and the bid of a local business in a CRA is within 7%, or
between \$250,000- 999,999.00 and the bid of a local business in a CRA is within 5%, or
in excess of \$1,000,000.00 and the bid of a local business in a CRA is within 4%
the local business located within a CRA may match the lowest bid price of the non-local bidder.

Applies to invitations to bid for the purchase of goods and services.

Sec. 46-111. Small business enterprise program (as enacted 12/5/13 and amended 7/24/14)

Small Business Enterprise (SBE) is a local business performing a commercially useful business function with 10 or fewer employees and a net worth of not more than 1M.

The SBE Program Ordinance encourages SBE participation in County procurements by the following:

Annual program goal of up to 15% of the total annual expenditures;
Establishes a self-certification process;
County may reserve contracts to be awarded solely to certified SBEs;
County may award a bid preference to certified SBEs (See sec. 46-110 above);
Bidding Contractor's must demonstrate a good faith effort to utilize SBEs as subcontractors; and
Establishes a SBE Assistance Program within the Office of Purchasing.

Applies to invitations to bid for the purchase of all goods, services, and construction.

Sec. 46-112. Participation of minority and women business enterprises (as enacted 1/21/16)

Minority Business Enterprise (MBE) is any business that is at least 51% owned/operated by minority members; and a Women Business Enterprise (WBE) is any business that is at least 51% owned/operated by women members. The M/WBE must also meet the requirements of a SBE as provided above.

The Ordinance encourages M/WBE participation in County procurements by the following:

Establishes a self-certification process;
Designates the Purchasing Manager to administer the policy;
Provides for the maintenance of a list of certified M/WBEs;
Provides for tracking M/WBE utilization in County procurements; and
Provides for the utilization of outreach programs to identify and educate M/WBEs.

MEMORANDUM

I FEDERAL REQUIREMENTS FOR GRANT RECIPIENTS

Non-Federal entities receiving federal financial assistance are required to comply with the procurement standards set forth in 2 C.F.R. §§200.317-326.

Pursuant to 2 C.F.R. §200.321, non-Federal entities (utilizing federal funds) must take all necessary *affirmative steps* to assure that M/WBEs are used when possible.

Affirmative steps must include:

- 1) Placing qualified small and M/WBEs on solicitation lists;
- 2) Assuring that small and M/WBEs are solicited whenever they are potential sources;
- 3) Dividing total requirements, when feasible, into smaller tasks or quantities to allow maximum participation by small and M/WBEs;
- 4) Establishing delivery schedules, where requirements permit, which encourage participation by small and M/WBEs
- 5) Using the services and assistance, as appropriate, of the SBA and MBDA of the Department of Commerce; and
- 6) Requiring the prime contractor to take the same measures if subcontracts are let.

II STATE PROCUREMENT STATUTES RELATING TO MBEs

Section 287.09451, Florida Statutes—Office of Supplier Diversity

Upon a finding that there was evidence of a systematic pattern of past and continuing racial discrimination against MBEs and a disparity in the availability and use of MBEs in the state procurement system, the Legislature established the Office of Supplier Diversity (OSD) within the Department of Management Services to increase participation by MBEs in the state procurement system. (This provision was originally enacted in 1996 under the direction of the Minority Business Advocacy and Assistance Office within the Department of Labor.)

Among its duties, the OSD was tasked with providing a central MBE certification process for qualified vendors and overseeing contractor compliance with contractual requirements relating to the utilization of MBEs.

The OSD was also responsible for overseeing state agency compliance with annual MBE utilization plans as it relates to the agencies' procurement of commodities and contractual services. State agencies were encouraged, but not required, to spend for each industry category as follows:

- Construction Contracts- 21% total (10%M; 11%W)
- A&E Contracts- 25% total (10%M; 15%W)
- Commodities- 24% total (7%M; 17%W)
- Contractual Services- 50.5% (14.5%M; 36%W)

Section 287.057, Florida Statutes

In order to strive to meet the MBE procurement goals provided (above) in §287.09451, Florida Statutes, this provision relating to the procurement of commodities or services by state agencies was amended to include authorization for state agencies to reserve any contract for competitive

solicitation only among MBEs, and further authorized the reservation of any contract for competitive solicitation only among vendors who agree to use certified MBEs as subcontractors.

*Section 287.09451, Florida Statutes, which grants preferences to MBEs by encouraging state agencies to meet certain defined spending goals based on racial classifications of business owners was held unconstitutional where the statute was not narrowly tailored to remedy a systemic pattern of past and present racial discrimination against MBEs so as to survive strict scrutiny under the Equal Protection Clause of the 14th Amendment. See Fla. A.G.C. Council, Inc., et al. v. State of Florida, et al., 303 F.Supp.2d 1307, 1315-1316 (N.D. Fla. 2004).

Since this ruling, the statute was not amended or repealed, but the OSD has eliminated all MBE spending goals and preferences and now provides a race neutral program focusing on outreach and education.

Local government affirmative action/remedial programs imposing preferences on the basis of race, ethnicity, and gender have also been challenged and overturned on constitutional grounds as violating the Equal Protection Clause of the 14th Amendment. See City of Richmond v. J.A. Croson, 488 US 469, 511 (1989) (holding that City's MBE utilization plan requiring contractors awarded city construction projects to subcontract at least 30% of the contract amount to MBEs was unenforceable and unconstitutional where there was no evidence of past discrimination and the set aside was not narrowly tailored to accomplish the remedial purpose); see also Eng'g Contractors Ass'n of South Florida, Inc. v. Metro. Dade County, et al., 112 F.3d 895, 929 (11th Cir. 1997) (holding that Miami-Dade County's MWBE programs establishing "participation goals" for minority and women businesses in awarding construction contracts (utilizing set asides, subcontractor goals, project goals, and bid preferences) violated the Equal Protection Clause of the 14th Amendment, and the programs were permanently enjoined); Hershell Gill Consulting Eng., Inc. v. Miami-Dade County, 333 F.Supp.2d 1305, 1332-33 (S.D. Fla. 2004) (holding that Miami-Dade County's MWBE programs establishing "participation goals" for minority and women businesses in awarding A/E contracts (utilizing set asides, subcontractor goals, project goals, and bid preferences) were unconstitutional, and the programs were permanently enjoined in that sphere).

Committee of the Whole

7.

Meeting Date: 05/10/2018

Issue: Mid-Town Commerce Park Request for Letters of Interest

From: Amy Lovoy, Assistant County Administrator

Information

Recommendation:

Mid-Town Commerce Park Request for Letters of Interest

(Amy Lovoy - 20 min)

A. Board Discussion

B. Board Direction

Attachments

Mid Town Commerce Park RLI



Mid-Town Commerce Park Update

Request for Letters of Interest for a Master Developer

- ▶ Public private partnership to commercially develop the site.
 - ▶ County would retain ownership
 - ▶ County would provide a long-term master lease mutually beneficial to both the County and the private partner
- ▶ Private partner would be expected to develop the site in a manner to maximize the potential for job development and to operate the site in a manner beneficial to the County and the private partner.
 - ▶ All tenancies or sub-leases to the master developer would be the responsibility of the private partner.
- ▶ It is expected that the County will vacate the current plat and rezone all parcels as mutually acceptable.
- ▶ All proposals will be considered.

Criteria for Selection

- ▶ Potential for Jobs and Job Growth - 25 points
- ▶ Site Development - 25 points
- ▶ Nature and Viability of the Proposal - 25 points
- ▶ Track Record for the Private Partner - 15 points
- ▶ Proposed Master Lease amount to the County - 10 points

Mid-Town Commerce Park Map



Committee of the Whole

8.

Meeting Date: 05/10/2018

Issue: Pensacola Beach Restroom Facilities

From: Chips Kirschenfeld, Director

Information

Recommendation:

Pensacola Beach Restroom Facilities

(Paolo Ghio - 15 min)

A. Board Discussion

B. Board Direction

Attachments

No file(s) attached.

Committee of the Whole

9.

Meeting Date: 05/10/2018

Issue: Future Development and Planning of OLF-8

From: Jack Brown, County Administrator

Information

Recommendation:

Future Development and Planning of OLF-8

(Jack Brown - 15 min)

A. Board Discussion

B. Board Direction

Attachments

No file(s) attached.

Committee of the Whole

10.

Meeting Date: 05/10/2018

Issue: New TRIUMPH Projects

From: Chips Kirschenfeld, Director

Information

Recommendation:

New TRIUMPH Projects

(Chips Kirschenfeld - 15 min)

A. Board Discussion

B. Board Direction

Attachments

No file(s) attached.

Committee of the Whole

11.

Meeting Date: 05/10/2018

Issue: Alcohol Sales Measurement

From: Horace Jones, Director

Information

Recommendation:

Alcohol Sales Measurement
(Andrew Holmer - 10 min)

- A. Board Discussion
 - B. Board Direction
-

Attachments

Alcohol Sales Measurement



Alcohol Sales Measurement

Sec. 4-7.5 Alcoholic beverage sales.

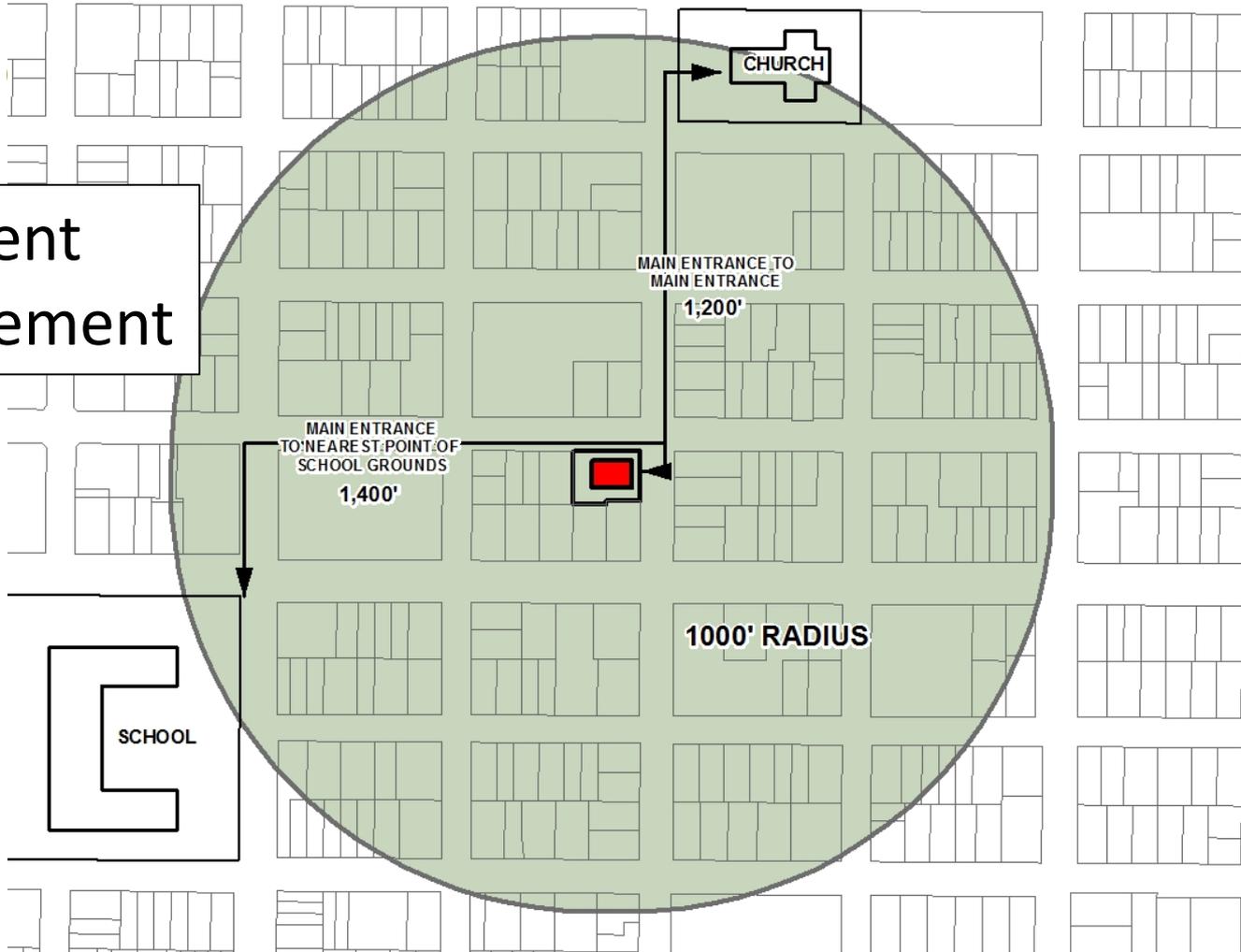
(b) Measurement. The distance required between the place of business selling alcoholic beverages and a place of worship, child care facility, or K-12 educational facility shall be measured along the shortest route of ordinary pedestrian travel within public rights-of-way, from the main entrance of the place of business to the main entrance of the place of worship or child care facility; or for an educational facility, to the nearest point of the grounds in use as part of the facility.



| Alcohol Sales | Within 1000' of a school | Within 1000' of a day care | Within 1000' of a place of worship |
|------------------------------|--------------------------|----------------------------|------------------------------------|
| Off-premise wine and/or beer | Allowed | Allowed | Allowed |
| On-premise consumption | Prohibited | Cond. Use | Cond. Use |
| Off-premise liquor | Prohibited | Cond. Use | Cond. Use |

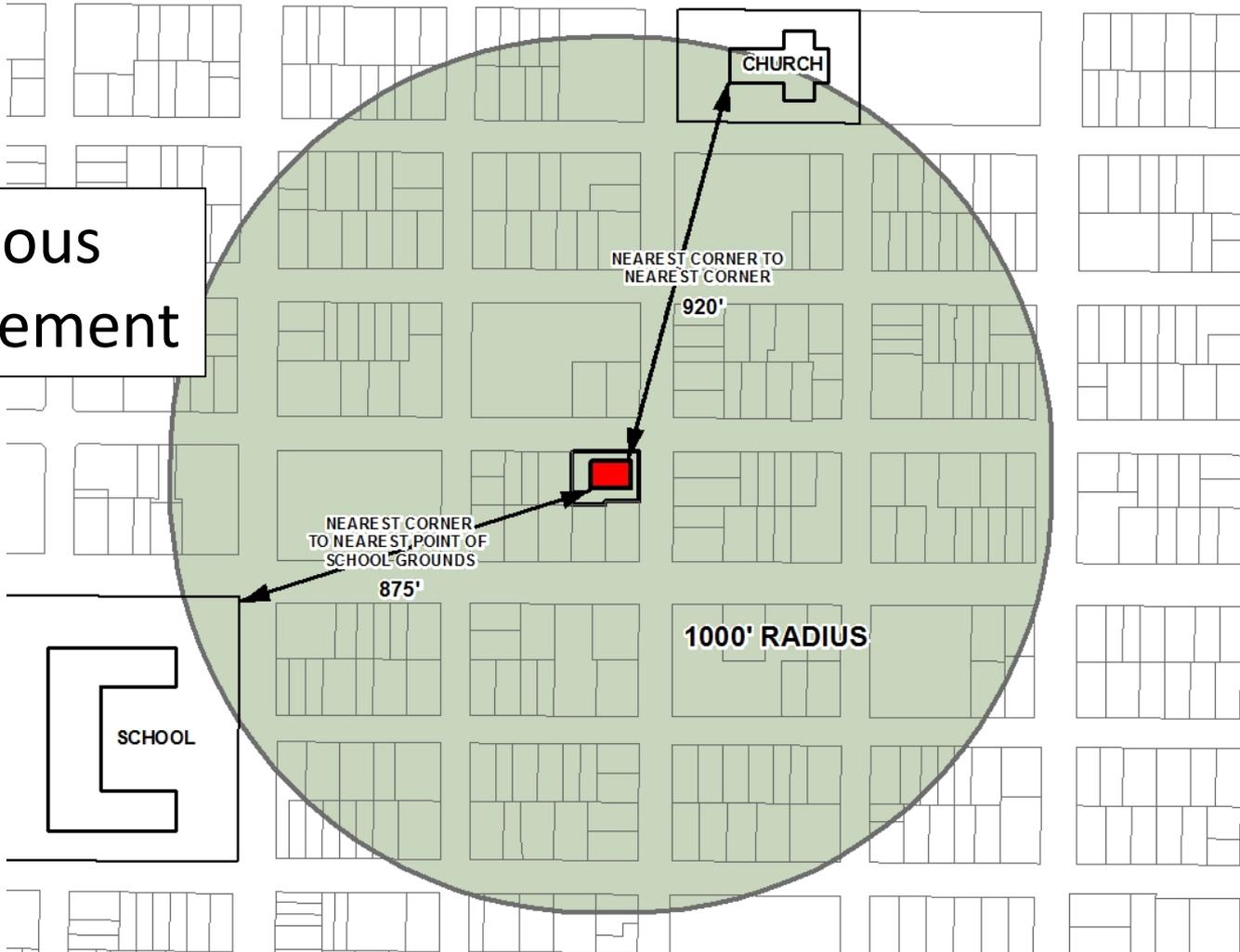


Current Measurement





Previous Measurement





Measurement method prior to Ord. 2011-38

B. *Measurement.* The distance as set out above, shall be measured by radial spacing as follows: In the case of a place of worship, by measuring from the nearest corner of the applicant's business to the nearest corner of the place of worship, excluding projections, eaves, or overhangs. In the case of an educational facility, by measuring from the nearest corner of the applicant's business, excluding projections, eaves, or overhangs, to the nearest point of the school grounds in use as part of the school facilities. Measurements concerning child care and day care facilities shall be taken in the same manner as for educational facilities.

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Committee of the Whole

12.

Meeting Date: 05/10/2018

Issue: Navy Boulevard Project Development & Environmental Study Public Hearing Presentation

From: Joy Jones, Director

Information

Recommendation:

Navy Boulevard Project Development & Environmental Study Public Hearing Presentation

(Ben Faust, DRMP - 15 min)

A. Board Discussion

B. Board Direction

Attachments

Presentation



Project Development & Environment Study

S.R. 30 (U.S. 98) Navy Boulevard

from New Warrington Road to the Bayou Chico Bridge



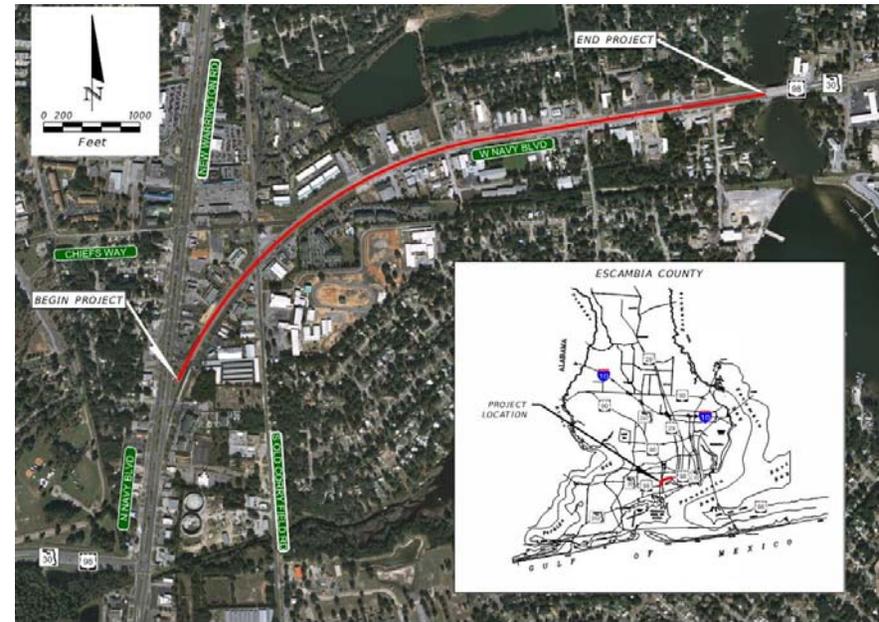
May 10, 2018



Project Overview



- Project length approximately 1.4 miles
- Complete Street concept proposed:
 - Maintain four 11-ft wide travel lanes
 - Add 7-ft wide buffered bike lanes
 - Add frontage roads with parking for businesses
 - Add sidewalks and two pedestrian cross walks
 - Add median with landscape
 - Add streetscape elements
 - Add bus stop pull-out areas
 - Revise traffic pattern at Chief's Way intersection
 - Stormwater treatment in swales (no ponds)
- Alternatives Public Meeting
 - Strong public support for proposed concept
 - Comments emphasized support for landscape and streetscape elements





Public Hearing

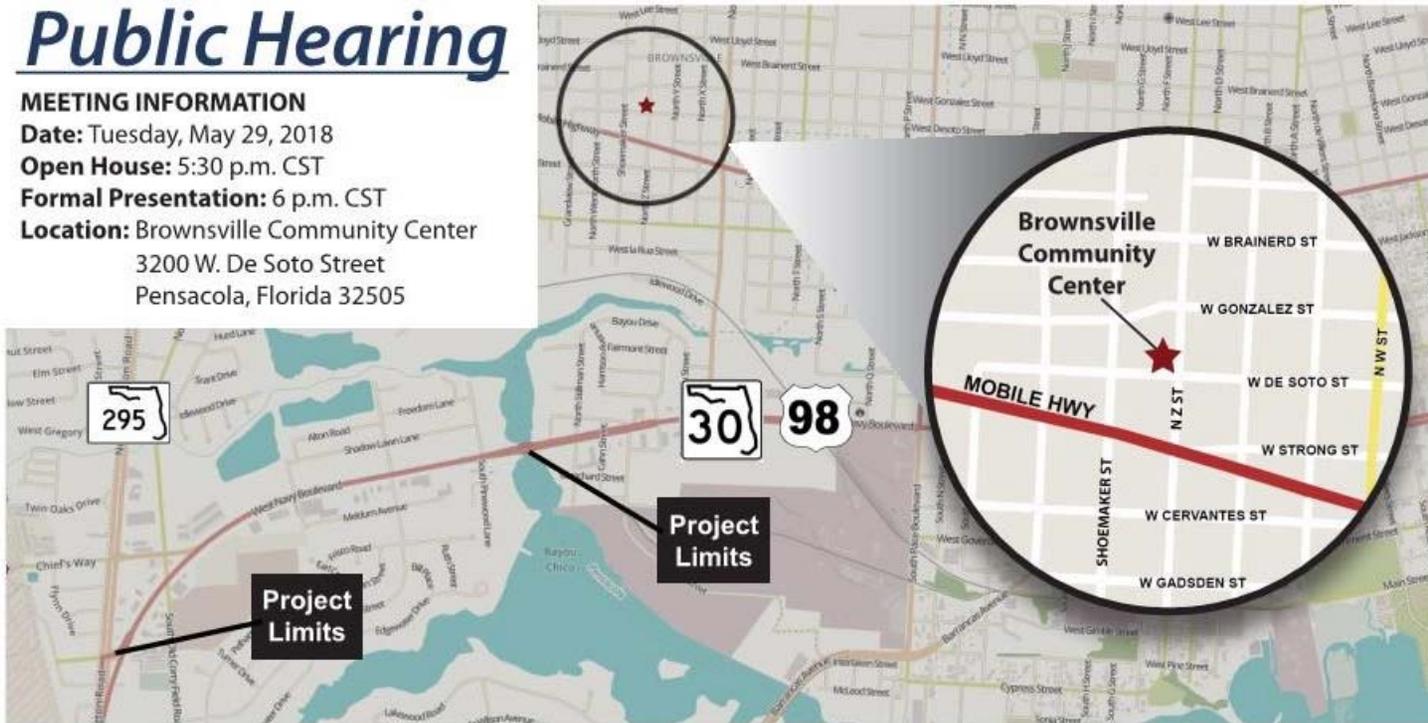
MEETING INFORMATION

Date: Tuesday, May 29, 2018

Open House: 5:30 p.m. CST

Formal Presentation: 6 p.m. CST

Location: Brownsville Community Center
3200 W. De Soto Street
Pensacola, Florida 32505





Project Documents

Draft project documents are available for public review from May 8, 2018 until June 12, 2018, at the following locations:

West Florida Regional Planning Council
4081 E. Olive Road, Suite A
Pensacola, Florida 32514
Monday – Friday from 8:00 am to 4:30 pm

FDOT District Three Office
1074 Highway 90
Chipley, Florida 32428
Monday – Friday from 8:00 am to 5:00 pm



Contact Information :

Kimberly Stephens, P.E.

FDOT Project Manager

(850) 415-9015

kistephens@HNTB.com

Ian Satter

D-3 Public Information Director

Toll-free (888) 638-0250, Ext 1205

ian.satter@dot.stat.fl.us

Visit our website at: www.NWFLRoads.com | [@MyFDOT_NWFL](https://twitter.com/MyFDOT_NWFL) |

[Facebook.com/MyFDOTNWFL](https://www.facebook.com/MyFDOTNWFL)



*Florida Department of Transportation, District 3
1074 Highway 90 | Chipley, Florida 32428*

Committee of the Whole

13.

Meeting Date: 05/10/2018

Issue: Library Cards to Be Used for the Escambia County Area Transit “Summer Wheels” Youth Pass Program

From: Mike Crittenden, Director, Mass Transit

Information

Recommendation:

Library Cards to Be Used for the Escambia County Area Transit “Summer Wheels” Youth Pass Program

(Mike Crittenden/Todd Humble - 15 minutes)

A. Board Discussion

B. Board Direction

Attachments

No file(s) attached.

Committee of the Whole

14.

Meeting Date: 05/10/2018

Issue: Escheated Ponds

From: Joy Jones, Director

Information

Recommendation:

Escheated Ponds

(Joy Jones/Wes Moreno - 20 min)

A. Board Discussion

B. Board Direction

Attachments

Escheated Properties Potential Impacts May 10, 2018, Presentation



***Escambia County Board of County Commissioners
Committee of the Whole***

Escheated Properties Potential Impacts

May 10, 2018

Bristol Creek Subdivision



Treetop Terrace AKA La Lar Lane



Weatherwood West Phase II



Committee of the Whole

15.

Meeting Date: 05/10/2018

Issue: Grade Results - Juvenile Justice and Incarcerated Education

From: Lumon May, District 3 Commissioner

Information

Recommendation:

Grade Results Juvenile Justice and Incarcerated Education

(Chris Lee - 15 min)

A. Board Discussion

B. Board Direction

Attachments

Grade Results - Juvenile Justice and Incarcerated Education

LOCKED OUT Improving Educational and Vocational Outcomes for Incarcerated Youth

A Comprehensive Virtual Approach for Juvenile Justice and Incarcerated Education

Address the challenge of providing individualized instruction for this at-risk student population with blended virtual instruction!

LOCKED OUT: Improving Educational and Vocational Outcomes for Incarcerated Youth



Many states are struggling to provide incarcerated youth with adequate educational and vocational services in areas such as curriculum, data collection and transitions back into the community, the Justice Center at the Council of State Governments said.

“ When youth have insufficient educational opportunities while incarcerated, it makes re-entry into the community difficult. Their chances of leading a productive life are better if they’re on track with education and employment. ”

Nina Salomon
(A senior policy analyst at the center and co-author of the report)

View the November 2015 report at the link below.

https://csgjusticecenter.org/wp-content/uploads/2015/11/LOCKED_OUT_Improving_Educational_and_Vocational_Outcomes_for_Incarcerated_Youth.pdf

Grade Results Proven Solutions

- Blended Learning
- Virtual Courses for Credit Accrual and Recovery
- High School Completion
- Adult Education
- Career Pathways
- Technical Courses

Our highly effective instructional model recognizes that knowledge is gained through the understanding of simple principles. By combining a rich, multimedia online learning environment with live, caring instructors, Grade Results significantly accelerates student progress and enhances the instructional capacity of schools. In addition, our research-based and data-driven instruction aligns to state and common core standards, and the approach appeals to students with widely varied learning styles and needs.

As a result of utilizing our unique approach, schools are:

- ✓ Providing educational opportunities to youth while incarcerated
- ✓ Increasing graduation rates
- ✓ Stopping the cycle of re-entry into the justice system.
- ✓ Providing a means for the incarcerated to become contributing members of society



Individual On Demand One-to-One Live Instruction

Grade Results Features

- State Standards Aligned Curriculum
- Extensive Course Offerings
- Customized Course Content
- Diagnostic Assessment
- Customizable ILP
- Individualized Content
- Live Instructional Support 24/7
- Formative and Summative Assessment
- Customizable Course Weightage %
- On Demand Reports for Data Driven Decisions



Our clients have **INCREASED** Retention and Graduation Rates by more than 90%.

"I teach credit recovery students. Academic achievement is often especially difficult for these students. Other programs that I have used in the past were often very frustrating for my students for many different reasons.

The Grade Results program that I currently use is wonderful! The students understand how to operate the program which is often half the battle. They and **I love the fact that there is a live instructor available for immediate help with any subject.** My students are recovering credits in subjects that range from Trigonometry to Personal Finance. I taught English in the classroom for 17 years. I can help any student with English, but subjects such as Trig, Chemistry, or World History can present challenges. **The live instructor feature of Grade Results is one of my favorite aspects of it. The students are able to chat with an instructor and receive immediate help and feedback.**

This program has helped my students become successful and be able to finish their classes and earn their credits. It would be an asset to any instructional curriculum."

Lorri Riddick
Library/Media Specialist
Dyer County High School

LOCKED OUT: Improving Educational and Vocational Outcomes for Incarcerated Youth

INTRODUCTION

Policymakers across the political spectrum agree: all young people should have access to a high-quality public education. Within the past two decades, particular emphasis has been placed on ensuring that students receive instruction that prepares them for college and careers, and that schools are held accountable for realizing these goals.¹

There is perhaps no subset of young people whose need for a quality education is more acute—and whose situation makes them especially challenging to serve—than incarcerated youth. Of the more than 60,000 youth who are incarcerated on any given day in the United States, nearly 36,000 are committed to state custody,^{*} two-thirds of whom are youth of color. The majority of these youth are over-age and under-credited,[†] several grade levels behind their peers, more likely to have a disability than their peers,² and have been suspended multiple times and/or expelled from their local schools.³

In 1997, the majority of incarcerated youth were housed in state-run facilities; as of 2013, almost two-thirds of incarcerated youth were held in privately or locally run facilities. [See Figure 1] In most states, an array of state and local agencies and nonprofit and private organizations are responsible for overseeing and delivering educational and vocational services to incarcerated youth. As the proportion of youth incarcerated in privately or locally run facilities has grown, this has evolved into an increasingly complicated patchwork of government and nongovernment agencies. This shift means that any combination of state, local, nonprofit, and private entities now manage educational and vocational services for incarcerated youth. [See Figure 2]

Who are Incarcerated Youth?

Of the more than 60,000 youth incarcerated on a given day:

- Approximately 36,000 youth are committed to the custody of the state juvenile correctional agency as part of a court disposition[‡] and are typically incarcerated for 3 to 12 months. These youth can be placed in a facility run by the state, a range of nonprofit and for-profit organizations, or a local juvenile justice agency. These facilities include secure facilities as well as a range of non-secure facilities, such as residential treatment centers or group homes.
- Approximately 18,000 youth are incarcerated in primarily locally run detention facilities,[§] typically for fewer than 60 days, and most often because they are awaiting a court disposition.
- Nearly 6,000 youth are incarcerated in adult prisons and jails.⁴

Education Data on Incarcerated Youth

National educational data on incarcerated youth is limited. Studies that have been conducted show:⁵

- At least one in three incarcerated youth is identified as needing or already receiving special education services—a rate nearly four times higher than youth attending school in the community.
- More than half of incarcerated youth have reading and math skills significantly below their grade level and approximately 60 percent have repeated a grade.
- The majority of incarcerated youth were suspended and/or expelled from school, and many had dropped out of school all together before being incarcerated.⁶

* See “Easy Access to the Census of Juveniles in Residential Placement,” <http://www.ojdp.gov/ojstatbb/ezacjrp/>.

† An “over-age and under-credited” student is defined as one who is over the traditional school age for his or her grade level and lacks adequate credit hours for his or her grade level.

‡ Disposition is a phase of a delinquency proceeding similar to the “sentencing” phase of an adult trial.

§ Detention facilities provide short-term, temporary care in a physically restrictive environment for youth who are in custody pending court disposition, as well as for youth who have been adjudicated delinquent and await placement elsewhere or transfer to another jurisdiction.

In partnership with the Council of Juvenile Correctional Administrators (CJCA), The Council of State Governments (CSG) Justice Center surveyed state juvenile correctional agencies in all 50 states,* seeking answers to the following questions:

- What educational and vocational services are provided to incarcerated youth?
- What student outcome data are collected, analyzed, and reported?
- What is done to ensure that youth receive educational and vocational services after release from incarceration?

This issue brief highlights key findings from this survey. The brief also provides recommendations that local and state policymakers, along with advocates, can use to improve college and career readiness for youth involved in the juvenile justice system.† The brief also provides examples of how select states have translated these recommendations into policy and practice.

Figure 1. Incarcerated Youth Committed to State Custody by Facility Type⁷

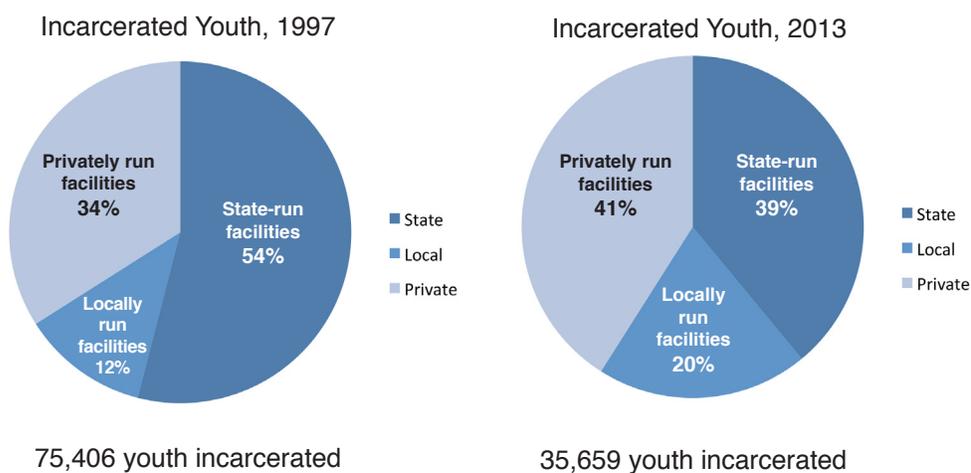
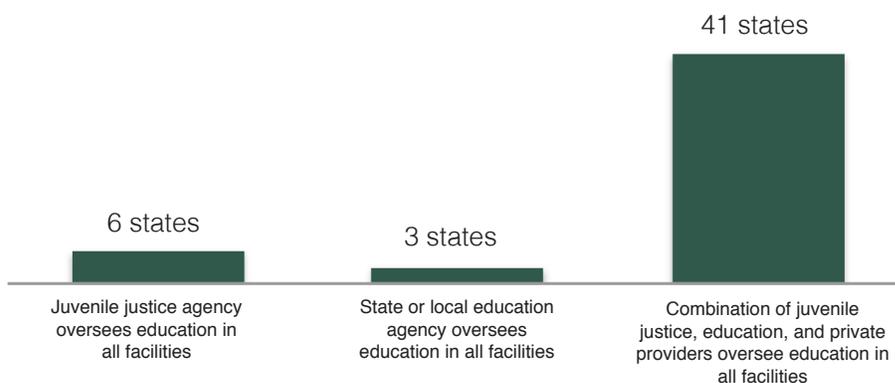


Figure 2. Entity Responsible for Delivery of Education in All Facilities



* Throughout this brief, we use the term “states” to refer to the survey responses provided by state juvenile correctional agencies. State education agencies also collect educational outcome data for incarcerated youth served under Title I Part D of the Elementary and Secondary Education Act, which may not be shared with the state juvenile correctional agency. For more information on Title I Part D, visit <http://www.neglected-delinquent.org/>.

† The recommendations provided in this brief draw heavily from the *School Discipline Consensus Report*. Those recommendations were developed through a consensus-driven process that involved hundreds of stakeholders from various fields. Read more at <https://csgjusticecenter.org/youth/school-discipline-consensus-report.org/>.

ABOUT THE SURVEY FINDINGS

In the spring of 2015, CJCA sent an electronic survey to all state juvenile correctional agencies. Agency administrators in all 50 states completed the survey, either by filling it out directly or assigning a designee to respond, such as a deputy administrator or director of education. The CSG Justice Center then provided each agency with a copy of its completed survey to verify responses and ensure accuracy.

The survey asked questions about the delivery of educational services and the collection of student outcome data for the nearly 36,000 incarcerated youth who are committed to state custody as part of a court disposition. These youth may be in a facility operated by the state, a local juvenile justice agency, or a nonprofit or for-profit organization. [See Box: Who Are Incarcerated Youth?]

The survey did not ask state agency administrators about the 18,000 youth who are not committed to the custody of the state but are incarcerated in detention facilities, which are typically administered by local juvenile justice agencies. Similarly, the survey did not inquire about the nearly 6,000 youth who are incarcerated in adult prisons and jails. Educational services are provided, however, to youth in both local detention facilities and adult prisons and jails. Findings and recommendations in this report, while not addressing youth in local detention facilities or adult prisons and jails, are applicable to youth in those settings.

U.S. Departments of Education and Justice's Correctional Education Guidance Package

In December 2014, the U.S. Departments of Education and Justice released [guiding principles](#) for providing high-quality education for youth incarcerated in secure facilities.⁸ While this survey was not organized around those guiding principles, it can be useful for states and the field to assess their status in adopting these principles, and also shed light on the challenges states are facing in doing so.

KEY FINDINGS AND RECOMMENDATIONS

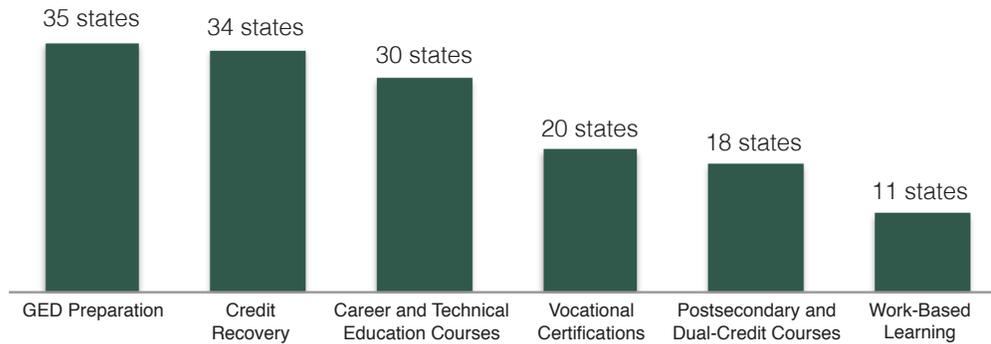
Educational and Vocational Services Provided to Incarcerated Youth

FINDING 1. Most incarcerated youth do not have access to the same educational and vocational services as their peers in the community, and they do not attend schools that have the same rigorous curriculum and student performance standards as traditional public schools.

In the community, youth have access to a variety of educational and vocational services to meet their diverse learning needs and goals, including traditional high schools and vocational schools, GED preparation programs, community colleges, and other postsecondary institutions. However, only 8 states (16 percent) report providing incarcerated youth with access to the same educational and vocational services that are available to youth in the community.

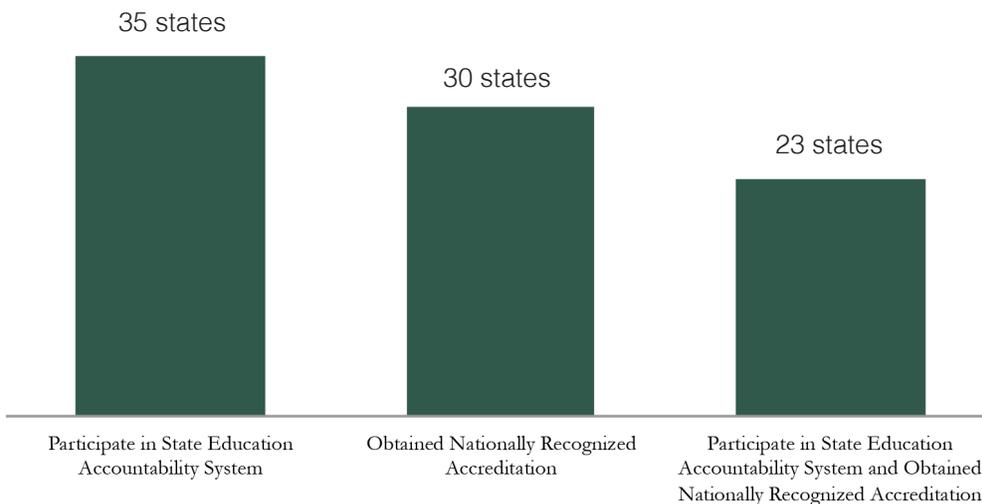
- 13 states (26 percent) provide incarcerated youth with access to the same types of educational services available to youth in the community, including credit recovery programs, GED preparation, and postsecondary courses.
- 9 states (18 percent) provide incarcerated youth with access to the same types of vocational services available to youth in the community, including work-based learning opportunities, career and technical education courses, and the opportunity to earn vocational certifications.

Figure 3. Educational and Vocational Services Available to All Incarcerated Youth



Additionally, while many states report including all facility schools in their state's education accountability system, a number of states are not holding facility schools and educators accountable for ensuring that the services provided to incarcerated youth adhere to state curricular standards and that students make academic progress and gain the skills necessary to enter the workforce. [See Figure 4]

Figure 4. Participation of All Facility Schools in Accountability and Accreditation Systems



More importantly, in states in which facility schools do participate in the state education accountability system, state leaders are not providing the oversight and support necessary to ensure that this participation actually results in improved student performance. Further, states are not ensuring that facility schools are meeting national education accreditation standards.

- 35 states (70 percent) require facility schools to participate in their state education accountability system.*
- In 20 states (39 percent), all facility schools do not meet national education accreditation standards.†

* State education accountability systems evaluate school performance based on student achievement metrics required under the federal No Child Left Behind Act or the state flexibility waivers granted to states by the U.S. Department of Education. (For more information on these waivers, see <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>.) Accountability systems also provide a structure for supporting school and district improvement efforts. For more information, see [Education Commission of the States Accountability "Report Card" Database](#).

† Education accreditation agencies recognize schools that meet an acceptable set of quality standards. Adhering to national accreditation standards ensures consistency in the quality of educational and vocational services that are provided to all incarcerated youth.

Recommendations

1.1 Require all facility schools to provide incarcerated youth with access to the same educational and vocational services that are available in the community.

Educational and vocational services available to incarcerated youth should be similar to the services available to youth in the community, and based on students' individual needs. Further, all incarcerated youth should have access to the same educational and vocational services, regardless of the facility in which they are placed.

Within the same state, for example, youth placed in a facility run by a nonprofit organization and attending a school run by that organization should have the same opportunities to make academic progress and gain workforce development skills as youth placed in a state-run facility attending a school run by the state education agency. At a minimum, the following services should be available to all incarcerated youth:

- Credit recovery programs to accelerate progress for youth with few high school credits*
- Middle/high school coursework and the opportunity to earn a high school diploma
- GED preparation programs and the opportunity to earn a GED
- Career and technical education courses
- Work-based learning experiences and the ability to earn a vocational certification or licensure, ideally in areas aligned with state/local employment needs
- Opportunity to pursue postsecondary coursework and earn a postsecondary degree

All facility schools must also comply with federal laws to ensure that students with disabilities have an Individualized Education Program (IEP),[†] that these IEPs are regularly reviewed, and that these students are provided with the supports to which they are entitled to help meet their academic and behavioral goals.[‡]

This standardization of services will ensure that the delivery of education is equitable and increase the likelihood that all incarcerated youth make progress toward college and career readiness upon release. While providing access to all of these services can be challenging given limited resources, particularly for smaller facilities, juvenile justice agencies can partner with local school districts, colleges, community-based service providers, and area businesses, as well as creatively utilize technology, to expand the breadth and depth of services.

1.2 Hold all facility schools accountable for student performance and meeting college- and career-readiness standards that are aligned with state requirements for traditional public schools.

Similar to traditional public schools, all facility schools should be held accountable for providing educational and vocational services aligned with rigorous curricular standards and for ensuring that students make academic progress.[‡] First, facility schools should provide youth with access to a rigorous curriculum aligned with state college- and career-readiness standards. The majority of states have adopted the Common Core State Standards,[§] and those states that have not are revising their curricular standards to ensure that all students are college and career ready. States should require facility schools to adopt the state's academic standards to ensure that

* Credit recovery programs support students who are behind in school and need to earn additional credits to graduate from high school in a shorter period of time.

These programs are offered to students online, to provide flexibility in scheduling and support youth who are at varying levels.

† Individualized Education Programs (IEPs) are legal documents that outline the learning needs of an individual student with disabilities and the services that the school will provide to meet those needs.

‡ Academic progress refers to gains students make on academic assessments and other academic indicators, as well as progress in gaining vocational and workforce skills.

§ The Common Core State Standards are educational learning standards for grades K–12 in English language arts/literacy and mathematics, developed by state education chiefs and governors. For more information, see <http://www.corestandards.org/>. As of this publication date, 42 states have adopted the Common Core State Standards.

incarcerated youth are prepared to enter the workforce or continue their education upon release, and that credits transfer seamlessly if they transition back to their home school or another public school in the community.

Second, given incarcerated youths' varying lengths of stay in facilities and diverse educational levels, using the same performance measures to assess student progress as those used for traditional public schools may be impractical. Therefore, state policymakers should work with education and juvenile justice agencies to design an accountability system that is aligned with the state education accountability system for traditional public schools, while customized to incorporate realistic progress measures for incarcerated youth. As an example, since most incarcerated youth are released within a year, shorter-term pre- and post-tests should be used to evaluate academic progress for accountability purposes rather than the state's annual standardized assessments. Incarcerated youth, however, should still take part in state assessments, as many of these youth will return to public schools upon release.

Third, and perhaps most importantly, states must ensure that facility schools that fail to meet state performance targets face appropriate consequences. Similar to traditional public schools, the state should exert the authority to make changes to the structure and oversight of facility schools that fail to consistently meet student performance targets. The state should also legally empower the state education agency or another entity to direct the necessary supports to failing facility schools or implement corrective measures. These consequences and supports could include, for example, school reconstitution (the replacement of the education provider and all education staff), a change in school leadership, or providing additional professional development to educators.

1.3 Require all facility schools to receive nationally recognized accreditation for their education programs.

While many juvenile correctional facilities undergo an overall accreditation through organizations such as the American Correctional Association, this process does not include a detailed evaluation and certification of their educational services. State policymakers should require all facility schools to receive accreditation from one of the four regional, nationally recognized education accrediting commissions, which employ a comprehensive set of standards to evaluate a school's structure, curriculum and programming, staff qualifications, and management practices.¹⁰ Policymakers and agency leaders can have confidence that facility schools that meet these standards are best positioned to improve college and career readiness for incarcerated youth.

Oregon: Providing a Range of Educational and Vocational Services to Incarcerated Youth

The Oregon Youth Authority (OYA) and Oregon Department of Education (ODE) provide incarcerated youth with a range of educational and vocational services through in-person instruction and a variety of technological resources. Oversight of educational and vocational services in juvenile facilities is codified in an intergovernmental agreement. The ODE oversees educational services for youth up to age 21 who have not earned a GED or high school diploma, while the OYA provides educational and vocational services for any youth who has a GED or high school diploma. All schools within OYA facilities meet state educational standards for accreditation, and all educators meet the federal standards for being highly qualified.

Upon entry to a facility, youth are assessed to determine their educational level, and assessment results are used to develop individualized educational plans. Based on these plans, ODE contracts with local school or education service districts to provide a range of educational and vocational services, including:

- Online tutorial programming for youth to earn needed high school credits
- Dual-credit courses,* online college courses, and access to massive open online courses (MOOCs)

* Dual-credit coursework provides students with the ability to earn high school and college credits simultaneously.

- Work-based experience and vocational education courses as well as the opportunity for youth to earn professional certifications in a specific trade

The OYA and ODE also worked together to develop the Education Assessment and Monitoring Tool to evaluate the accessibility and quality of educational services and alignment with the principles outlined in the U.S. Departments of Education and Justice's correctional education guidance package.

Student Outcome Data Collected and Reported for Incarcerated Youth

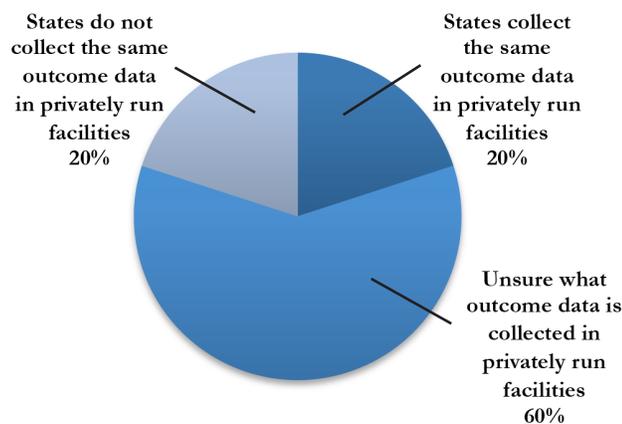
FINDING 2. Most states do not collect, track, and report student outcome data for incarcerated youth in all facility schools.

While state and federal policymakers have made the improved tracking of student outcomes and increased school and educator accountability a top education reform priority over the last few decades, this emphasis has not extended to schools that serve incarcerated youth. In most states, agencies track at least some student outcome data for youth in schools in state-run facilities:

- Almost all states collect data on high school credits (47 states) and high school diplomas earned (46 states) for youth in school in state-run facilities.
- The majority of states (40 states) collect data on improvements in reading and math assessments for these youth.
- Slightly more than half of states (33 states) collect data on job training or vocational certificates earned by youth in these facility schools.
- Around half of states collect data on postsecondary credits (27 states) and postsecondary degrees earned (18 states) for these youth.

Less than a quarter of all states, however, collect the same data for youth in privately run facilities, a population that now comprises more than 40 percent of all incarcerated youth. Sixty percent of states (30) report not even knowing what, if any, outcomes are tracked for youth who are incarcerated in privately run facilities, further demonstrating the challenges and inconsistencies that states face with multiple entities overseeing and delivering educational and vocational services to this population. [See Figure 5]

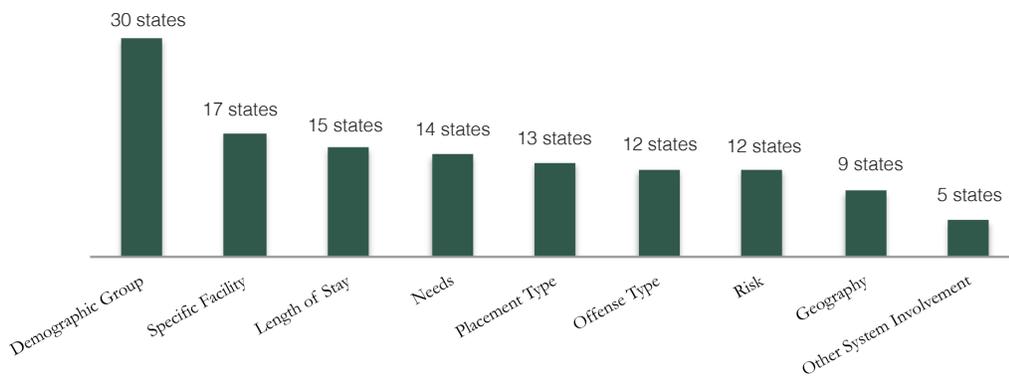
Figure 5. State Collection of Student Outcome Data for Incarcerated Youth in Privately Run Facilities Compared to State-Run Facilities



Even in those states where limited data on student outcomes for incarcerated youth is available, states are not analyzing, reporting, and using these data to hold educators, facility schools, and facility administrators accountable, or to inform school improvement planning. For example, states are not tracking how certain populations of youth are performing academically, if student outcomes vary significantly from one facility to the next, or if particular education providers are more successful than others in improving these outcomes. [See Figure 6]

- Only 17 states (34 percent) analyze the student outcome data they have by individual facilities to evaluate the performance of schools, education providers, and educators.
- Less than a third of states analyze outcome data by length of stay to ensure that students who are incarcerated for a significant length of time make progress towards earning an educational and/or vocational credential.*
- Only one-quarter of states analyze outcome data by student characteristics other than demographics to determine whether youth with specific service needs—such as youth with disabilities or youth involved in the child welfare system—are developing the academic and workforce development skills for a successful transition back to the community.

Figure 6. Student Outcome Data Analysis by Various Factors



Additionally, while outcome data for youth in traditional public schools is reported to federal, state, and local policymakers at least annually, the limited student outcome data that many states collect on incarcerated youth are not shared with these stakeholders in the same manner.

- About half of states share some outcome data on incarcerated youth with the state legislature and the governor.
- Two-thirds of states (33 states) share some data with the state education agency, yet only 46 percent (23 states) share some data with local education agencies.
- Only 12 states (24 percent) share some data with the judiciary.
- 18 states (36 percent) share some data with other state agencies that serve youth and the same number share some data with State Advisory Groups.†
- The majority of states share some data with facility treatment staff, but 18 states (36 percent) do not share these data to ensure that facility educators and treatment staff work together to coordinate and improve services for incarcerated youth.

* Under Title I Part D of the Elementary and Secondary Education Act, state education agencies collect educational outcome data on youth who are in facilities long-term, for those facilities that receive funding from this grant program.

† The Juvenile Justice and Delinquency Prevention Act (JJDP) provides for a State Advisory Group (SAG) that provides input into their state's use of JJDP funds and is responsible for supporting compliance with the core requirements of the JJDP and providing information about the act's requirements to state and local policymakers.

States are also not using the limited student outcome data they collect on incarcerated youth to hold facility schools and educators accountable for student performance or to inform system improvement efforts. [See Figure 7]

- 22 states (44 percent) use the student outcome data they have for incarcerated youth for accountability and corrective action purposes, and even fewer states (20) use these data to ensure that they are complying with state agency or legislative mandates.
- Slightly more than half of states (27) use outcome data to inform facility educators' professional development and only 15 states (30 percent) use these data to evaluate facility educators.

Figure 7. Use of Student Outcome Data



Recommendations

2.1 Track data on a minimum set of key student outcome indicators for incarcerated youth, and develop the infrastructure needed to collect and analyze these data.

State policymakers should establish a minimum set of outcomes to be tracked, disaggregated, and reported annually for all incarcerated youth. These outcomes should align with, if not duplicate, federal and state data collection requirements for traditional public schools, and include additional measures specifically relevant to this population. These measures should include:

- High school credit accumulation
- Improvement in math assessment scores and meeting proficiency targets
- Improvement in reading assessment scores and meeting proficiency targets
- Average daily attendance
- School discipline
- Education/vocational credential attainment and high school graduation rates

Most states will need to improve their capacity to electronically capture student outcome data for incarcerated youth in order to comply with these requirements. State juvenile justice agencies must create a unified electronic data system to collect outcome data across all facility schools. This data system should be integrated with the agency's case management system and also linked with the state's electronic education longitudinal data system to the extent possible.

2.2 Establish formal processes for reviewing student outcome data for incarcerated youth and use these data to evaluate and improve school performance.

State policymakers should require juvenile justice and education agencies to report annually to the legislature and the governor on student outcomes for incarcerated youth. These data should be presented as part of an annual report from the state juvenile correctional agency on juvenile recidivism rates and other youth outcomes, as well as part of the state education agency's school and district accountability reports. Reports should be available to the public in the same way that school report cards are published online annually by state education agencies for traditional public schools. Data should also be analyzed in these reports by various factors, including student demographics, facility type (state-run, privately run, or locally run), and education provider (juvenile justice agency, state or local education agency, or nonprofit or for-profit organization).

Policymakers should use these reports to evaluate facility schools' progress toward meeting annual student performance targets as part of the state's accountability plan for facility schools. Performance targets should be measurable and realistic based on a youth's length of stay in a facility. Examples of meaningful performance targets could include the percentage of students who are improving at a rate equal to one grade level per year or better in math or reading; the percentage of students who are earning high school credits similar to the rate at which credits are earned if youth were on track; and an average daily attendance for the facility school of 90 percent.

Finally, outcome data should also be shared internally with facility managers, facility treatment staff, and educators in order for facility staff and education providers to work together to develop cohesive school improvement plans. Student outcome data should be incorporated into educators' performance evaluations and inform the provision of ongoing professional development and training for all staff.

Florida: Developing Student Outcome Measures for Incarcerated Youth

Local school districts in Florida are responsible for the delivery of education in state-run juvenile justice facilities located in their counties. School districts directly provide 62 percent of residential juvenile justice programs' educational services, whereas 38 percent are contracted out to both nonprofit and for-profit educational providers. In 2014, Florida passed legislation that requires the Florida Department of Education (FLDOE) to work with the Florida Department of Juvenile Justice (FLDJJ), service providers, and local school districts to develop an accountability system specifically to evaluate all FLDJJ schools.¹¹ The law includes requirements related to the development of student performance measures; the need to tailor these measures to the unique circumstances of incarcerated youth; and provisions for how this system will be used to evaluate schools and guide improvement efforts. Once the system is implemented, the FLDOE and FLDJJ will be required to report progress annually to the state legislature and governor. Additionally, the law requires the identification of high- and poor-performing schools and the timeframes and resources that will be used for both improvement efforts or to reassign responsibility for service delivery.

Transitioning Incarcerated Youth to Educational/Vocational Settings Post Release

FINDING 3. Policies and practices employed in most states make it especially challenging for youth released from incarceration to make an effective transition to community-based educational or vocational settings.

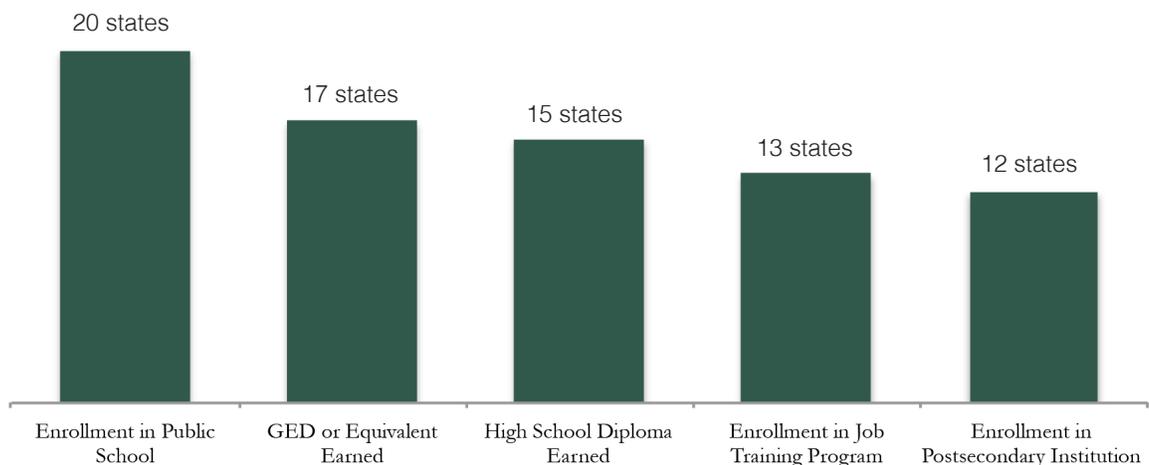
In order to improve the likelihood that incarcerated youth succeed in the community, they need to quickly reengage in an educational or vocational setting or secure gainful employment immediately upon release. States struggle, however, to support youth in making this transition.

- In nearly half of the states, no single government agency is responsible for ensuring that incarcerated youth transition successfully to an educational or vocational setting in the community upon release. Instead, these states leave it up to community-based organizations or parents/guardians to ensure youth are reenrolled. Only 11 states (22 percent) have a dedicated education transition liaison responsible for facilitating these transitions.
- In more than one-third of states, incarcerated youth are automatically reenrolled into an alternative educational setting—which often do not meet state curricular and performance standards and suffer from lower graduation rates than traditional public schools—rather than their home school or another appropriate educational or vocational setting.¹²

Many states also struggle to track student outcome data for youth after they are released from incarceration. [See Figure 8]

- Only 20 states (40 percent) collect data on whether youth are enrolled in a public school upon release and 12 states (24 percent) collect data on postsecondary enrollment.
- Even fewer states (17 states, or 34 percent) collect data on enrollment in GED programs or enrollment in job training programs (13 states, or 26 percent).
- Fewer than one-third of states track whether youth attain an educational or vocational credential within 6–12 months after release from incarceration.

Figure 8. States' Collection of Student Outcome Data for Incarcerated Youth Post Release



Recommendations

3.1 Designate a single agency to be responsible for ensuring youths' successful transition to a community-based educational or vocational setting after release from incarceration.

All incarcerated youth should be provided with the necessary guidance and supports from a state agency, or its official designee, to navigate their difficult transition back to the community. To support youth and their families in making these transitions, state policymakers should require the designation of specific state/local transition coordinators to facilitate these transitions. Transition coordinators should:

- Facilitate the quick transfer of educational records between the facility school and the youth's home school (or another educational setting) and ensure that all credits transfer;
- Inform youth and families about the options available for youth to continue their educational and vocational training, or to obtain employment;
- Work with youth and families to determine the most appropriate post-release educational/vocational setting; and
- Serve as a conduit between the juvenile justice and education systems, share information across agencies, and meet with staff in community schools where youth are reenrolling to share transitions plans and identify appropriate placements/services.

Additionally, to improve the transition process, state policymakers should require that juvenile justice and education agencies engage in the following practices:

- Juvenile justice and education agencies work together to develop a written educational transition plan for incarcerated youth at least 30 days prior to release, and establish timelines for how and when credits and student records will be transferred.
- At a minimum, a parent/guardian, classroom teacher, and school counselor are involved in the development of a youth's transition plan.
- Youth are reenrolled in an educational or vocational setting prior to release from a facility, and attend the school or program immediately upon release.
- Youth are reenrolled in their home school, while automatic placement in alternative education programs is restricted. In a limited number of cases, the youth's home school may not be the best option. Policy exceptions could include:
 - Victim and safety concerns in the home school
 - Transportation barriers
 - Family and student concerns about safety
 - Availability of educational and other services to meet students' needs

3.2 Require juvenile justice and education agencies to track and report on a minimum set of student outcomes for youth post release.

State policymakers should identify key outcome measures for youth after they are released from incarceration and specify what agency has primary responsibility for collecting and tracking these data, for how long, and how these outcomes will be reported and to whom. Key post-release outcomes that states should track include:

- High school credit accumulation
- Improvement in math assessment scores and meeting proficiency targets
- Improvement in reading assessment scores and meeting proficiency targets
- Enrollment in public school, GED program, job training program, or postsecondary institution
- Earning an educational or vocational diploma, certificate, or credential
- Securing and maintaining employment
- Enlistments in military service

State and local juvenile justice and education agencies (with involvement from courts, probation, and other important stakeholders) will need to establish formal collaboration mechanisms, such as information-sharing agreements, to collect these data. An interagency working group, comprising not only of education and juvenile justice agencies, but also the business community, institutions of higher education, and other youth-serving agencies, should meet at least quarterly to identify and address barriers to data collection as well as to review the outcome data that is collected. This working group should use these data to identify ways to collaborate to improve the transition process and related outcomes for incarcerated youth.

Massachusetts: Collaboration between Juvenile Justice and Education Agencies to Support Incarcerated Youth

The Massachusetts Department of Youth Services (DYS) contracts with nonprofit organizations to design, manage, and implement comprehensive educational and workforce development services for incarcerated youth in facilities and post release. Through a contract with one of these service providers, the Collaborative for Educational Services, DYS employs 11 Education and Career Counselors (ECCs) who are assigned to every post-adjudicated DYS student and help facilitate their successful transition to appropriate educational and vocational settings in the community. Specifically, ECCs perform the following duties:

- Work closely with DYS caseworkers, service provider staff, and district school staff to share information on students' educational strengths and needs;
- Prepare DYS school transcripts for youth and forward transcripts to the appropriate school district for determination of credits and grade placement;
- Coordinate timely record transfers between facility and community schools;
- Attend hearings regarding suspension or expulsion of youth from their local school; and
- Arrange financial support for students to enroll in postsecondary institutions.

Additionally, as part of the partnership between DYS and the Massachusetts Department of Elementary and Secondary Education (ESE), the agencies have access to a shared software system that manages student educational data, which helps the ECCs to individualize student planning and support the transition process.

CONCLUSION

The survey findings presented in this report demonstrate that many states are struggling to ensure that incarcerated youth are afforded access to the same educational and vocational services as their peers in the community. In most states, it is likely that policymakers and even state agency leaders lack the full picture of what educational and vocational services are available to incarcerated youth; who is responsible for the provision of these services; and what, if any, outcomes students are achieving. Thus, policymakers and juvenile justice and education agency leaders should use the findings and recommendations in this brief to further scrutinize how educational and vocational services are overseen and delivered to incarcerated youth in their state, how youth are supported in making a successful transition back to the community, and how student outcome data for incarcerated youth are collected, analyzed, reported, and used for improvement and accountability purposes.

ENDNOTES

1. One of the main provisions of the No Child Left Behind Act of 2001 (NCLB) ensures that schools are held accountable for student outcomes. As a result of this law and other federal policies that followed (such as the Elementary and Secondary Education Act [ESEA] flexibility waiver requests granted by the U.S. Department of Education), states and schools are required to focus their attention on meeting certain academic performance targets for all students and particular subgroups, and implement policies and practices to support this goal. To read more about the provisions included in NCLB related to accountability, see <http://www2.ed.gov/nclb/landing.jhtml?src=ln>. To read more about accountability as part of the ESEA flexibility waivers, see <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>.
2. Joseph Gagnon and Brian Barber, "Characteristics of and Services Provided to Youth in Secure Care Facilities," *Behavioral Disorders* 36, no. 1 (2010): 7–19; Peter Leone, Sheri Meisel, and Will Drakeford, "Special Education Programs for Youth with Disabilities in Juvenile Corrections," *Journal of Correctional Education* 53, no. 2 (2002): 46–50; Mindee O’Cummings, Sarah Bardack, and Simon Gonsoulin, "The Importance of Literacy for Youth Involved in the Juvenile Justice System," The National Evaluation and Technical Assistance Center for the Education of Youth Who Are Neglected, Delinquent, or At Risk (2010).
3. Peter Leone and Lois Weinberg, "Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems," Center for Juvenile Justice Reform, Georgetown Public Policy Institute (2012), <http://cjjr.georgetown.edu/pdfs/ed/edpaper.pdf>.
4. The Sentencing Project, "Trends in U.S. Corrections," (Washington, DC: The Sentencing Project, 2015), http://sentencingproject.org/doc/publications/inc_Trends_in_Corrections_Fact_sheet.pdf.
5. Leone and Weinberg, "Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems" (2012); Andrea Sedlack and Karla McPherson, "Survey of Youth in Residential Placement: Youth’s Needs and Services," SYRP report (Rockville, MD: Westat, 2010); Mary Magee Quinn, Robert Rutherford, Peter E. Leone, David M. Osher, and Jeffrey M. Poirier, "Youth with Disabilities in Juvenile Corrections: A National Survey," *Council for Exceptional Children* 71, no. 3 (2005): 339–245.
6. Andrea Sedlack and Karla McPherson, "Survey of Youth in Residential Placement: Youth’s Needs and Services," SYRP report (Rockville, MD: Westat, 2010)
7. Melissa Sickmund, T.J. Sladky, Wei Kang, and Charles Puzanzchera, "Easy Access to the Census of Juveniles in Residential Placement" (2013), <http://www.ojdp.gov/ojstatbb/ezacjrp/>.
8. U.S. Department of Education and U.S. Department of Justice, "Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings" (2014), <http://www2.ed.gov/policy/gen/guid/correctional-education/guiding-principles.pdf>.
9. For more information, see the U.S. Department of Education’s letter regarding the Individuals with Disabilities Education Act for students with disabilities in correctional facilities, <http://www2.ed.gov/policy/gen/guid/correctional-education/idea-letter.pdf>.
10. For New England Commission standards, visit https://cis.neasc.org/sites/cis.neasc.org/files/downloads/Standards_and_Indicators/Standards_only_sa.pdf. For Middle States Commission standards, visit http://msa-cess.org/Customized/uploads/Accreditation/Standards%20for%20Accreditation-Schools%202010_.pdf. For Western Accrediting Commission for Schools, visit http://acswasc.org/about_criteria.htm#wascriteria. For AdvancED standards (a merger of the North Central Association Commission on Accreditation and School Improvement, the Southern Association of Colleges and Schools on Accreditation and School Improvement, and the Northwest Accreditation Commission), visit <http://www.advanc-ed.org/>. Additionally, the Correctional Education Association also has an accreditation service. See <http://www.ceanational.org/index.htm>.
11. Florida Senate Bill 850 is available at <https://www.flsenate.gov/Session/Bill/2014/0850/BillText/er/PDF>.
12. Hanley Chiang and Brian Gill, "Student Characteristics and Outcomes in Alternative and Neighborhood High Schools in Philadelphia," Mathematica Policy Research, Inc. (2010).

Suggested citation: The Council of State Governments Justice Center, “Locked Out: Improving Educational and Vocational Outcomes for Incarcerated Youth” (New York: The Council of State Governments Justice Center, 2015).

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The Council of State Governments (CSG) Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. It provides practical, nonpartisan advice and consensus-driven strategies—informed by available evidence—to increase public safety and strengthen communities. For more about the CSG Justice Center, see csgjusticecenter.org.



The Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office of Justice Programs, U.S. Department of Justice, supports states, local communities, and tribal jurisdictions in their efforts to develop and implement effective programs for juveniles. OJJDP strives to strengthen the juvenile justice system’s efforts to protect public safety, hold offenders accountable, and provide services that address the needs of youth and their families. OJJDP sponsors research, program, and training initiatives; develops priorities and goals and sets policies to guide federal juvenile justice issues; disseminates information about juvenile justice issues; and awards funds to states to support local programming. For more information, see ojjdp.gov.



Established by the Second Chance Act, the National Reentry Resource Center (NRRC) provides education, training, and technical assistance to states, tribes, territories, local governments, community-based service providers, nonprofit organizations, and corrections institutions involved with prisoner reentry. The NRRC’s mission is to advance the reentry field by disseminating information to and from policymakers, practitioners, and researchers and by promoting evidence-based principles and best practices. The NRRC is administered by the U.S. Department of Justice’s Bureau of Justice Assistance and is a project of The Council of State Governments Justice Center, in cooperation with the Urban Institute, the National Association of Counties, the Association of State Correctional Administrators, the American Probation and Parole Association, and other key partner organizations. To learn more about the National Reentry Resource Center, please visit csgjusticecenter.org/nrrc.

Committee of the Whole

16.

Meeting Date: 05/10/2018

Issue: Status of Results of the Recent Fire Services Investigation into Sexual Harassment and Changes that Have Been Implemented

From: Eric Kleinert, Department Director

Information

Recommendation:

Status of Results of the Recent Fire Services Investigation into Sexual Harassment and Changes that Have Been Implemented

(Mike Weaver/Paulette Stallworth - 15 min)

A. Board Discussion

B. Board Direction

Attachments

Unlawful Harrassment Policy Adopted April 17, 2018

**Board of County Commissioners
Escambia County, Florida**

Title: Unlawful Harassment Policy – Section II, Part C. 38
Date Adopted: April 17, 2018
Effective Date: April 17, 2018
Reference:
Policy Superseded: Equal Employment Opportunity Plan, Section II, Part C.8, IV. B.,
Unlawful Harassment Policy, est. 2008

I. Purpose

Escambia County strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the County should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees should be able to work and learn in a safe atmosphere. The accomplishment of this goal is essential to the mission of the County.

II. Scope

All employees, regardless of their positions and including regular, temporary, relief, intermittent, provisional, grant-funded, interns, and student appointment employees, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy.

III. Responsibilities

A. Board of County Commissioners/Employer

1. Employer shall mean any supervisory or managerial employee to whom an allegation of harassment is presented.
2. Escambia County will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, the County will seek to prevent, correct and discipline behavior that violates this policy.
3. It is the responsibility of the HR Director to maintain a written copy of the complaint.
4. It is the responsibility of the HR Director to maintain the currency of this policy.

B. Employees

1. Employee means any person working under the authority of the County.
2. It is the duty of every employee of the County to be familiar with and abide by the County's policies regarding illegal discrimination and unlawful harassment.
3. It is the duty of every employee to report illegal discrimination or unlawful harassment to the appropriate person(s), even if it is being practiced against another employee.

4. It is the duty of every employee to cooperate in any investigation into allegations of harassment.

IV. Prohibited Conduct Under This Policy

A. Discrimination

1. It is a violation of Escambia County's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.
2. Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990, and Chapter 760, Florida Statutes. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

B. Harassment

1. Escambia County prohibits harassment of any kind based upon a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, pregnancy, disability, marital status, or appearance, including epithets, slurs and negative stereotyping. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for or on behalf of the County. Verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job is included in the definition of harassment.

C. Sexual Harassment

1. Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under Escambia County's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when . . . submission to or rejection of such conduct is used as the basis for employment decisions . . . or such conduct has the purpose or effect of . . . creating an intimidating, hostile or offensive working environment."
2. There are two types of sexual harassment:
 - a. "Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.

- b. “Hostile work environment,” where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.
3. Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:
 - a. Is made explicitly or implicitly a term or condition of employment.
 - b. Is used as a basis for an employment decision.
 - c. Unreasonably interferes with an employee’s work performance or creates an intimidating, hostile or otherwise offensive environment.
4. Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:
 - a. Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or “kidding” that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
 - b. Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.
 - c. Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling and forced sexual intercourse or assault.
5. Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. The Board of County Commissioners recognizes that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser.
6. Courteous, mutually respectful, pleasant, noncoercive interactions between employees, including men and women, that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

D. Retaliation

1. No hardship, loss, benefit or penalty may be imposed on an employee in response to:
 - a. Filing or responding to a bona fide complaint of discrimination or harassment.
 - b. Appearing as a witness in the investigation of a complaint.
 - c. Serving as an investigator of a complaint.
2. Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment.

V. Consensual Romantic or Sexual Relationships

- A. Escambia County strongly discourages romantic or sexual relationships between a manager or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person) because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others or, at a later date, by the staff member as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department, or other actions may be taken.
- B. If any employee of Escambia County enters into a consensual relationship that is romantic or sexual in nature with a member of his or her staff (an employee who reports directly or indirectly to him or her), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the human resource director or other appropriate corporate officer. Because of potential issues regarding quid pro quo harassment, Escambia County has made reporting **mandatory**. This requirement does not apply to employees who do not work in the same department or to parties who do not supervise or otherwise manage responsibilities over the other.
- C. Once the relationship is made known to Escambia County, the County will review the situation with human resources in light of all the facts available at the time (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both parties need to be moved to another job or department.
- D. If it is determined that one party must be moved, and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which he or she applied, the parties will contact human resources, which will decide which party should be moved. That decision will be based on which move will be least

disruptive to the organization as a whole. If it is determined that one or both parties must be moved, but no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

VI. Complaint Process

A. Escambia County will courteously treat any person who invokes this complaint procedure, and the County will handle all complaints swiftly and confidentially to the extent possible in light of the need to take appropriate corrective action. Lodging a complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. Because of the damaging nature of harassment to the victims and to the entire workforce, aggrieved employees are strongly urged to use this procedure.

1. Escambia County has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The County will treat all aspects of the procedure confidentially to the extent reasonably possible.
2. While the County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome, the County also recognizes the power and status disparities between an alleged harasser and a target may make sure an confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the a formal complaint shall be made.
3. Filing a Formal Complaint:
 - a. Pursuant this policy, any complaint should be filed immediately upon discovery or awareness of the discrimination.
 - b. An individual who feels harassed, discriminated or retaliated against may initiate the complaint process by filing a complaint in writing with Escambia County's human resource (HR) director. The complaint shall be made using the Complaint Form adopted and approved pursuant this Policy and included herein. Copies of the Complaint Form shall also be available at www.myescambia.com.
 - c. The complainant (the employee making the complaint) may obtain the complaint form from the HR department or from the Division Manager or Director of the employee's assigned Department.
 - i. If a supervisor or manager becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an employee's coming forward, the supervisor or manager should immediately report it to the HR director.
 - ii. If the complaint is against a member of management, including any Division Manager or Director, the HR Director will receive the complaint.
 - iii. If the complaint is against the HR Director, the County Administrator will receive the complaint.

- d. Internal EEO complaints for the Escambia County Mass Transit Authority shall be investigated by the EEO Mass Transit Officer, in accordance with the requirements of the FTA.

4. Investigation of Complaint

- a. Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the HR director will notify the County Administrator and review the complaint with the County Attorney's Office.
- b. Within ten working days of receiving the complaint, the HR director will initiate the investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
- c. During the investigation, the HR director, together with Administration, and/or legal counsel or other management employees, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
- d. Within 15 working days of the complaint being filed (or the matter being referred to the HR director), the HR director or other person conducting the investigation will conclude the investigation and submit a written report of his or her findings to the County Administrator. This time may be extended based upon the nature of the allegations and need for additional investigation.

5. Determination of Complaint

- a. If it is determined that harassment or discrimination in violation of this policy has occurred, the HR director will recommend appropriate disciplinary action. The appropriate action will depend on the following factors: a) the severity, frequency and pervasiveness of the conduct; b) prior substantiated complaints made against the respondent; and c) the quality of the evidence (e.g., first-hand knowledge, credible corroboration).
- b. If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the HR director may recommend appropriate preventive action.
- c. Within five working days after the investigation is concluded, the HR director will meet with the complainant and the respondent separately, notify them of the findings of the investigation, and inform them of the action being recommended.
- d. The complainant and the respondent may submit statements to the HR director challenging the factual basis of the findings. Any such statement must be submitted no later than five working days after the meeting with the HR director in which the findings of the investigation are discussed.
- e. Within 10 days from the date the HR director meets with the complainant and respondent, the County Administrator, or designee, will review the investigative report and any statements submitted by the complainant or

respondent, discuss results of the investigation with the HR director and other management staff as may be appropriate, and decide what action, if any, will be taken.

- f. The County's decision will be in writing and will include findings of fact and a statement for or against disciplinary action. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

B. Filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

VII. Confidentiality

- A. During the complaint process, the confidentiality of the information received, the privacy of the individuals involved and the wishes of the complaining person will be protected to as great a degree as is possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of the County's legal obligation to act on the charge and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by the County and those involved in the investigation. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law.
- B. The employee assistance program (EAP) provides confidential counseling services to County employees. Individuals wishing to discuss an incident confidentially or seeking information and advice of a personal nature are encouraged to contact the EAP. The role of the EAP in such cases will be limited to personal counseling and treatment for the person who is then an EAP client.
- C. Contacting the EAP will not qualify as notification to Escambia County of a potential harassment or discrimination issue (see below complaint procedure for more on how to notify the County of an issue or complaint).

VIII. Training, Administration and Records.

- A. The HR Director shall be responsible for training, administration and records associated with the Unlawful Harassment Policy.
- B. All County employees are required to attend no less than one (1) hours of harassment prevention training on an annual basis.
- C. Department Directors shall be responsible for scheduling an adequate number of training sessions and shall provide adequate notice of the training sessions. "Harassment Prevention Training" includes any training on the provisions, application, and enforcement of this policy.
- D. Failure to attend the minimum requirements for harassment prevention training annually shall constitute a "for cause" basis for disciplinary action.

IX. Alternative legal remedies

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts.

Equal Employment Opportunity Commission (EEOC)
Mobile Office (251) 690-2590 or (800) 669-4000

Florida Commission on Human Relations
(850) 488-7082

Committee of the Whole

17.

Meeting Date: 05/10/2018

Issue: BioMedical Waste Processing

From: Pat Johnson, Department Director

Information

Recommendation:

BioMedical Waste

(Patrick Johnson - 15 min)

A. Board Discussion

B. Board Direction

Attachments

BMW PowerPoint_CW

BIOMEDICAL WASTE PROCESSING

Biomedical Waste (BMW)- is any kind of waste containing infectious (or potentially infectious) materials. Generated from biological sources and activities, such as the diagnosis, prevention, or treatment of diseases

Background:

- December/2017 Escambia County received application for a facility to process/treat BMW
- BCC Solid Waste Ordinance requires permitting of a waste processing facility

BIOMEDICAL WASTE PROCESSING

Background (cont')

- Prior to facility start up, County Administrator must approve or deny a solid waste permit
- Specific conditions could be required prior to approval
- If permit is denied by County Administrator, applicant may reapply or appeal before the Board of County Commissioners

BIOMEDICAL WASTE PROCESSING

Additionally, prior to commencing operations:

- Facility operator must obtain Department of Health (DOH) permitting:
 - (1) BioMed Waste permit
 - (2) Storage permit
 - (3) Treatment permit
- DOH inspects facility annually
- Facility operator is required to permit operation annually; permits are not renewed

BIOMEDICAL WASTE PROCESSING

Air emissions:

- Per DOH, steam is disinfected and emitted during treatment process
- There are no provisions in state law which require emissions testing

Water emissions:

- Water generated from treatment process is typically disposed of via sanitary sewer system

BIOMEDICAL WASTE PROCESSING

Odor:

- Odor is typically generated inside of the treatment facility versus outside of the facility
- DOH is the regulating authority to address odor complaints

Storage:

- Based on operating plan and proposed volume, storage requirement is minimal

BIOMEDICAL WASTE PROCESSING

Disposal:

- Per FDEP, treated BMW is not prohibited from disposal in a permitted Class-I landfill
- If accepted for disposal at Perdido LF, BMW would be considered "Special Waste" and require scheduling, excavation and cover at time of delivery

BIOMEDICAL WASTE PROCESSING

- Process and treatment being proposed is standard procedure in the medical waste industry
- Currently there are 15 BMW facilities operating in Florida
- Similar treatment equipment currently operating in Miami
- DOH inspection reports of Miami facility indicate satisfactory operations

BIOMEDICAL WASTE PROCESSING

- Per Development Services, the existing zoning designation (HC/LI – Heavy Commercial/Light Industrial) appears to be appropriate
- This is the first application submitted for a BMW treatment facility operation in Escambia County
- Potential exists for employees and general public to visibly be exposed to treated BMW during disposal process

BIOMEDICAL WASTE PROCESSING

QUESTIONS/DISCUSSION

Committee of the Whole

18.

Meeting Date: 05/10/2018

Issue: Private Road Municipal Services Benefit Unit (MSBU)

From: Steven Barry, District 5 Commissioner

Information

Recommendation:

Private Road Municipal Services Benefit Unit (MSBU)
(Commissioner Steven Barry - 10 min)

- A. Board Discussion
 - B. Board Direction
-

Attachments

No file(s) attached.
