

STORAGE NAME: h4315z.jj
DATE: May 7, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
JUVENILE JUSTICE
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 4315 (CHAPTER 98-186)
RELATING TO: Education and Juvenile Justice Programs
SPONSOR(S): Committee on Juvenile Justice, Representative Bainter and others
COMPANION BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) JUVENILE JUSTICE YEAS 6 NAYS 1
- (2)
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

HB 4315 passed in the 1998 Legislative session. See Comments section for bill history.

II. SUMMARY:

The bill 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 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.

Emphasis is added in statute to ensure that teachers assigned to education programs in juvenile justice facilities are interested, qualified, or experienced in educating students in such settings. The bill requires DOE and DJJ to submit an annual report by December 1 on the progress of education services in juvenile justice programs including documented cost data, status of cooperative agreements between DJJ and local school districts, quality assurance review data, and system improvement recommendations.

The bill requires DOE in consultation with DJJ to identify literacy programs for juvenile offenders in state-operated and contracted residential commitment program and, contingent upon appropriations, implement and administer such programs. The bill also specifies eligibility, program, assessment, evaluation, and reporting requirements for mandatory participation in literacy programs.

An amount of \$150,000 is appropriated to the JJAB for the education study.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

DJJ Detention Programs

Sections 985.213-215, F.S., authorize the Department of Juvenile Justice to establish a state-wide detention system for youth taken into custody for criminal offenses and who meet statutory requirements for pre-trial detention and for youth post-disposition awaiting placement in a commitment facility. Youth shall only be held in detention for the following reasons:

- a substantial risk of not appearing for subsequent court hearings;
- a substantial risk of inflicting bodily harm to others;
- a history of committing serious property offenses;
- found in contempt of court; or
- requesting protection from physical harm.

There are currently three types of detention. They are secure detention, non-secure detention, and home detention. Home detention permits the youth to remain at home and under close supervision by the department which may include the use of electronic monitoring. Non-secure detention programs remove youth from their home and place them in a staff-secure setting such as a congregate living facility. Secure detention centers are physically secure facilities for youth who require a temporary locked placement pending adjudication or following disposition and placement in a commitment program.

There are currently twenty-one (21) secure regional detention centers statewide with a capacity of 1,640 beds. According to the department, as of March 1, 1998, the average utilization rate for regional detention centers statewide was 119%. The Alachua detention center had the lowest utilization rate at 82% and the Escambia detention center had the highest utilization rate at 186%.

DJJ Commitment Programs

The Department of Juvenile Justice is responsible for the care and custody of youth adjudicated delinquent and committed by the courts to the department for placement in a non-residential or residential commitment program. Commitment programs may be state-operated or contracted programs. In FY 1996-97, there were 9,990 youth committed by the court to the department for placement in non-residential and residential commitment programs.

Section 985. 03, F.S., defines five restrictiveness levels for commitment programs. These levels are:

- Minimum-risk non-residential (level 2);
- Low-risk residential (level 4);
- Moderate-risk residential (level 6);
- High-risk residential (level 8); and
- Maximum-risk residential (level 10).

Level 2 programs are for youth who do not need placement in a residential commitment program. Youth remain at home under supervision by the department and participate in structured day-treatment program, intensive community-based work program, or some other special needs program. As of December 31, 1997, there were 1,666 level 2 slots which represents a growth from last year of about 24%.

Level 4 programs are for youth who do require residential placement but who are a low risk to public safety and do not need lengthy stays or specialized treatment. Placements consist of short term wilderness programs, family group homes and group treatment homes. As of December 31, 1997, there were 507 level 4 residential beds which represents about a 23% increase from last year.

Level 6 programs are for youth who are of moderate risk to the community and who need longer stays and specialized treatment. Such programs consist of halfway houses, longer term and specialized wilderness camps, and special needs residential programs. As of December 31, 1997, there were 2,517 level 6 beds which represents a growth of about 40% from last year.

Level 8 programs are for youth who are a high risk to the community, need longer lengths of stay, and may need more specialized treatment or structured services. Such programs consist of intensive halfway houses, training schools, serious or habitual offender programs, and special needs programs for youth who are developmentally disabled, sex offenders, or substance abusers or who have a mental health problem. Other level 8 programs are environmentally secure facilities and highly structured boot camps. As of December 31, 1997, there were 1,609 level 8 beds and 452 boot camp beds which represents an increase from last year of about 49% and 18% respectively.

Level 10 programs are for youth who are the highest risk to the community. There are currently three level 10 programs with a budgeted capacity of 206 beds. Two of the three level 10 programs (which were authorized by the 1994 Legislature) became operational in FY 1996/97 with a third level 10 program opening in December 1997.

DJJ Quality Assurance Program

Section 985.412, F.S., requires the department to establish a quality assurance (QA) program for the purpose of monitoring juvenile justice programs. The department has developed and implemented a QA system where minimum standards of quality are applied annually to all juvenile justice programs. Peer review teams consisting of a lead reviewer, peer reviewers, a juvenile justice council or board member, and an educator conduct QA reviews.

Each annual QA report submitted by the department contains a comprehensive description of the population served by each program, a description of services each program provides, and cost information for each program. The department also makes recommendations to either maintain, expand, improve, modify, or eliminate a program or a program component.

In addition, each program presented in the QA report includes a review of indicators such as program management, client admission and orientation, food services, treatment planning process, security and emergency procedures, education, health services, and staff training and development. At the conclusion of each program review,

a QA rating for the program is given. These QA ratings are: poor, below satisfactory, marginal satisfactory, satisfactory, high satisfactory, and superior.

Programs which receive a poor or below satisfactory QA performance rating are given a second QA review within the same calendar year. Those programs under contract to the department (about 85% of the programs and services offered by the department) which still are not meeting minimum QA standards will have their contract canceled unless extenuation circumstances can be provided. Although not in current statutory language, the department does apply a range of corrective actions when a state-operated programs fails to meet minimum QA standards. These actions have included staff realignments and in some cases dismissals, explicit corrective action plans with closer monitoring, and staff training.

According to the department's 1997 Quality Assurance Report, in 1996, forty-five (45) or 9% of the total programs reviewed were rated below satisfactory. Following a QA re-review, most of the programs improved their performance to at least the marginal satisfactory level. Two providers lost their contract for failure to comply with minimum standards upon a QA re-review. In 1997, twenty-seven (27) programs were rated below satisfactory. QA re-reviews for these programs are still underway and will be reported in the department's 1998 QA report.

Of the 451 programs receiving a QA review for 1997, 4% of the programs received a superior overall performance rating, 19% received a high satisfactory rating, 45% received a satisfactory rating, 27% received a marginal satisfactory rating, 6% received a below satisfactory rating, and 0% received a poor performance rating.

Education Services in Juvenile Justice Programs

Introduction -- A 1994 study conducted by the National Office for Social Responsibility with funding from the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) on juvenile correctional education programs identified several key factors in a successful correctional education program. According to the OJJDP report, education services for youth in juvenile justice programs is critical to the success of treating juvenile offenders. Classrooms in typical juvenile correctional settings were found to generally reflect an academic model which emphasizes workbook exercises, remediation, drill, and practice in the basic education skills with classroom management centered on discipline and control. OJJDP identified the following characteristics of an alternative correctional education model:

- A correctional education curriculum features comprehension and complex problem-solving tasks which allow students to develop their cognitive skills.
- The curriculum integrates basic skills allowing students to apply these skills to real-life situations.
- Knowledge sharing is emphasized through cooperative learning, peer tutoring, and team problem solving.
- Teachers model cognitive process by encouraging multiple approaches to problem solving and focusing on dialog and reciprocal learning.

- Reading, writing, and oral expression are interrelated.
- Correctional education programs should employ trained and certified staff with the capacity and resources to provide a full spectrum of special education programs and services.
- Education programs should include vocational and job preparation courses for students who do not return to school following release from a commitment facility.
- Expanded and improved transitional services are needed to bridge the gap from community schools to correctional facilities and from correctional facilities to community schools, home or independent living.

OJJDP concludes its report by recommending that educational services for youth in juvenile justice programs need evaluation to assist practitioners, legislators, and funding agencies in knowing the effectiveness of such programs.

A January 1998 OJJDP report entitled Beyond the Walls: Improving Conditions of Confinement for Youth in Custody discusses educational services for juvenile offenders with disabilities. OJJDP cites studies which estimate that between 30 percent and 60 percent of juvenile offenders have some form of learning disability and that estimated percentages of the prevalence of disabilities for incarcerated youth range from 42 percent to 60 percent. OJJDP cites the federal Individuals with Disability Education Act (IDEA) [20 U.S.C. Sections 1400-1485, also known as P.L. 94-142] which mandates that states must provide a free and appropriate public education for all students with disabilities (including incarcerated juvenile offenders) if the state receives Federal support for educating students with disabilities.

IDEA requires that once a youth has been identified as eligible for special education services, an Individualized Education Plan (IEP) must be developed. If the education program for the youth does not provide all the services established by the IEP, then the program is in violation of the IDEA. IDEA enables parents and guardians of students with disabilities to file complaints or invoke hearings in order to access appropriate education services. OJJDP cites 25 cases from across the states involving special education claims in juvenile corrections litigation [e.g., *Andre H. v. Sobol*, 84 Cir. 3114 (DNE) (S.D.N.Y.); *Johnson v. Upchurch*, No. 86-195 TUC RMB (D. Ariz.); and *Smith v. Wheaton*, No. H-87-190 (PCD) (D. Conn.)].

According to the January 1998 OJJDP report, litigation under IDEA has raised a number of issues, including the ability to reform juvenile correctional education programs, the role of state departments of education in providing oversight and consultation, and the competing interests of rehabilitation and punishment in juvenile facilities.

Florida's Education Services for Youth in Juvenile Justice Programs -- Youth held in detention centers or committed to the Department of Juvenile Justice and placed in residential programs are provided educational services. Although there are several references in statutes primarily applicable to the Department of Juvenile Justice 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], 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 Department of Juvenile Justice, "... 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)]

Section 230.23161(5), F.S., requires youth in juvenile justice programs who are of compulsory school attendance age [s. 232.01, F.S.] 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 Department of Juvenile Justice 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 Department of Education in consultation with the Department of Juvenile Justice 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 Department of Education and the Department of Juvenile Justice to submit an annual report to the Legislature on:

“... the progress towards developing effective educational programs for juvenile delinquents including the amount of funding provided by local school districts to juvenile justice programs, the amount retained for administration, the status of the development of cooperative agreements, and the results of the quality assurance reviews including recommendations for system improvement.”

In a 1995 report entitled Analysis of Educational Programs in Juvenile Justice Settings, the Department of Education, as part of the Department of Juvenile Justice's quality assurance peer review process, reported on education services for youth in juvenile justice facilities. Based on site visits and interviews with staff and youth in juvenile justice programs, 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 hindering 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), DOE addressed numerous issues related to educational services in juvenile justice settings. Based on information from DOE's 1995-96 Dropout Prevention Annual Report of Programs Effectiveness, 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 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 DJJ's QA peer review process, DOE contracted for staff to perform QA reviews of education services in juvenile justice programs. Four education standards'

areas developed by 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 DOE's report, educational services in all 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.

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 DJJ staff; and providing staff and teaching material based on needs assessments.

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. 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%. According to DOE staff, local school districts may spend an average of 80% of FEFP funds for administrative purposes across all programs in any FEFP program.

For the 1997 report, 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 DOE reports FEFP funding for those local school districts submitting cost data, DOE staff caution that it is difficult to compare FEFP funding for educational services within and across juvenile justice programs. FEFP funds are not meant to fund the cost of a specific education program in a specific juvenile justice facility. FEFP funds are intended to fund education services for a child in all programs in which the child is served.

According to 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 reporting expended \$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). FEFP funds expended in FY 1996-96, as reported by local school districts to DOE, were for

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educational services for 7,451.79 FTEs (students) in juvenile justice programs located in the local school district's reporting.

Education and Literacy Program for Inmates in Department of Corrections' Facilities

Unlike the Department of Juvenile Justice, s. 20.315(3), F.S., requires the Secretary of the Department of Corrections to appoint an Assistant Secretary for Education and Job Training responsible for coordinating and delivering education and job training to offenders in correctional programs.

Section 944.801, F.S., establishes a correctional education program in the Department of Corrections. The responsibilities of the correctional education program include:

- developing guidelines for collecting education-related information during the inmate reception process and disseminate the information to the classification staff of the department;
- cooperating with the Department of Education to monitor and assess all inmate education programs;
- cooperating with the Department of Education to develop complete and reliable statistics on an inmate's educational history including the school district where the inmate lived prior to incarceration;
- entering into agreements with public or private school districts, community colleges, or universities for the purpose of providing educational services to inmates;
- ensuring that all correctional education staff are certified in accordance with Department of Education Standards;
- developing goals and objectives relating to all phases of the correctional education program; and
- requiring that every inmate who has 2 years or more remaining to serve on his or her sentence and who lacks basic and functionally literacy skills attend no less than 150 hours of instruction in a correctional adult basic education program.

According to the Department of Corrections' 1996-97 Annual Report, increased reading skills of inmates as measured by increased grade level improved from 5.9 to 6.4 following an average of three months participation in the correctional adult basic education program as part of the mandatory literacy program.

In addition to the mandatory literacy program (s. 944.801, F.S.), the Department of Corrections in FY 1997-98 initiated a Statewide Comprehensive Literacy Program in all state correctional institutions. According to the DOC, this program is a joint effort between the academic and library services. The program trains "free-world" volunteers as facilitators or tutors of inmates to assist them in increasing their literacy skills. Also, inmates are trained as tutors and as trainers of other inmate tutors. In correctional

facilities where the program operates, it is supervised by existing education or library personnel or by "free-world" volunteers/tutors or by inmate tutors.

In addition to the network of "free-world" and inmate volunteers/tutors, the Department of Corrections has paid literacy coordinators in about 25 correctional institutions. The rate of pay for these literacy coordinators ranges from \$7.50 to \$12.00 per hour based on qualifications and experience. All literacy positions receive literacy training through the public libraries and through state and national Literacy Volunteers of America programs.

B. EFFECT OF PROPOSED CHANGES:

The bill 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 would 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 bill 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 Department of Juvenile Justice programs (s. 230.23161, F.S.). The bill requires local school districts to recruit and train teachers who are interested, qualified, or experienced in educating students in juvenile justice settings. Local school districts will be required to consult with directors of juvenile justice facilities on the selection of teachers for the educational program. The local school district's substitute teacher pool must be used for education services in juvenile justice programs.

Local school districts would be strongly encouraged to contract with a private provider for educational services and shall generate funding for education programs in juvenile justice programs from all appropriate sources.

The Department of Education and the Department of Juvenile Justice, with the assistance of local school districts and local juvenile justice providers, shall submit an annual report to the Legislature by December 1 on funding of educational services for youth in juvenile justice programs. The report shall document the use of FEFP funds for local school district administrative purposes.

The bill requires the Department of Education, in consultation with the Department of Juvenile Justice to identify literacy programs for juvenile offenders in state-operated and contracted residential commitment facilities. Subject to appropriations, literacy programs will be implemented and youth of compulsory school attendance age in residential commitment facilities and youth in residential commitment facilities after the

implementation of the bill who are of noncompulsory school age will be required to participate in such programs.

Youth committed to the Department of Juvenile Justice 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 a literacy program. A youth may be exempt from a literacy program if he or she has been diagnosed to have a medical, developmental, or learning disability which would preclude participation in the program. A youth who has a disability may participate in a literacy program if it can be shown that the youth would 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 a 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, in consultation with the Department of Education, will evaluate the literacy program as part of the board's outcome evaluation reporting requirements. The Department of Juvenile Justice will develop and implement a research design to determine the impact of the literacy program on recidivism and submit a report to the Legislature by January 1 of each year.

In its annual cost data report to the Governor and Legislature, the Department of Juvenile Justice will be required to submit the report by December 1 rather than February 1. Cost-benefit analysis for educational programs will use data collected by the Department of Education for its report pursuant to s. 230.23161(16).

The bill prohibits any state agency from expanding the Orlando Regional Detention Center or using the property contiguous to the existing center to build or operate a detention center or other commitment facility.

The bill also clarifies statutory language with reference to educational programs established, organized, and operated in residential care programs under the Department of Children and Families Services (DCFS). Incorrect references to the Department of Health and Rehabilitative Services are changed to DCFS and any reference to the Department of Juvenile Justice are deleted and moved to the appropriate statutory location.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. See Section B for details.

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

SS. 230.23, 230.2316, 230.23161, 402.22, and 985.404.

E. SECTION-BY-SECTION RESEARCH:

SECTION 1. Authorizes the Juvenile Justice Advisory Board to conduct a study of educational services in juvenile justice programs; specifies issues and questions to address; requires a report to the Governor and the Legislature by December 1, 1998; appropriates \$150,000 for the study; requires OPPAGA to conduct a performance review of educational services in residential commitment programs.

SECTION 2. Amends subsection (4) of s. 230.23, F. S., related to powers and duties of school board; changing reference from Department of Health and Rehabilitative Services to Department of Children and Family Services; deleting reference to programs in the Department of Juvenile Justice.

SECTION 3. Amends subsection (8) of s. 230.2316, F.S., related to dropout prevention; inserts juvenile assessment centers as an entity for school districts to coordinate dropout prevention programs.

SECTION 4. Amends s. 230.23161, F. S.; specifically recognizes the role juvenile assessment centers have with local school districts in assessing youth in the juvenile justice system; requires local school districts to recruit teachers interested, qualified, or experienced in educating students in juvenile justice programs; requiring local school districts to consult with directors of juvenile justice programs in the selection of teachers; encourages local school districts to contract for educational services in juvenile justice programs; requires DOE and DJJ to submit annual progress reports on education services in juvenile justice programs by December 1, including funding data and status of specified cooperative agreements; requires DOE to operate education programs in two DJJ training schools.

SECTION 5. Amends s. 402.22, F.S., related to education programs for students residing in residential care facilities operated by the Department of Children and Family Services; changing reference from DHRS to DCFS; deletes reference to programs in DJJ

SECTION 6. Creates s. 985.317, F.S.; requiring DOE, in consultation with DJJ to identify literacy programs for juvenile offenders in residential commitment facilities and subject to appropriations, operate such programs; specifies eligibility, assessment, and program requirements for mandatory participation by offenders in residential commitment programs; exempts certain youth from literacy programs; requires an evaluation of literacy programs by the JJAB and DJJ.

SECTION 7. Amends s. 985.404(10), F.S.; requires DJJ to submit an annual cost-benefit report to the Legislature by December 1; requires DOE, local providers, and local school districts to collaborate and cooperate with DJJ in developing a cost-benefit analysis of education programs in juvenile justice facilities.

SECTION 8. Defines “detention center or other commitment facility”, “the Orlando Regional Juvenile Detention Center”, and “state agency” for the purpose of Section 9 of the bill.

SECTION 9. Prohibits any state agency from expanding the existing Orlando Regional Juvenile Detention Center and from building and operating a new detention center or other commitment facility on the property contiguous to the existing center.

SECTION 10. Act shall take effect upon becoming law.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

See Fiscal Comments.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

JJAB Education Study

An amount of \$150,000 would 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.

Literacy Programs for Youth in Residential Commitment Facilities

Neither the Department of Juvenile Justice nor the Department of Education were able to provide estimates of the number of youth eligible to participate in literacy programs established by this bill. Although the Department of Education did not provide cost estimates, the Department of Juvenile Justice estimates that for literacy programs to be administered and implemented in state-operated and contracted residential commitment programs, staff/instructors would need to be employed or contracted to deliver the literacy program curriculum and perform assessments and testing of the participants. DJJ estimates that 80 half-time instructors would 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.

DJJ estimates that three (3) positions at DJJ headquarters and fifteen (15) positions, one in each of the DJJ service districts, would be needed for the development, implementation, administration, and evaluation of the literacy program in each of the state-operated and contracted residential commitment facilities. The estimated cost for these positions would be \$872,889 for the first year (nine months funding) and \$1,041,409 for each of the next two years.

In addition to staffing requirements for the literacy program, DJJ estimates that significant but indeterminate funds would be required for curriculum and testing materials. DJJ is unable to estimate the exact number of youth who would 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, DJJ estimates that three (3) data/research positions would be needed at DJJ headquarters. DJJ estimates that these positions would cost \$185,698 the first year.

DJJ estimates that total costs for the literacy program will be \$3,270,447 the first year and \$3,992,707 the following year.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

VI. COMMENTS:

The Department of Education expresses concern that having the Department of Juvenile Justice and the Juvenile Justice Advisory Board conducting studies and submitting reports on educational services in juvenile justice programs would have questionable impact since neither of these two entities have educational expertise. DOE does acknowledge that time and resources would be required from DOE and local school district personnel to participate in these studies. DOE believes that the Office of Program Policy Analysis and Government Accountability has the educational expertise to conduct such studies. OPPAGA was initially considered by House Juvenile Justice Committee and Education K-12 Committee staff to conduct the entire juvenile justice education study in this bill. However, discussions with OPPAGA staff indicated that OPPAGA did not want to be in the position of recommending policy and then subsequently conduct performance reviews on those policy recommendations.

DOE believes that although strengthening requirements regarding personnel qualifications could make the recruitment and placement of teachers in juvenile justice programs more difficult, it should result in an improvement of education services for students in juvenile justice programs.

BILL HISTORY

03/11/98 Proposed committee bill heard and passed Juvenile Justice

03/19/98 Filed

03/27/98 Referred to Education K-12, Governmental Operations, Education Appropriations, and Criminal Justice Appropriations

04/14/98 Withdrawn from Education K-12

04/21/98 Passed Governmental Operations with one amendment

04/24/98 Withdrawn from Education Appropriations and Criminal Justice Appropriations

04/28/98 Passed House as amended

04/28/98 In Senate Messages

04/30/98 Referred to and withdrawn from Governmental Reform and Oversight and Ways and Means; substituted for CS/CS/SB 2198 and passed the Senate

05/07/98 Presented to Governor

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 11, 1998, the proposed committee bill was heard in the Committee on Juvenile Justice. Five amendments to the bill were offered to and adopted by the committee. The amendments did the following:

1. Changed reference from DHRS to DCFS and deleted reference to DJJ in s. 230.23, F.S.
2. Changed reference from DHRS to DCFS and deleted reference to DJJ in s. 402.22, F.S.
3. Places reference to DJJ programs and DOE's requirement to provide educational services in s. 230.23161, F.S.
4. Changed word from "testing" to "determining" in newly created (1) of s. 230.23161, F.S.
5. Required DOE to develop a juvenile offender functional literacy program and contingent upon appropriations, implement and administer the program. Prior to the amendment, the development, implementation, and administration were contingent upon appropriations.

The committee bill passed the committee on a 6-1 vote.

On March 28, 1998, the bill was heard in the Committee on Governmental Operations. A strike-all amendment was offered by Rep. Bainter and adopted by the committee. The amendment revised the bill as described in this report.

VIII. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Legislative Research Director:

Ken Winker

Ken Winker

FINAL RESEARCH PREPARED BY COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Legislative Research Director:

Ken Winker

Ken Winker