

By the Committee on Juvenile Justice and Representatives
Bainter, Putnam, D. Prewitt, Stafford, Murman, Melvin and
Betancourt

1 A bill to be entitled
2 An act relating to juvenile justice education
3 programs; requiring the Juvenile Justice
4 Advisory Board to conduct a study relating to
5 education programs for juvenile offenders;
6 requiring findings and recommendations;
7 requiring a performance review by the Office of
8 Program Policy Analysis and Government
9 Accountability; providing an appropriation;
10 amending s. 230.23, F.S., relating to district
11 school board duties; revising provisions
12 relating to alternative education programs for
13 students in residential care facilities;
14 amending s. 230.2316, F.S.; providing for
15 certain coordination with school district
16 dropout prevention programs; amending s.
17 230.23161, F.S.; revising provisions relating
18 to educational services in Department of
19 Juvenile Justice programs; providing findings
20 relating to juvenile assessment centers;
21 providing school board and school district
22 duties; providing requirements relating to
23 teachers assigned to juvenile justice education
24 programs; requiring rules relating to
25 educational services; providing funding
26 requirements; providing for the operation of
27 specified education programs by the Department
28 of Education; amending s. 237.34, F.S.;
29 revising provisions relating to school district
30 expenditure of funds for specified programs;
31 amending s. 402.22, F.S.; revising provisions

1 relating to education programs for students who
2 reside in residential care facilities operated
3 by the Department of Children and Family
4 Services; creating s. 985.317, F.S.; requiring
5 the development of a Juvenile Offender
6 Functional Literacy Program; providing intent,
7 eligibility, and program requirements;
8 requiring initial assessment; providing for
9 exemption from the program; providing for
10 evaluation and reporting; amending s. 985.404,
11 F.S.; revising provisions relating to a cost
12 data report; providing an effective date.

13

14 Be It Enacted by the Legislature of the State of Florida:

15

16 Section 1. Juvenile justice education programs.--

17 (1) It is the intent of the Legislature that education
18 programs for youth committed by the court to residential
19 commitment programs operated by and contracted to the
20 Department of Juvenile Justice be strong components in
21 Florida's efforts to rehabilitate, habilitate, and redirect
22 the lives of juvenile offenders toward a path of responsible
23 citizenship. Education programs are the primary
24 rehabilitative method of turning around and redirecting the
25 lives of juvenile offenders. Efforts to improve the outcomes
26 of juvenile offenders and the accountability and
27 cost-effectiveness of juvenile justice programs cannot be
28 successful unless adequate attention and resources are paid to
29 educational outcomes of youth in the juvenile justice system.
30 New and innovative education programs in residential and
31 nonresidential commitment facilities, in addition to education

1 programs for juvenile offenders who have not been committed to
2 the Department of Juvenile Justice and who are under court
3 supervision in the community, should be explored, developed,
4 or implemented.

5 (2) The Juvenile Justice Advisory Board, created
6 pursuant to s. 985.401, Florida Statutes, shall conduct a
7 study to determine the extent and nature of education programs
8 for juvenile offenders committed by the court to the
9 Department of Juvenile Justice and for juvenile offenders
10 under court supervision in the community.

11 (3)(a) The Juvenile Justice Advisory Board shall
12 analyze existing juvenile justice education policy, statutes,
13 programs, services, and resources and identify new directions
14 for juvenile justice education.

15 (b) The board shall address, at a minimum, the
16 following issues:

17 1. The extent and nature of education programs in
18 residential and nonresidential commitment programs for
19 juvenile offenders committed by the court to the Department of
20 Juvenile Justice in terms of assessment, curriculum, staffing,
21 delivery, and resources.

22 2. Education curricula and delivery systems most
23 appropriate for youth in the juvenile justice system.

24 3. The extent and nature of existing education
25 programs for juvenile offenders who are not committed by the
26 court to the Department of Juvenile Justice but who are under
27 some type of community-based supervision.

28 4. How educational services for juvenile offenders are
29 currently funded, and identification of barriers to and
30 alternative funding methods for ensuring adequate and
31

1 effective delivery of educational services for this student
2 population.

3 5. Current statutory provisions for delivering
4 educational services to juvenile offenders, and determination
5 of whether statutory revisions are needed and what those
6 changes should be.

7 6. Barriers to the efficient and effective operation
8 of education programs in juvenile justice settings.

9 (4) The Juvenile Justice Advisory Board shall propose
10 any changes to policy, statutes, programs, and funding
11 regarding education programs and services for juvenile
12 offenders, including, but not limited to: flexibility in
13 educational service delivery; education program criteria and
14 student support and continuity for juvenile offenders
15 returning to public schools; education program evaluation and
16 performance measures; and educational staff development,
17 certification, and training.

18 (5) The Juvenile Justice Advisory Board shall submit
19 its preliminary findings and recommendations to the Governor,
20 the President of the Senate, the Speaker of the House of
21 Representatives, and the minority leaders of the Senate and
22 the House of Representatives by December 31, 1998. Findings
23 and recommendations of the board may serve as the basis for
24 changes in substantive law for the 1999 Regular Session of the
25 Legislature.

26 (6) The Juvenile Justice Advisory Board shall hold not
27 less than two public hearings at sites throughout the state to
28 solicit testimony and gather evidence from a broad range of
29 persons related to juvenile justice education issues.

30 (7) The Office of Program Policy Analysis and
31 Government Accountability shall conduct a performance review

1 of education programs for youth in residential commitment
2 facilities. Facilities selected for review shall consist of
3 state-operated and contracted residential commitment
4 facilities in different parts of the state. The purpose of
5 the review is to assist the Juvenile Justice Advisory Board in
6 addressing issues described in subsection (3). Specific
7 issues and questions to be addressed in the review shall be
8 determined through discussions with board staff, Department of
9 Juvenile Justice and the Department of Education staff, and
10 staff from relevant legislative committees.

11 (8) The sum of \$150,000 is hereby appropriated from
12 the General Revenue Fund to the Juvenile Justice Advisory
13 Board for the purpose of funding the study of education
14 programs for juvenile offenders committed by the court to the
15 Department of Juvenile Justice and for juvenile offenders
16 under court supervision in the community. The board shall
17 hire personnel necessary to staff the study. Administrative
18 support services for the study shall be provided by current
19 board staff. The board shall use a subcommittee of interested
20 board members and may request other interested persons to
21 participate and act as a juvenile justice education task force
22 for the study.

23 Section 2. Paragraph (n) of subsection (4) of section
24 230.23, Florida Statutes, is amended to read:

25 230.23 Powers and duties of school board.--The school
26 board, acting as a board, shall exercise all powers and
27 perform all duties listed below:

28 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
29 SCHOOLS.--Adopt and provide for the execution of plans for the
30 establishment, organization, and operation of the schools of
31 the district, including, but not limited to, the following:

1 (n) Alternative education programs for students in
2 residential care facilities.--Provide educational programs
3 according to rules of the state board to students who reside
4 in residential care facilities operated by the Department of
5 Children and Family ~~Health and Rehabilitative~~ Services.

6 1. The district school board shall not be charged any
7 rent, maintenance, utilities, or overhead on such facilities.
8 Maintenance, repairs, and remodeling of existing facilities
9 shall be provided by the Department of Children and Family
10 ~~Health and Rehabilitative~~ Services.

11 2. If additional facilities are required, the district
12 school board and the Department of Children and Family ~~Health~~
13 ~~and Rehabilitative~~ Services shall agree on the appropriate
14 site based on the instructional needs of the students. When
15 the most appropriate site for instruction is on district
16 school board property, a special capital outlay request shall
17 be made by the commissioner in accordance with s. 235.41. When
18 the most appropriate site is on state property, state capital
19 outlay funds shall be requested by the Department of Children
20 and Family ~~Health and Rehabilitative~~ Services as provided by
21 s. 216.043 and shall be submitted as specified by s. 216.023.
22 Any instructional facility to be built on state property shall
23 have educational specifications jointly developed by the
24 school district and the Department of Children and Family
25 ~~Health and Rehabilitative~~ Services and approved by the
26 Department of Education. The size of space and occupant
27 design capacity criteria as provided by state board rules
28 shall be used for remodeling or new construction whether
29 facilities are provided on state property or district school
30 board property. The planning of such additional facilities
31 shall incorporate current Department of Children and Family

1 ~~Health and Rehabilitative~~ Services deinstitutionalization
2 plans.

3 3. The school board shall have full and complete
4 authority in the matter of the assignment and placement of
5 such students in educational programs. The parent or guardian
6 of exceptional students shall have the due process rights
7 provided for in subparagraph (m)5.

8 4. The school board shall have a written agreement
9 with the Department of Children and Family ~~Health and~~
10 ~~Rehabilitative~~ Services outlining the respective duties and
11 responsibilities of each party.

12
13 Notwithstanding the provisions herein, the educational program
14 ~~programs at the Arthur Dozier School for Boys, the Marianna~~
15 ~~Sunland Center in Jackson County, and the Florida School for~~
16 ~~Boys at Okeechobee in Okeechobee County~~ shall be operated by
17 the Department of Education, either directly or through grants
18 or contractual agreements with other public or duly accredited
19 educational agencies approved by the Department of Education.

20 Section 3. Subsection (8) of section 230.2316, Florida
21 Statutes, is amended to read:

22 230.2316 Dropout prevention.--

23 (8) COORDINATION WITH OTHER AGENCIES.--School district
24 dropout prevention programs shall be coordinated with social
25 service, law enforcement, prosecutorial, and juvenile justice
26 agencies and juvenile assessment centers in the school
27 district. Notwithstanding the provisions of s. 228.093, these
28 agencies are authorized to exchange information contained in
29 student records and juvenile justice records. Such information
30 is confidential and exempt from the provisions of s.
31 119.07(1). School districts and other agencies receiving such

1 information shall use the information only for official
2 purposes connected with the certification of students for
3 admission to and for the administration of the dropout
4 prevention program, and shall maintain the confidentiality of
5 such information unless otherwise provided by law or rule.

6 Section 4. Section 230.23161, Florida Statutes, is
7 amended to read:

8 230.23161 Educational services in Department of
9 Juvenile Justice programs.--

10 (1) The Legislature finds that juvenile assessment
11 centers are an important source of information about youth who
12 are entering the juvenile justice system. Juvenile assessment
13 centers document the condition of youth entering the system,
14 thereby providing baseline data which is essential to evaluate
15 changes in the condition of youth as a result of treatment.
16 The cooperation and involvement of the local school system,
17 including the commitment of appropriate resources for
18 determining the educational status and special learning
19 problems and needs of youth, are essential if the full
20 potential benefits of juvenile assessment centers are to be
21 achieved.

22 (2)~~(1)~~ Students participating in a detention,
23 commitment, or rehabilitation program pursuant to chapter 985
24 ~~39~~ which is sponsored by a community-based agency or is
25 operated or contracted for by the Department of Juvenile
26 Justice shall receive educational programs according to rules
27 of the State Board of Education. These students shall be
28 eligible for services afforded to students enrolled in
29 programs pursuant to s. 230.2316 and all corresponding State
30 Board of Education rules.

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1 ~~(3)~~(2) The district school board of the county in
2 which the residential or nonresidential care facility or
3 juvenile assessment facility is located shall provide
4 appropriate educational assessments and an appropriate program
5 of instruction and special education services. The district
6 school board shall make provisions for each student to
7 participate in basic, vocational, and exceptional student
8 programs as appropriate. Each program shall be conducted
9 according to applicable law providing for the operation of
10 public schools and rules of the state board.

11 ~~(4)~~(3) A school day for any student serviced in a
12 Department of Juvenile Justice program shall be the same as
13 specified in s. 228.041(13). Educational services shall ~~may~~ be
14 provided at times of the day most appropriate for the program.
15 School programming in juvenile justice detention, commitment,
16 and rehabilitation programs shall be made available during the
17 regular school year and the summer school by the local school
18 district.

19 ~~(5)~~(4) The educational program shall consist of
20 appropriate basic academic, vocational, or exceptional
21 curricula and related services which support the treatment
22 goals and reentry and which may lead to completion of the
23 requirements for receipt of a high school diploma or its
24 equivalent. If the duration of a program is less than 40
25 days, the educational component may be limited to tutorial
26 activities and vocational employability skills.

27 ~~(6)~~(5) Participation in the program by students of
28 compulsory school attendance age as provided for in s. 232.01
29 shall be mandatory. All students of noncompulsory
30 school-attendance age who have not received a high school
31

1 diploma or its equivalent shall participate in the educational
2 program.

3 (7)(6) The school district shall ~~make every effort to~~
4 recruit and train teachers who are interested, qualified, or
5 ~~and~~ experienced in educating students in juvenile justice
6 programs. ~~and to provide~~ Students in juvenile justice programs
7 shall be provided with a wide range of educational programs
8 and opportunities including textbooks, technology,
9 instructional support, and other resources available to
10 students in public schools. Teachers assigned to educational
11 programs in juvenile justice settings in which the school
12 district operates the educational program shall be jointly
13 selected by the school district and the director of the
14 juvenile justice facility. Teachers assigned to juvenile
15 justice programs shall receive specialized training on how to
16 effectively provide educational services for students in such
17 settings. Educational programs in juvenile justice facilities
18 shall have access to the substitute teacher pool utilized by
19 the school district.

20 (8)(7) School districts are authorized and strongly
21 encouraged to ~~A school district may~~ contract with a private
22 provider for the provision of educational programs to youths
23 placed with the Department of Juvenile Justice and shall may
24 generate local, state, and federal funding, including funding
25 through the Florida Education Finance Program for such
26 students.

27 (9)(a)(8) The Department of Education shall develop an
28 administrative rule that defines "direct educational services"
29 and "administrative educational services." These definitions
30 shall govern the allocation by a local school district of
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1 funds generated by state funding through the Florida Education
2 Finance Program.

3 **(b)** The local school district shall fund the direct
4 educational services ~~education~~ program in a Department of
5 Juvenile Justice facility at a ~~the same or higher~~ level not
6 less than 95 percent of ~~funding for equivalent students in the~~
7 ~~county school system based on~~ the funds generated by state
8 funding through the Florida Education Finance Program for such
9 students. It is the intent of the Legislature that the school
10 district maximize its available local, state, and federal
11 funding to a juvenile justice program, and that these funds be
12 used primarily for direct educational services.

13 **(10)(9)** Each school district shall negotiate a
14 cooperative agreement with the Department of Juvenile Justice
15 on the delivery of educational services to youths under the
16 jurisdiction of the department. Such agreement must include,
17 but is not limited to:

18 (a) Roles and responsibilities of each agency,
19 including the roles and responsibilities of contract
20 providers.

21 (b) Administrative issues including procedures for
22 sharing information.

23 (c) Allocation of resources including maximization of
24 local, state, and federal funding.

25 (d) Procedures for educational evaluation for
26 educational exceptionalities and special needs.

27 (e) Curriculum and delivery of instruction.

28 (f) Classroom management procedures and attendance
29 policies.

30 (g) Procedures for provision of qualified
31 instructional personnel, whether supplied by the school

1 district or provided under contract by the provider, and for
2 performance of duties while in a juvenile justice setting.

3 (h) Provisions for improving skills in teaching and
4 working with juvenile delinquents.

5 (i) Transition plans for students moving into and out
6 of juvenile facilities.

7 (j) Procedures and timelines for the timely
8 documentation of credits earned and transfer of student
9 records.

10 (k) Methods and procedures for dispute resolution.

11 (l) Provisions for ensuring the safety of education
12 personnel and support for the agreed-upon education program.

13 (m) Strategies for correcting any deficiencies found
14 through the quality assurance process.

15 (11)~~(10)~~ The cooperative agreement pursuant to
16 subsection~~(10)~~(9) does not preclude the development of an
17 operating agreement or contract between the school district
18 and the provider for each juvenile justice program in the
19 school district where educational programs are to be provided.
20 Any of the matters which must be included in the agreement
21 pursuant to subsection~~(10)~~(9) may be defined in the
22 operational agreements or operating contracts rather than in
23 the cooperative agreement if agreed to by the Department of
24 Juvenile Justice. Nothing in this section or in a cooperative
25 agreement shall be construed to require the school board to
26 provide more services than can be supported by the funds
27 generated by students in the juvenile justice programs.
28 However, it is the intent of the Legislature that not less
29 than 95 percent of the funds generated by students in juvenile
30 justice programs be allocated to direct educational services
31 as defined by rule. When a school board contracts with

1 another entity to provide educational services in juvenile
2 justice programs, it must require that not less than 95
3 percent of the funds received by the entity be spent on direct
4 educational services. Compliance with this requirement shall
5 be subject to audit.

6 (12)~~(11)~~ The Department of Education in consultation
7 with the Department of Juvenile Justice shall establish
8 standards and a comprehensive quality assurance review process
9 and schedule for the evaluation of the educational component
10 in juvenile justice programs.

11 (13)~~(12)~~ The district school board shall not be
12 charged any rent, maintenance, utilities, or overhead on such
13 facilities. Maintenance, repairs, and remodeling of existing
14 facilities shall be provided by the Department of Juvenile
15 Justice.

16 (14)~~(13)~~ When additional facilities are required, the
17 district school board and the Department of Juvenile Justice
18 shall agree on the appropriate site based on the instructional
19 needs of the students. When the most appropriate site for
20 instruction is on district school board property, a special
21 capital outlay request shall be made by the commissioner in
22 accordance with s. 235.41. When the most appropriate site is
23 on state property, state capital outlay funds shall be
24 requested by the Department of Juvenile Justice provided by s.
25 216.043 and shall be submitted as specified by s. 216.023.
26 Any instructional facility to be built on state property shall
27 have educational specifications jointly developed by the
28 school district and the Department of Juvenile Justice and
29 approved by the Department of Education. The size of space
30 and occupant design capacity criteria as provided by state
31 board rules shall be used for remodeling or new construction

1 whether facilities are provided on state property or district
2 school board property.

3 (15)~~(14)~~ The parent or guardian of exceptional
4 students shall have the due process rights provided for in
5 chapter 232.

6 (16)~~(15)~~ Department of Juvenile Justice detention and
7 commitment programs may be designated as second chance schools
8 pursuant to s. 230.2316(3)(d). Admission to such programs
9 shall be governed by ~~part II of~~ chapter 985 39.

10 (17)~~(16)~~ The Department of Education and Department of
11 Juvenile Justice, after consultation with and assistance from
12 local providers and local school districts, shall report
13 annually to the Legislature by December 1 on the progress
14 towards developing effective educational programs for juvenile
15 delinquents including the amount of funding provided by local
16 school districts to juvenile justice programs, the amount
17 retained for administration including documenting the purposes
18 for such expenses, the status of the development of
19 cooperative agreements, and the results of the quality
20 assurance reviews including recommendations for system
21 improvement.

22 (18) The educational programs at the Arthur Dozier
23 School for Boys in Jackson County and the Florida School for
24 Boys in Okeechobee shall be operated by the Department of
25 Education, either directly or through grants or contractual
26 agreements with other public or duly accredited education
27 agencies approved by the Department of Education.

28 (19)~~(17)~~ The Department of Education shall have the
29 authority to adopt any rules necessary to implement the
30 provisions of this section, including uniform curriculum,
31 funding, and second chance schools. Such rules shall require

1 the minimum amount of paperwork and reporting necessary to
2 comply with this act. ~~By January 1, 1997, current rules~~
3 ~~regarding this section shall be revised.~~

4 Section 5. Paragraph (a) of subsection (3) of section
5 237.34, Florida Statutes, is amended to read:

6 237.34 Cost accounting and reporting.--

7 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

8 (a) Each district shall expend at least the percent of
9 the funds generated by each of the programs listed herein on
10 the aggregate total school costs for such programs:

11 1. Kindergarten and grades 1, 2, and 3, 90 percent.

12 2. Grades 4, 5, 6, 7, and 8, 80 percent.

13 3. Grades 9, 10, 11, and 12, 80 percent.

14 4. Programs for exceptional students, on an aggregate
15 program basis, 80 percent.

16 5. Grades 7 through 12 vocational education programs,
17 on an aggregate program basis, 80 percent.

18 6. Students-at-risk programs, on an aggregate program
19 basis, 80 percent, with the exception of programs for students
20 in Department of Juvenile Justice facilities, 95 percent.

21 7. Any new program established and funded under s.
22 236.081(1)(c), that is not included under subparagraphs 1.
23 through 6., on an aggregate basis as appropriate, 80 percent.

24 Section 6. Section 402.22, Florida Statutes, is
25 amended to read:

26 402.22 Education program for students who reside in
27 residential care facilities operated by the Department of
28 Children and Family ~~Health and Rehabilitative~~ Services.--

29 (1)(a) The Legislature recognizes that the Department
30 of Children and Family ~~Health and Rehabilitative~~ Services has
31 under its residential care students with critical problems of

1 physical impairment, emotional disturbance, ~~social~~
2 ~~maladjustment~~, mental impairment, and learning impairment.

3 (b) The Legislature recognizes the vital role of
4 education in the rehabilitation of such students. It is the
5 intent of the Legislature that all such students benefit from
6 educational services and receive such services.

7 (c) It is the intent of the Legislature that
8 educational services be coordinated with appropriate and
9 existing diagnostic and evaluative, social, followup, and
10 other therapeutic services of the Department of Children and
11 Family ~~Health and Rehabilitative~~ Services so that the effect
12 of the total rehabilitation process is maximized.

13 (d) It is the intent of the Legislature that, as
14 educational programs for students in residential care
15 facilities are implemented by the district school board,
16 educational personnel in the Department of Children and Family
17 ~~Health and Rehabilitative~~ Services residential care facilities
18 who meet the qualifications for employees of the district
19 school board be employed by the district school board.

20 (2) District school boards shall establish educational
21 programs for all students ages 5 through 18 under the
22 residential care of the Department of Children and Family
23 ~~Health and Rehabilitative~~ Services and may provide for
24 students below age 3 as provided for in s. 232.01(1)(e).
25 Funding of such programs shall be pursuant to s. 236.081.

26 (3) Notwithstanding any provisions of chapters 39,
27 393, 394, and 397 to the contrary, the services of the
28 Department of Children and Family ~~Health and Rehabilitative~~
29 Services and those of the Department of Education and district
30 school boards shall be mutually supportive and complementary
31 of each other. The education programs provided by the district

1 school board shall meet the standards prescribed by the State
2 Board of Education and the district school board. Decisions
3 regarding the design and delivery of Department of Children
4 and Family ~~Health and Rehabilitative~~ Services treatment or
5 habilitative services shall be made by interdisciplinary teams
6 of professional and paraprofessional staff of which
7 appropriate district school system administrative and
8 instructional personnel shall be invited to be participating
9 members. The requirements for maintenance of confidentiality
10 as prescribed in chapters 39, 393, 394, and 397 shall be
11 applied to information used by such interdisciplinary teams,
12 and such information shall be exempt from the provisions of
13 ss. 119.07(1) and 286.011.

14 (4) Students age 18 and under who are under the
15 residential care of the Department of Children and Family
16 ~~Health and Rehabilitative~~ Services and who receive an
17 education program shall be calculated as full-time equivalent
18 student membership in the appropriate cost factor as provided
19 for in s. 236.081(1)(c). Residential care facilities of the
20 Department of Children and Family ~~Health and Rehabilitative~~
21 Services shall include, but not be limited to, developmental
22 services institutions and state mental health facilities, ~~and~~
23 ~~youth services programs (residential and day programs)~~. All
24 students shall receive their education program from the
25 district school system, and funding shall be allocated through
26 the Florida Education Finance Program for the district school
27 system.

28 ~~(5) Students committed to the Department of Health and~~
29 ~~Rehabilitative Services and placed in youth services~~
30 ~~residential and day programs shall be assigned to the~~
31

1 ~~educational alternatives or other basic or special programs,~~
2 ~~as appropriate.~~

3 (5)~~(6)~~ Instructional and special educational services
4 which are provided to mental health and retardation clients in
5 the Department of Children and Family Health and
6 ~~Rehabilitative~~ Services residential care facilities by local
7 school districts shall not be less than 180 days or 900 hours;
8 however, the 900 hours may be distributed over a 12-month
9 period, unless otherwise stated in rules developed by the
10 State Board of Education with the concurrence of the
11 Department of Children and Family Health and Rehabilitative
12 Services promulgated pursuant to subsection(6)~~(7)~~.

13 (6)~~(7)~~ The State Board of Education and the Department
14 of Children and Family Health and Rehabilitative Services
15 shall have the authority to promulgate rules which shall
16 assist in the orderly transfer of the instruction of students
17 from Department of Children and Family Health and
18 ~~Rehabilitative~~ Services residential care facilities to the
19 district school system or to the public education agency and
20 which shall assist in implementing the specific intent as
21 stated in this act.

22 (7)~~(8)~~ Notwithstanding the provisions of s.
23 230.23(4)(n), the educational program ~~programs~~ at Arthur
24 ~~Dozier School for Boys~~ and the Marianna Sunland Center in
25 Jackson County ~~and the Florida School for Boys in Okeechobee~~
26 shall be operated by the Department of Education, either
27 directly or through grants or contractual agreements with
28 other public educational agencies. The annual state
29 allocation to any such agency shall be computed pursuant to s.
30 236.081(1), (2), and (5) and allocated in the amount that
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1 would have been provided the local school district in which
2 the residential facility is located.

3 Section 7. Section 985.317, Florida Statutes, is
4 created to read:

5 985.317 Juvenile Offender Functional Literacy
6 Program.--

7 (1) INTENT.--It is the intent of the Legislature that
8 a mandatory functional literacy program for juvenile offenders
9 committed by the court and placed in residential commitment
10 programs be established. Juvenile offenders should have the
11 opportunity to achieve functional literacy as a means to
12 further their educational and vocational needs to assist them
13 in being crime free. The functional literacy program should
14 be of high quality, targeted to the juvenile offender's
15 assessed ability and needs, and use the appropriate
16 instructional technology with qualified educational
17 instructors. The program should be administered in each
18 state-operated and contracted residential commitment program
19 throughout the state with compatible standardized program
20 criteria so that an offender transferred from one facility to
21 another may be able to continue his or her literacy education
22 with minimal disruption.

23 (2) JUVENILE OFFENDER FUNCTIONAL LITERACY
24 PROGRAM.--The Department of Education, in consultation with
25 the Department of Juvenile Justice, shall develop and,
26 contingent upon specific appropriations, implement and
27 administer a Juvenile Offender Functional Literacy Program in
28 all state-operated and contracted residential commitment
29 programs. The program is designed to promote the functional
30 literacy of juvenile offenders and ensure continuity and

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1 consistency in the program among the residential commitment
2 programs.

3 (3) ELIGIBILITY REQUIREMENTS.--

4 (a)1. An offender 16 years of age or younger who meets
5 the criteria of this section shall be required to participate
6 in the program.

7 2. An offender over 16 years of age who is admitted to
8 a residential commitment program on or after the effective
9 date of this section and who meets the criteria of this
10 section shall be required to participate in the program. An
11 offender over 16 years of age who was admitted to a
12 residential commitment program prior to the effective date of
13 this section may voluntarily participate in the program if the
14 offender otherwise meets eligibility requirements.

15 (b) To be required to participate in the program, an
16 offender shall not have attained a sixth grade reading level
17 and shall not be exempt from the program pursuant to
18 subsection (6).

19 (4) PROGRAM REQUIREMENTS.--In addition to any other
20 requirements determined by the Department of Education and the
21 Department of Juvenile Justice, the program shall:

22 (a) Enroll an offender whose functional literacy is
23 below the sixth grade reading level due to a medical,
24 developmental, or learning disability, but who can reasonably
25 be expected to benefit from the program.

26 (b) Require an offender who meets the eligibility
27 criteria to participate in the program for a minimum of 240
28 hours unless the offender becomes functionally literate or is
29 released from the commitment facility before the offender has
30 completed the program.

31

1 (c) Require counseling for an offender who has not
2 become functionally literate after participation in the
3 program. The counseling shall address the benefits of
4 continuing in the program.

5 (d) Establish a system of incentives to encourage and
6 reward offender performance in the program.

7 (e) Establish a system of disincentives which may
8 include disciplinary action should an offender refuse or
9 intentionally fail to participate in good faith in the
10 program.

11 (f) Ensure that reports are maintained in an
12 offender's records to record the offender's efforts and
13 progress in the program and that such records are forwarded to
14 the appropriate educational facility upon the offender's
15 release from the commitment facility.

16 (5) INITIAL ASSESSMENT.--When an offender is admitted
17 to a residential commitment facility, the Department of
18 Juvenile Justice or contracted provider shall immediately
19 assess whether the offender is functionally literate. An
20 assessment may be done by a juvenile assessment center
21 pursuant to s. 985.209, as part of the juvenile justice intake
22 process as provided in s. 985.21. If the department or
23 contracted provider determines from its assessment or an
24 assessment completed by a juvenile assessment center that the
25 offender is not functionally literate, then the offender shall
26 participate in the program if the other requirements of the
27 program are met.

28 (6) EXEMPT OFFENDERS.--An offender who cannot
29 reasonably be expected to benefit from the program as a result
30 of a medical, developmental, or learning disability shall not
31 be required to participate in the program. An offender who may

1 be considered exempt from the program shall be evaluated by an
2 appropriate psychologist, psychiatrist, or physician who will
3 make such a determination.

4 (7) EVALUATION AND REPORTING REQUIREMENTS.--The
5 Juvenile Offender Functional Literacy Program shall be
6 evaluated by the Juvenile Justice Advisory Board, in
7 consultation with the Department of Education, as part of the
8 board's outcome evaluation reporting requirements pursuant to
9 s. 985.401. The Department of Juvenile Justice, in
10 consultation with the Department of Education, shall develop
11 and implement a research design to determine the impact of the
12 program on recidivism and submit an annual report on the
13 implementation and progress of the program to the President of
14 the Senate and the Speaker of the House of Representatives no
15 later than January 1 of each year.

16 Section 8. Subsection (10) of section 985.404, Florida
17 Statutes, is amended to read:

18 985.404 Administering the juvenile justice
19 continuum.--

20 (10) The department shall annually collect and report
21 cost data for every program operated or contracted by the
22 department. The cost data shall conform to a format approved
23 by the department and the Legislature. Uniform cost data shall
24 be reported and collected for state-operated and contracted
25 programs so that comparisons can be made among programs. The
26 department shall ensure that there is accurate cost accounting
27 for state-operated services including market-equivalent rent
28 and other shared cost. The cost of the educational program
29 provided to a residential facility shall be reported and
30 included in the cost of a program. The department shall submit
31 an annual cost report to the President of the Senate, the

1 Speaker of the House of Representatives, the Minority Leader
2 of each house of the Legislature, the appropriate substantive
3 and appropriations committees of each house of the
4 Legislature, and the Governor, no later than December 1
5 ~~February 1~~ of each year. Cost-benefit analysis for educational
6 programs will be developed and implemented in collaboration
7 with and cooperation by the Department of Education, local
8 providers, and local school districts. Cost data for the
9 report shall include data collected by the Department of
10 Education for the purposes of preparing the annual report
11 required by s. 230.23161(17)and will use current data sources
12 whenever possible.

13 Section 9. This act shall take effect upon becoming a
14 law.

15 *****

16 HOUSE SUMMARY

17
18 Requires the Juvenile Justice Advisory Board to conduct a
19 study relating to education programs for juvenile
20 offenders and provides an appropriation therefor. Revises
21 provisions relating to alternative education programs for
22 students in residential care facilities. Provides for
23 certain coordination with school district dropout
24 prevention programs. Revises provisions relating to
25 educational services in Department of Juvenile Justice
26 programs. Provides school board and school district
27 duties and requirements relating to teachers assigned to
28 juvenile justice education programs. Requires rules
29 relating to educational services and provides funding
30 requirements. Requires the development of a Juvenile
31 Offender Functional Literacy Program. Provides intent,
eligibility, and program requirements. Revises provisions
relating to a Department of Juvenile Justice cost data
report.