

By the Committee on Education Pre-K - 12

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1 A bill to be entitled
2 An act relating to juvenile justice education and
3 workforce programs; amending s. 985.618, F.S.;
4 providing legislative intent regarding juvenile
5 justice education and workforce-related programs;
6 requiring that the Department of Juvenile Justice
7 ensure that each juvenile justice education program
8 meets specified minimum standards; requiring that the
9 programs be evaluated based on student performance
10 outcomes; requiring that the effectiveness of the
11 programs be determined by implementing systematic data
12 collection, data analysis, and evaluations; amending
13 ss. 985.632 and 1001.42, F.S; conforming provisions to
14 changes made by the act; conforming cross-references;
15 creating s. 1003.515, F.S.; providing a short title;
16 providing the purposes of the Florida Juvenile Justice
17 Education Act; requiring that each juvenile justice
18 education program involve the regional workforce board
19 or economic development agency and local postsecondary
20 institutions to determine the occupational areas for
21 the education and workforce-related program; providing
22 requirements for education and workforce-related
23 services in juvenile justice programs; requiring that
24 a youth who exits the program attain an industry
25 certification, enroll in a program to complete the
26 industry certification, or enroll in and continue his
27 or her education based on a transition plan; requiring
28 that certain youth be provided opportunities for
29 career exploration and enrollment in continuing

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30 education upon release from a program; requiring that
31 a program meet certain passage rates on industry
32 certification examinations; providing that if a
33 program fails to meet the minimum passage rates, the
34 program must discontinue enrollment and redirect
35 students into a different industry certification area
36 of high demand; amending s. 1003.52, F.S.; providing a
37 legislative finding; providing for performance ratings
38 of school districts and private providers; providing
39 certain criteria to be used in determining the
40 performance rating of a school district or private
41 provider; requiring that the Department of Juvenile
42 Justice hold the school districts and private
43 providers accountable for performance outcomes until
44 the youth are released from the department's
45 supervision; providing requirements and
46 responsibilities for school districts and private
47 providers participating in juvenile justice education
48 programs; requiring that each school district and
49 private provider develop a transition plan during the
50 course of the youth's stay in a juvenile justice
51 program; providing requirements for the transition and
52 reintegration plan process; providing responsibilities
53 for the Department of Juvenile Justice and the
54 Department of Education; requiring that the Department
55 of Education make available a common student
56 assessment to measure youth learning gains in reading
57 and mathematics; providing funding requirements for
58 the juvenile justice education programs; prohibiting a

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59 district school board from being charged rent,
60 maintenance, utilities, or overhead on facilities;
61 requiring that the Department of Juvenile Justice
62 provide maintenance, repairs, and remodeling of
63 existing facilities; requiring that the Department of
64 Juvenile Justice, in collaboration with the Department
65 of Education and in consultation with participating
66 school districts and private providers, prepare an
67 annual report containing certain data; requiring that
68 the report identify school districts and private
69 providers by performance ratings; requiring that the
70 report be submitted to the Governor and the
71 Legislature by a specified date each year; requiring
72 that the Department of Juvenile Justice collaborate
73 with the Department of Education, the Department of
74 Economic Opportunity, school districts, and private
75 providers to adopt rules; providing an effective date.
76

77 Be It Enacted by the Legislature of the State of Florida:
78

79 Section 1. Section 985.618, Florida Statutes, is amended to
80 read:

81 (Substantial rewording of section. See
82 s. 985.618, F.S., for present text.)

83 985.618 Education and workforce-related programs.—

84 (1) The Legislature intends for youth in juvenile justice
85 programs to be provided with a quality education that includes
86 workforce-related skills that lead to continuing education or
87 meaningful employment, or both, and that result in reduced rates

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88 of recidivism.

89 (2) The Department of Juvenile Justice shall ensure that
90 each juvenile justice education program, at a minimum:

91 (a) Uses virtual course offerings that maximize learning
92 opportunities for adjudicated youth.

93 (b) Provides instruction from individuals who hold industry
94 credentials in the occupational area in which they teach.

95 (c) Provides instructors who are available to teach
96 evenings and weekends.

97 (d) Considers, before placement, the age, interests, prior
98 education, training, work experience, emotional and mental
99 abilities, and physical capabilities of the youth and the
100 duration of the term of placement imposed.

101 (e) Expends funds in a manner that directly supports the
102 attainment of successful student outcomes as specified in s.
103 1003.52(3) and that allows youth to engage in real work
104 situations whenever possible.

105 (3)(a) The evaluation of juvenile justice education and
106 workforce-related programs shall be based on the performance
107 outcomes provided in s. 1003.52(3).

108 (b) Program effectiveness shall be determined by
109 implementing systematic data collection, data analysis, and
110 education and workforce-related program evaluations pursuant to
111 ss. 985.632 and 1003.52.

112 Section 2. Subsection (3) of section 985.632, Florida
113 Statutes, is amended to read:

114 985.632 Quality assurance and cost-effectiveness.—

115 (3) The department shall annually collect and report cost
116 data for every program operated or contracted by the department.

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117 The cost data shall conform to a format approved by the
118 department and the Legislature. Uniform cost data shall be
119 reported and collected for state-operated and contracted
120 programs so that comparisons can be made among programs. The
121 department shall ensure that there is accurate cost accounting
122 for state-operated services including market-equivalent rent and
123 other shared cost. The cost of the education ~~educational~~ program
124 provided to a residential facility shall be reported and
125 included in the cost of a program. The department shall submit
126 an annual cost report to the President of the Senate, the
127 Speaker of the House of Representatives, the Minority Leader of
128 each house of the Legislature, the appropriate substantive and
129 fiscal committees of each house of the Legislature, and the
130 Governor, no later than December 1 of each year. Cost-benefit
131 analysis for education ~~educational~~ programs shall ~~will~~ be
132 developed and implemented in collaboration with and in
133 cooperation with the Department of Education, local providers,
134 and local school districts. Cost data for the report shall
135 include the data and education program analyses provided
136 ~~collected~~ by the Department of Juvenile Justice, in
137 collaboration with the Department of Education, for the purposes
138 of preparing the annual report required in ~~by~~ s. 1003.52(10)
139 ~~1003.52(19)~~.

140 Section 3. Paragraph (b) of subsection (18) of section
141 1001.42, Florida Statutes, is amended to read:

142 1001.42 Powers and duties of district school board.—The
143 district school board, acting as a board, shall exercise all
144 powers and perform all duties listed below:

145 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—

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146 Maintain a state system of school improvement and education
147 accountability as provided by statute and State Board of
148 Education rule. This system of school improvement and education
149 accountability shall be consistent with, and implemented
150 through, the district's continuing system of planning and
151 budgeting required by this section and ss. 1008.385, 1010.01,
152 and 1011.01. This system of school improvement and education
153 accountability shall comply with the provisions of ss. 1008.33,
154 1008.34, 1008.345, and 1008.385 and include the following:

155 (b) *Public disclosure.*—The district school board shall
156 provide information regarding the performance of students and
157 education ~~educational~~ programs as required pursuant to ss.
158 1008.22 and 1008.385 and implement a system of school reports as
159 required by statute and State Board of Education rule which
160 shall include schools operating for the purpose of providing
161 education ~~educational~~ services to youth in Department of
162 Juvenile Justice programs, and for those schools, report on the
163 data and education program analyses ~~elements~~ specified in s.
164 1003.52(10) ~~1003.52(19)~~. Annual public disclosure reports shall
165 be in an easy-to-read report card format and shall include the
166 school's grade, high school graduation rate calculated without
167 GED tests, disaggregated by student ethnicity, and performance
168 data as specified in state board rule.

169 Section 4. Section 1003.515, Florida Statutes, is created
170 to read:

171 1003.515 The Florida Juvenile Justice Education Act.—

172 (1) This section may be cited as the "Florida Juvenile
173 Justice Education Act."

174 (2) The purposes of this section are to:

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175 (a) Provide performance-based outcome measures and
176 accountability for juvenile justice education programs;

177 (b) Improve academic and workforce-related outcomes so that
178 adjudicated and at-risk youth may successfully complete the
179 transition to and reenter the academic and workforce
180 environments;

181 (c) Provide rigorous and relevant workforce-related
182 curricula that will lead to industry certifications in high-
183 demand occupations or articulation to secondary or
184 postsecondary-level coursework, as appropriate;

185 (d) Directly support and respond to state, local, and
186 regional economic development demands;

187 (e) Make high-wage and high-demand careers more accessible
188 to adjudicated and at-risk youth; and

189 (f) Reduce rates of recidivism for adjudicated youth.

190 (3) In compliance with the strategic 5-year plan under s.
191 1003.491, each juvenile justice education program shall, in
192 collaboration with the regional workforce board or economic
193 development agency and local postsecondary institutions,
194 determine the occupational areas for the program. Juvenile
195 justice education program services must:

196 (a) Maximize the use of private sector personnel;

197 (b) Ensure instruction by industry-certified faculty;

198 (c) Ensure that academically rigorous workforce-related
199 coursework is offered and meets or exceeds appropriate state-
200 approved subject area standards, results in the attainment of
201 industry certification, and when appropriate, results in
202 postsecondary credit;

203 (d) Use strategies to maximize the delivery of virtual

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204 instruction;

205 (e) Maximize instructional efficiency for youth in juvenile
206 justice facilities;

207 (f) Provide opportunities for youth to earn weighted or
208 dual enrollment credit for higher-level courses;

209 (g) Promote credit recovery; and

210 (h) Provide instruction that results in competency,
211 certification, or credentials in workplace skills, including,
212 but not limited to, communication skills, interpersonal skills,
213 decisionmaking skills, work ethic, and the importance of
214 attendance and timeliness in the work environment.

215 (4) Upon exiting a program, a youth must:

216 (a) Attain an industry certification, enroll in a program
217 to complete the industry certification, or enroll in and
218 continue his or her education based on the transition and
219 postrelease plan provided in s. 958.12; or

220 (b) Be provided opportunities for career exploration and
221 enrollment in continuing education if the youth is of middle
222 school age.

223 (5) If the passage rate on an industry certification
224 examination that is associated with a juvenile justice education
225 program falls below 50 percent for participating students, the
226 program shall be given 1 calendar year to meet a 50 percent
227 passage rate. If, after 1 year, the program fails to meet the
228 minimum passage rate, it must discontinue enrollment and
229 redirect students into a different industry certification area
230 in high demand.

231 Section 5. Section 1003.52, Florida Statutes, is amended to
232 read:

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- 233 (Substantial rewording of section. See
234 s. 1003.52, F.S., for present text.)
235 1003.52 Education services in Department of Juvenile
236 Justice programs.—
- 237 (1) LEGISLATIVE FINDING.—The Legislature finds that an
238 education is the single most important factor in the
239 rehabilitation of adjudicated youth who are in Department of
240 Juvenile Justice programs.
- 241 (2) PERFORMANCE RATINGS.—The annual report required in
242 subsection (10) shall identify school districts and private
243 providers as having one of the following performance ratings as
244 defined by rule of the Department of Juvenile Justice:
- 245 (a) High performance.
246 (b) Adequate performance.
247 (c) Failing performance.
- 248 (3) DESIGNATION OF PERFORMANCE RATINGS.—The following
249 criteria shall be used in determining a school district's or
250 private provider's performance rating:
- 251 (a) One or more of the following outcomes for a youth who
252 is middle school age or younger:
- 253 1. Attaining an industry certification in an occupational
254 area of high demand identified in the Industry Certification
255 Funding list adopted by the State Board of Education, if
256 available and appropriate, and participating in continuing
257 education.
- 258 2. Earning secondary or postsecondary credit upon release
259 from a juvenile justice facility and participating in continuing
260 education.
- 261 3. Completing the comprehensive career awareness and

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262 exploration course described in s. 1003.4156(1)(a)5. and
263 participating in continuing education.

264 4. Achieving learning gains in reading and mathematics
265 while the youth is in a juvenile justice education program if a
266 valid assessment instrument is used, as determined by the
267 Department of Education, and participating in continuing
268 education.

269 (b) One or more of the following outcomes for a youth who
270 is high school age:

271 1. Earning secondary or postsecondary credit upon release
272 from a juvenile justice facility and participating in continuing
273 education.

274 2. Attaining a high school diploma or its equivalent and
275 earning postsecondary credit.

276 3. Attaining an industry certification in an occupational
277 area of high demand indentified in the Industry Certification
278 Funding list adopted by the State Board of Education.

279 4. Obtaining job placement or self-employment in a position
280 for which the student earns meaningful wages.

281 5. Obtaining job placement or self-employment in a position
282 for which the student attained an industry certification as
283 provided in subparagraph 3.

284 6. Achieving a level of performance in an acceleration
285 mechanism which would earn the youth postsecondary credit.

286

287 This subsection does not abrogate the provisions of s. 1002.22
288 which relate to education records or the requirements of 20
289 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act.
290 When determining performance ratings, the Department of Juvenile

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291 Justice shall hold the school districts and private providers
292 accountable for the performance outcomes of youth until they are
293 released from supervision by the Department of Juvenile Justice.

294 (4) PROGRAM PARTICIPATION.—

295 (a) If a school district or private provider earns two
296 consecutive failing performance ratings or two failing
297 performance ratings in any 3-year period, as provided in
298 subsection (2), the Department of Juvenile Justice shall enter
299 into a contract with a school district or private provider that
300 has a high performance rating to deliver the education services
301 to the youth in the program. The Department of Juvenile Justice
302 may use its statutory authority to sanction or prohibit a
303 private provider from delivering education services to youth
304 under the department's supervision due to noneducation reasons.

305 (b) Except as provided in paragraph (a), the school
306 district of the county in which the residential or
307 nonresidential care facility or juvenile assessment facility is
308 located shall deliver education services to youth in Department
309 of Juvenile Justice programs. A school district may enter into a
310 contract with a private provider to deliver the education
311 services in lieu of directly providing the education services.
312 The contract shall include the performance criteria provided in
313 subsection (3).

314 (c) A school district may not place a youth who enrolls in
315 the school district upon release from a juvenile justice
316 facility in an alternative school under s. 1003.53, unless
317 approved by the program director of the juvenile justice program
318 to which the youth was last assigned.

319 (d) A school district may not require a private provider to

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320 use the school district's personnel or require qualifications of
321 private provider personnel beyond that which is necessary to
322 protect the health, safety, and welfare of the students, as
323 determined by the Department of Juvenile Justice.

324 (e) Each school district must provide juvenile justice
325 education programs access to substitute classroom teachers used
326 by the school district.

327 (5) SCHOOL DISTRICT AND PRIVATE PROVIDER RESPONSIBILITIES.-

328 (a) Each school district and private provider that offers
329 education services to youth in juvenile justice education
330 programs shall:

331 1. Provide access to the appropriate courses and
332 instruction to prepare youth for a standard high school diploma
333 or the GED examination, as appropriate.

334 2. Provide access to virtual education courses that are
335 appropriate to meet the requirements of academic or workforce-
336 related programs and the requirements for continuing education
337 specified in the youth's transition and postrelease plans.

338 3. Provide opportunities for earning credits toward high
339 school graduation or credits that articulate to postsecondary
340 education institutions while the youth are in residential and
341 nonresidential juvenile justice facilities.

342 4. Ensure that the credits and partial credits earned by
343 youth are transferred and included in the youth's records as
344 part of the transition plan.

345 5. Ensure that the education program consists of the
346 appropriate academic, workforce-related, or exceptional
347 education curricula and related services that directly support
348 performance outcomes, which must be specified in each youth's

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349 transition plan as required by subsection (6).

350 6. If the duration of a youth's stay in a program is less
351 than 40 days, ensure that the youth continues his or her
352 education or workforce-related training that leads to industry
353 certification in an occupational area of high demand.

354 7. Maintain an academic record for each youth who is
355 enrolled in a juvenile justice facility, as required by s.
356 1003.51, which reflects the coursework and industry
357 certifications completed by the youth. The academic record must
358 be up to date and included in the transition plan when the youth
359 exits the facility.

360 (b) Each school district and private provider shall ensure
361 that the following youth participate in the program:

362 1. Youth who are of compulsory school attendance age
363 pursuant to s. 1003.21.

364 2. Youth who are not of compulsory school attendance age
365 and who have not received a high school diploma or its
366 equivalent, if the youth is in a juvenile justice facility. Such
367 youth must participate in a workforce-related education program
368 that leads to industry certification in an occupational area of
369 high demand.

370 3. Youth who have attained a high school diploma or its
371 equivalent and who are not employed. Such youth must participate
372 in a workforce-related education program that leads to industry
373 certification in an occupational area of high demand.

374 (6) TRANSITION PLANS.—

375 (a) Each school district and private provider must develop
376 a transition plan during the course of a youth's stay in a
377 juvenile justice program to coordinate academic, workforce, and

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378 social services and assist the youth in successful community
379 reintegration upon the youth's release.

380 (b) Transition planning shall begin upon a youth's
381 placement in the program. The transition plan must include:

382 1. Incorporation of services and interventions that match
383 the youth's risks and needs.

384 2. Services to be provided during the program stay and
385 establishment of services to be implemented upon release. The
386 appropriate personnel in the juvenile justice education program,
387 members of the community, the youth, and the youth's family,
388 when appropriate, shall collaborate to develop the transition
389 plan.

390 3. Directed services and educational and workforce-related
391 activities to be implemented before and after release. Juvenile
392 justice education program personnel shall direct the youth to
393 the appropriate, coordinated, and comprehensive supervision and
394 support services in the community which are established by the
395 Department of Juvenile Justice for effective reintegration. For
396 purposes of this section, the term "transition plan" includes
397 the decisions, planning, activities, and services employed to
398 successfully return the youth to the community.

399 (c) Planning for reintegration begins when placement
400 decisions are made and continue throughout the youth's stay in
401 order to provide for continuing education, job placement, and
402 other necessary services. Individuals who are responsible for
403 reintegration shall coordinate activities to ensure that the
404 transition plan is successfully implemented and a youth is
405 provided access to support services that will sustain the
406 youth's success once he or she is no longer under the

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407 supervision of the Department of Juvenile Justice. The youth's
408 transition plan must govern decisions relating to transition and
409 reintegration. A transition plan must provide for continuing
410 education, workforce development, or meaningful job placement
411 pursuant to the performance outcomes in subsection (4). For
412 purposes of this section, the term "reintegration" means the
413 process by which a youth returns to the community following
414 release from a juvenile justice program.

415 (7) DEPARTMENT RESPONSIBILITIES.—

416 (a) The Department of Juvenile Justice shall:

417 1. Enter into a contract with school districts or private
418 providers to provide education services pursuant to subsection
419 (4).

420 2. Determine the performance ratings of school districts
421 and private providers using the criteria described in subsection
422 (3).

423 3. Monitor the education performance of youth in juvenile
424 justice facilities.

425 4. Prohibit school districts or private providers from
426 delivering the education services pursuant to subsection (4).

427 5. Assign a high performing provider for delivery of
428 education services pursuant to subsection (4).

429 (b) By September 1, 2012, the Department of Education shall
430 make available a common student assessment to measure the
431 learning gains in reading and mathematics of youth who are
432 assigned to juvenile justice education programs.

433 (8) FUNDING.—

434 (a) Youth who are participating in GED preparation programs
435 while under the supervision of the Department of Juvenile

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436 Justice shall be funded at the basic program cost factor for
437 juvenile justice programs in the Florida Education Finance
438 Program (FEFP). Juvenile justice education programs shall be
439 funded in the appropriate FEFP program based on the education
440 services needed by the students in the programs pursuant to s.
441 1011.62.

442 (b) Juvenile justice education programs operated through a
443 contract with the Department of Juvenile Justice and under the
444 purview of the department's quality assurance standards and
445 performance outcomes shall receive the appropriate FEFP funding
446 for juvenile justice programs.

447 (c) A district school board shall fund the education
448 program in a juvenile justice facility at the same or higher
449 level of funding for equivalent students in the district school
450 system based on the funds generated through the FEFP and funds
451 allocated from federal programs.

452 (d) Consistent with the rules of the State Board of
453 Education, district school boards shall request an alternative
454 full-time equivalent (FTE) survey for juvenile justice programs
455 experiencing fluctuations in student enrollment.

456 (e) The State Board of Education shall prescribe rules
457 relating to FTE count periods which must be the same for
458 juvenile justice programs and other public school programs. The
459 summer school period for students in juvenile justice programs
460 shall begin on the day immediately preceding the subsequent
461 regular school year. Students may be funded for no more than 25
462 hours per week of direct instruction; however, students shall be
463 provided access to virtual instruction in order to maximize the
464 most efficient use of time.

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465 (9) FACILITIES.—The district school board may not be
466 charged any rent, maintenance, utilities, or overhead on the
467 facilities. Maintenance, repairs, and remodeling of existing
468 facilities shall be provided by the Department of Juvenile
469 Justice.

470 (10) ANNUAL REPORT.—The Department of Juvenile Justice, in
471 collaboration with the Department of Education and in
472 consultation with the school districts and private juvenile
473 justice education program providers, shall prepare an annual
474 report containing the education performance outcomes, based on
475 the criteria in subsection (3), of youth in juvenile justice
476 programs. The report shall delineate the performance outcomes of
477 youth in the state, in each school district, and by each private
478 provider, including the performance outcomes of all major
479 student populations and genders, as determined by the Department
480 of Juvenile Justice. The report shall address the use and
481 successful completion of virtual instruction courses and the
482 successful implementation of transition and reintegration plans.
483 The report must include an analysis of the performance of youth
484 over time, including, but not limited to, additional education
485 attainment, employment, earnings, industry certification, and
486 rates of recidivism. The report must also include
487 recommendations for improving performance outcomes and for
488 additional cost savings and efficiencies. The report shall be
489 submitted to the Governor, the President of the Senate, and the
490 Speaker of the House of Representatives by December 31, 2013,
491 and each year thereafter.

492 (11) RULEMAKING.—The Department of Juvenile Justice shall
493 collaborate with the Department of Education, the Department of

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494 Economic Opportunity, school districts, and private providers to
495 adopt rules to administer this section.

496 Section 6. This act shall take effect upon becoming a law.