

## SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 23, 1998 Revised: \_\_\_\_\_

Subject: Juveniles/Children's Cabinet and Educational Programs

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Dugger</u>	<u>Miller</u>	<u>CJ</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	<u>WM</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

### I. Summary:

The CS/SB 2198 creates the Florida Children's Cabinet in the Executive Office of the Governor to serve as the forum for state-level interagency coordination of prevention policy and funding. The Governor, the Lieutenant Governor, the Commissioner of Education, and the secretaries of the Departments of Children and Family Services, Health, Juvenile Justice and Labor and Employment Security will serve on the cabinet.

The Children's Cabinet will develop and annually update a coordinated multi-agency prevention policy and plan for funding and delivering prevention services. The plan will be submitted to the Legislature by October 15, 1999. In fiscal year 2000-2001 and thereafter, the Governor's budget recommendations and the General Appropriations Act will link each agency's funding for prevention services with the coordinated multi-agency prevention policy and funding plan.

The Children's Cabinet will work with local representatives of juvenile and child care agencies to develop and implement a coordinated interagency prevention policy and funding plan at the community level.

Each agency represented in the Children's Cabinet will revise its performance-based program budgeting measures, standards, outputs, and outcomes to conform with the Children's Cabinet multi-agency prevention policy and funding plan.

The CS also authorizes the Juvenile Justice Advisory Board (JJAB) to conduct a study on a wide range of education issues in the juvenile justice system. Information will be collected on the extent and nature of current education programs in juvenile justice commitment facilities and community-based programs in terms of assessment, curriculum, staffing, delivery, and resources. The JJAB will also examine current and alternative funding methods for educational programs in

juvenile justice facilities. The Office of Program Policy Analysis and Government Accountability (OPPAGA) will conduct a performance review of educational programs in juvenile justice residential commitment facilities as part of the JJAB study. Public hearings shall be held and the JJAB will submit a report to the Governor and the Legislature by December 31, 1998.

In addition, the CS increases the Florida Education Finance Program (FEFP) expenditure requirements for students in the Department of Juvenile Justice (DJJ) state-operated and contracted residential commitment facilities from 80% to 95% and requires the Department of Education (DOE) to define by rule the distinction between “direct education services” and “administrative education services.”

The CS also requires, subject to appropriation, the DOE in consultation with the DJJ, to establish a mandatory juvenile offender functional literacy program in each state-operated and contracted residential commitment program.

This CS substantially creates s. 985.317 and other unnumbered sections and amends the following sections of the Florida Statutes: 216.0166, 230.2316, 230.23161, and 237.34.

## **II. Present Situation:**

### **Juvenile Justice Prevention:**

The DJJ has the statutory authority of administering juvenile justice programs and services to delinquent juveniles as well as to children-in-need-of-services (CINS), commonly known as truants, ungovernables, and runaways. The mission statement from the Department of Juvenile Justice’s *Agency Strategic Plan: 1998-2003*, is to provide a full range of programs and services to prevent and reduce juvenile delinquency in partnership with families, schools, communities, law enforcement, and other agencies. The DJJ is committed to providing a balanced approach that increases public safety, provides department and offender accountability, and affords opportunities for youth to develop into responsible citizens.

This mission statement is based on statutory mandates from chapter 20.316 F.S., and s. 985.404, F.S., which address the following areas, including prevention activities:

- ▶ improving early intervention, delinquency prevention, and diversion programs for youths at risk of becoming delinquent;
- ▶ expanding school and educational resources and programs for dropout prevention, truancy, and intervention;
- ▶ planning and managing programs for children-in-need-of-services and families-in-need-of-services (FINS), community supervision services, detention centers, community-based commitment programs, and other delinquency institutions and facilities; and

- ▶ providing a more accountable, effective, and efficient juvenile justice system.

In addition, s. 985.02(3), F.S., establishes that the legislative intent for juvenile justice and delinquency prevention is to develop and implement effective programs that prevent and reduce delinquency, divert children from the juvenile justice system, intervene at an early stage of delinquency, and provide critically needed alternatives to institutionalization and deep-end commitment.

As it relates to prevention efforts, however, the DJJ is only one of numerous state agencies that is responsible for conducting prevention activities. According to a recent study by the Florida Commission on Government Accountability to the People (GAP), entitled *Building the Road to Results: State Agency Impacts on Preventing Juvenile Crime, March 1998*, there were 23 agencies (92%) other than the DJJ that conducted 77 prevention activities during 1996-1997. The DJJ performed six of those activities. The state spent \$1.245 billion for prevention in 1997; 97% of those dollars was spent by state agencies other than the DJJ (\$1.210 billion). The DJJ spent \$36 million on prevention activities. The report also found that there is not one central decision-making entity that has oversight over all these prevention activities which are being carried out by all these agencies.

According to the GAP study, the following state agencies reported providing activities having an impact on juvenile crime prevention: Agency for Health Care Administration, Department of Agriculture and Consumer Services, Department of Business and Professional Regulation, Department of Children and Family Services, Department of Community Affairs, Department of Corrections, Department of Education, Department of Elder Affairs, Department of Environmental Protection, Department of Health, Department of Highway Safety and Motor Vehicles, Department of Insurance, Department of Juvenile Justice, Department of Labor and Employment Security, Department of Law Enforcement, Department of Legal Affairs, Department of Military Affairs, Department of Revenue, Department of Transportation, Division of Community Colleges, Florida Lottery, Game and Fresh Water Fish Commission, and the State University System.

### **Education Services in Juvenile Justice Programs:**

Youth held in detention centers or committed to the DJJ and placed in residential programs are provided educational services. Although there are several references in statutes primarily applicable to the department related to the education of youth in detention centers and department-operated and contracted residential commitment programs [(e.g., ss. 985.31(2)(a)6; 985.311(2)(a)6; 985.315; 985.404 (5) and (10); and 985.416, F.S.], local school districts are primarily responsible for education programs for youth in juvenile justice detention and commitment programs.

Section 230.23161(1), F.S., requires that youth in detention, commitment and other juvenile justice rehabilitative programs, whether the programs are state-operated or contracted by the DJJ, "... shall receive education programs according to rules of the State Board of Education." Youth

in juvenile justice programs “...shall be eligible for services afforded to students enrolled in programs pursuant to s. 230.2316 [dropout prevention act] and all corresponding State Board of Education rules.”

Section 230.23161(2), F.S., requires a district school board of a county in which the residential or nonresidential juvenile justice program is located to “... provide an appropriate program of instruction and special education services...” for youth in such programs. A local school board is responsible for providing basic, vocational, and exceptional student programs for youth in juvenile justice programs. Such educational programs for youth in juvenile justice programs are intended to “... support the treatment goals and reentry and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent.” s. 230.23161(4), F.S.

Section 230.23161(5), F.S., requires youth in juvenile justice programs who are of compulsory school attendance age or who are exempt from compulsory school attendance but who have not received a high school diploma or its equivalent to participate in the educational programs.

Local school districts are required to make every effort to recruit teachers who are “... interested, qualified, and experienced...” in working with youth in juvenile justice programs and to provide such youth “... a wide range of educational programs and opportunities.” s. 230.23161(6), F.S. Local school districts may contract with a private provider for the provision of educational services in juvenile justice programs. s. 230.123161(7), F.S.

Section 230.23161(8), F.S., provides legislative intent that a school district shall “... maximize its available local, state, and federal funding...” of educational services in juvenile justice programs. Local school districts are required to fund educational services in juvenile justice programs “... at the same or higher level of funding for equivalent students in the county school system based on the funds generated by state funding through the Florida Education Finance Program for such students.”

Section 230.23161(9), F. S., requires each school district to negotiate a cooperative agreement with the DJJ for the provision of education services for youth in juvenile justice programs. The agreement must address matters related to roles and responsibilities, information sharing, maximizing resource allocation, evaluation of youth for educational exceptionalities and special needs, instructional curricula, teacher selection and training, transitioning of youth back to the community, and means to correct deficiencies in the educational services found through a quality assurance process.

Section 230.23161(11), F.S., requires the DOE, in consultation with the DJJ, to establish standards and a quality assurance process for the evaluation of educational services in juvenile justice programs.

Section 230.23161(16), F.S., requires the DOE and the DJJ to submit an annual report to the Legislature documenting the progress towards developing effective educational programs for juvenile delinquents.

In a 1995 report entitled *Analysis of Educational Programs in Juvenile Justice Settings*, the DOE, as part of the DJJ's quality assurance peer review process (QA), reported on education services for youth in juvenile justice facilities. Based on site visits and interviews with staff and youth in juvenile justice programs, the DOE identified a number of issues related to components of education services in juvenile justice programs. For example, the following issues were raised about the curriculum component:

- Although the curriculum used in juvenile justice settings parallel the academic programs in local school districts, the curriculum and service delivery system were not meeting the needs of students in juvenile justice settings.
- Local school district administrators lacked the expertise required to develop curricula for student populations in juvenile justice settings and said they were hindered in providing adequate programs by funding requirements.

Other issues raised by DOE in their 1995 report concerned the lack of teacher competencies needed for teaching students in juvenile justice settings; no integrated program philosophy which hindered interagency coordination and collaboration; deficiencies in the assessment process; deficient support services; deficiencies in transition planning; difficulty in demonstrating how funds are used for education services in juvenile justice settings; lack of access to and knowledge of district, agency, and state policy; and inadequate classroom space.

In a report entitled *1997 Report on the Progress Toward Developing Effective Education Programs in the Department of Juvenile Justice* (released in February 1998), the DOE addressed numerous issues related to educational services in juvenile justice settings. Based on information from the DOE's *1995-96 Dropout Prevention Annual Report of Programs Effectiveness*, the DOE reports that in FY 1995-96, local school districts delivered educational services to 27,132 youth in juvenile justice facilities. About 60% were enrolled in high school courses and about 30% took middle school courses. About 74% of the youth were overage for grade placement which according to the DOE is the single factor with the highest correlation for a student dropping out of school.

Students in juvenile justice settings also qualified for other special education services, such as services for students with disabilities. Fifty-one percent (51%) of the 6,302 students identified as eligible for exceptional student services (of the 27,132 students served) were identified as emotionally handicapped and thirty-four percent (34%) had a specific learning disability.

As part of the DJJ's QA peer review process, the DOE contracted for staff to perform QA reviews of education services in juvenile justice programs. Four education standards' areas developed by the DOE (transition, service delivery, personnel competencies, and administration) were used to measure the quality of educational services in juvenile justice settings. In 1997, educational programs in 182 juvenile justice facilities/programs ranging from PACE programs to detention to each residential commitment program level received a QA peer review.

According to the DOE's report, educational services in all the DJJ programs scored just above the mid-range score (5 on a 0-9 score rating scale) in the satisfactory performance range. Educational services in PACE programs scored in the superior performance range while educational services in detention centers and level 10 residential commitment programs tended to score in the low satisfactory range.

The DOE identified several areas for technical assistance and improvement in educational services in juvenile justice settings. They include: improving effective transition programs and planning; expanding educational service delivery options/programs; training for education and the DJJ staff; and providing staff and teaching material based on needs assessments.

There is currently not a required functional literacy program operating in juvenile residential commitment programs.

### **Funding for Students in Juvenile Justice Programs:**

The Florida Educational Finance Program (FEFP) is the primary means for funding public schools including educational programs in juvenile justice settings. The FEFP funds for each student FTE is determined by first multiplying the number of full-time equivalent students by the relevant program cost factors (e.g., 1.526 for students at risk of dropping out of school and 1.920 for a student with a specific learning disability) to obtain a weighted FTE. The weighted FTE is multiplied by a base student allocation (in 1995-96, it was \$2,854.26) and by a district cost differential to determine the state and local FEFP dollar amount.

Section 237.34, F. S., specifies district-wide FEFP expenditure requirements. The required expenditure level for the FEFP At-Risk Program, which includes dropout prevention, teenage parent, juvenile justice, and English for speakers of other languages, is 80%. Local school districts must spend at least 80% of the FEFP funds generated by students in the at-risk programs on the aggregate total school costs across all programs in any FEFP program.

For the 1997 report, the DOE requested local school districts to submit costs for educational services in juvenile justice programs located in their respective district and to separate FEFP costs from all other district dropout prevention costs. Although the DOE reports FEFP funding for those local school districts submitting cost data, the DOE staff caution that it is difficult to compare FEFP funding for educational services within and across juvenile justice programs. The FEFP funds are not meant to fund the cost of a specific education program in a specific juvenile justice facility. The FEFP funds are intended to fund education services for a child in all programs in which the child is served.

According to the DOE's 1997 report, FEFP base funding for educational services in juvenile justice programs in local school districts reporting for FY 1995-96 totaled \$34,604,070. Local school districts reported expending \$36,617,318 or 105.82% of the base funding. The percent of FEFP base funding expended across local school districts reporting ranged from 52.59% (Bay County) to 142.98% (Hillsborough County). The FEFP funds expended in FY 1996-96, as

reported by local school districts to the DOE, were for educational services for 7,451.79 FTEs (students) in juvenile justice programs located in the local school district's reporting.

### **III. Effect of Proposed Changes:**

#### **Juvenile Justice Prevention:**

The CS creates a Children's Cabinet to serve as the forum for state-level interagency coordination of prevention policy and funding. The Governor, the Lieutenant Governor, the Commissioner of Education, and the secretaries of the Departments of Juvenile Justice, Children and Family Services, Health, and Labor and Employment Security are to serve on the Children's Cabinet.

The CS provides that it is the Legislature's intent that the Children's Cabinet receive a line-item appropriation in the General Appropriations Act, separate from other appropriations to the Executive Office of the Governor. This appropriation is to be used exclusively for its statutory responsibilities, and it will include funds necessary for professional and support staff and consultants.

The Children's Cabinet is required to develop and annually update a coordinated multi-agency plan for funding and delivering prevention services. At a minimum, the plan will:

- incorporate the latest research-based knowledge concerning effective prevention strategies and interventions;
- identify and describe the population to be targeted for services;
- include all state and federal sources of funding for prevention services;
- identify those portions of the targeted population that each agency will have primary responsibility for serving;
- describe the means by which the services to common clients of multiple agencies will be coordinated, including the designation of a lead agency; and
- describe the means by which each agency will share appropriate information about common clients for the purpose of planning, delivering, or evaluating prevention services.

The Children's Cabinet is required to complete the first coordinated multi-agency prevention services plan by October 15, 1999. The General Appropriations Act and the Governor's Budget Recommendations for FY 2000-2001 and beyond will link each agency's funding for prevention services with the coordinated multi-agency prevention services plan developed by the Children's Cabinet.

The CS also requires each agency represented in the Children's Cabinet to revise its performance-based program budgeting measures, standards, outputs and outcomes, making them consistent with each agency's responsibilities under the coordinated multi-agency prevention services plan. The Office of Program Policy Analysis and Government Accountability (OPPAGA) is required to assist those agencies with necessary revisions.

The CS/SB 2198 requires the Children's Cabinet to hold regional workshops to receive input at the community level on effective strategies for the implementation of a coordinated interagency prevention policy and a funding and service delivery plan. County juvenile justice councils, district juvenile justice boards, district health and human services boards, children's services councils, local health councils, and regional planning councils and other local organizations will assist the Children's Cabinet in its planning efforts. The Children's Council report for community level coordination is required to be presented to the Legislature by December 1, 1999.

#### **Educational Services in Juvenile Justice Programs:**

The CS/SB 2198 requires the Juvenile Justice Advisory Board (JJAB) to conduct a study to determine the extent and nature of education programs for juvenile offenders. The study will address a broad range of education issues including: funding for educational services; curricula development; assessment of educational needs of juvenile offenders; and staffing related issues.

The JJAB will propose any changes to policy, statutes, programs, and funding methods regarding educational services and programs for juvenile offenders in a report to the Governor and the Legislature by December 31, 1998. A sum of \$150,000 will be appropriated to the JJAB to conduct the study. The Office of Program Policy Analysis and Government Accountability will conduct a performance review of educational services in juvenile justice facilities as part of the JJAB study.

The CS also adds juvenile assessment centers to the section of statute related to coordinating dropout prevention activities with other agencies, s. 230.2316, F.S., and the section of statute related to educational services in DJJ programs, s. 230.23161, F.S. District school boards will be required to cooperate and provide appropriate educational assessments to juvenile assessment centers within their respective districts. The CS also provides legislative intent that new and innovative educational programs should be developed and implemented for juveniles within the juvenile justice system.

The CS requires the DOE, in consultation with the DJJ, to establish and administer a juvenile offender functional literacy program for youth in state-operated and contracted residential commitment facilities. Subject to appropriations, youth of compulsory school attendance age in residential commitment facilities and youth in residential commitment facilities after the implementation of the CS who are of noncompulsory school age will be required to participate in a mandatory functional literacy program.



Youth committed to the DJJ and placed in residential commitment facilities will receive an assessment and if the youth cannot read at the sixth-grade reading level, he or she will be required to participate in the literacy program. A youth may be exempt from the program if he or she has been diagnosed to have a medical, developmental, or learning disability which precludes participation in the literacy program. A youth who has a disability may participate in the literacy program if it can be shown that the youth will benefit from participating in the program.

A system of incentives and disincentives will be established at each commitment facility to encourage a youth's participation in the literacy program. Records will be maintained on the youth's progress in the literacy program and will be forwarded to the appropriate education facility upon the youth's release from the commitment facility.

The Juvenile Justice Advisory Board will evaluate the literacy program as part of the board's outcome evaluation reporting requirements. The DJJ, in consultation with the DOE, will develop and implement an evaluation to determine the impact of the literacy program on recidivism and submit a report to the Legislature by January 1 of each year.

**Funding for Students in Juvenile Justice Programs:**

Under CS/SB 2198, the DOE is required to promulgate an administrative rule defining "direct education services" and "administrative education services." These definitions will govern the allocation of FEFP funding for education services for youth in juvenile justice programs.

The CS also requires that direct education services funding for youth in juvenile justice facilities be no less than ninety-five percent (95%) of the FEFP funds for students in such programs. When the local school district contracts with another entity for the provision of education services, no less than ninety-five percent (95%) of the funds received may be spent on direct education services.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

**Children's Cabinet:**

The CS provides that it is the Legislature's intent that the Children's Cabinet receive a line-item appropriation in the General Appropriations Act, separate from other appropriations to the Executive Office of the Governor. This appropriation is to be used exclusively for its statutory responsibilities, and it will include funds necessary for professional and support staff and consultants.

**JJAB Education Study:**

An amount of \$150,000 will be appropriated to the Juvenile Justice Advisory Board to establish a task force and conduct a study of educational services for youth in the juvenile justice system.

**Functional Literacy Program for Youth in Residential Commitment Facilities:**

Neither the DJJ nor the DOE were able to provide estimates of the number of youth eligible to participate in the functional literacy program established by this CS. Although the DOE did not provide cost estimates, the DJJ estimates that for a functional literacy program to be administered and implemented in state-operated and contracted residential commitment programs, staff/instructors will need to be employed or contracted to deliver the literacy program curriculum and perform assessments and testing of the participants. The DJJ estimates that 80 half-time instructors will be required at an estimated cost of \$2,211,860 for the first year of operation (nine months funding) and \$2,766,000 for each of the subsequent two years.

In addition to staffing requirements for the literacy program, the DJJ estimates that significant but indeterminate funds will be required for curriculum and testing materials. The DJJ is unable to estimate the exact number of youth who will meet the eligibility criteria for the literacy program.

For outcome studies of the impact of the literacy program on recidivism and other outcome measures to be conducted, the DJJ estimates that three (3) data/research positions will be needed at the DJJ headquarters. The DJJ estimates that these positions will cost \$185,698 the first year.

**FEFP Education Funding for Youth in Juvenile Justice Programs:**

According to the DOE, to change from an aggregate 80% FEFP expenditure requirement to a 95% FEFP expenditure requirement for youth in juvenile justice programs will fiscally impact those local school districts who are not expending this amount. The DOE also states that raising the expenditure requirement to 95% will reduce the flexibility in the FEFP for local school districts and will require the reallocation of resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Many of the suggested changes in CS/SB 2198 encompass recommendations from the Juvenile Justice Advisory Board.

**VIII. Amendments:**

None.