

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; providing for the operation of  
25          specified education programs by the Department  
26          of Education; amending s. 402.22, F.S.;  
27          revising provisions relating to education  
28          programs for students who reside in residential  
29          care facilities operated by the Department of  
30          Children and Family Services; creating s.  
31          985.317, F.S.; requiring the development of a

1 Juvenile Offender Functional Literacy Program;  
2 providing intent, eligibility, and program  
3 requirements; requiring initial assessment;  
4 providing for exemption from the program;  
5 providing for evaluation and reporting;  
6 amending s. 985.404, F.S.; revising provisions  
7 relating to a cost data report; providing an  
8 effective date.  
9

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

11  
12 Section 1. Juvenile justice education programs.--

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

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

7           (3)(a) The Juvenile Justice Advisory Board shall  
8 analyze existing juvenile justice education policy, statutes,  
9 programs, services, and resources and identify new directions  
10 for juvenile justice education.

11           (b) The board shall address, at a minimum, the  
12 following issues:

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

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

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

24           4. How educational services for juvenile offenders are  
25 currently funded, and identification of barriers to and  
26 alternative funding methods for ensuring adequate and  
27 effective delivery of educational services for this student  
28 population.

29           5. Current statutory provisions for delivering  
30 educational services to juvenile offenders, and determination  
31

1 of whether statutory revisions are needed and what those  
2 changes should be.

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

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

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

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

26 (7) The Office of Program Policy Analysis and  
27 Government Accountability shall conduct a performance review  
28 of education programs for youth in residential commitment  
29 facilities. Facilities selected for review shall consist of  
30 state-operated and contracted residential commitment  
31 facilities in different parts of the state. The purpose of

1 the review is to assist the Juvenile Justice Advisory Board in  
2 addressing issues described in subsection (3). Specific  
3 issues and questions to be addressed in the review shall be  
4 determined through discussions with board staff, Department of  
5 Juvenile Justice and the Department of Education staff, and  
6 staff from relevant legislative committees.

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

19 Section 2. Paragraph (n) of subsection (4) of section  
20 230.23, Florida Statutes, is amended to read:

21 230.23 Powers and duties of school board.--The school  
22 board, acting as a board, shall exercise all powers and  
23 perform all duties listed below:

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

28 (n) Alternative education programs for students in  
29 residential care facilities.--Provide educational programs  
30 according to rules of the state board to students who reside  
31

1 in residential care facilities operated by the Department of  
2 Children and Family ~~Health and Rehabilitative~~ Services.

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

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

31

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

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

10  
11 Notwithstanding the provisions herein, the educational program  
12 ~~programs at the Arthur Dozier School for Boys, the Marianna~~  
13 ~~Sunland Center in Jackson County, and the Florida School for~~  
14 ~~Boys at Okeechobee in Okeechobee County~~ shall be operated by  
15 the Department of Education, either directly or through grants  
16 or contractual agreements with other public or duly accredited  
17 educational agencies approved by the Department of Education.

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

20           230.2316 Dropout prevention.--

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

1 admission to and for the administration of the dropout  
2 prevention program, and shall maintain the confidentiality of  
3 such information unless otherwise provided by law or rule.

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

6 230.23161 Educational services in Department of  
7 Juvenile Justice programs.--

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

20 ~~(2)(1)~~ Students participating in a detention,  
21 commitment, or rehabilitation program pursuant to chapter 985  
22 ~~39~~ which is sponsored by a community-based agency or is  
23 operated or contracted for by the Department of Juvenile  
24 Justice shall receive educational programs according to rules  
25 of the State Board of Education. These students shall be  
26 eligible for services afforded to students enrolled in  
27 programs pursuant to s. 230.2316 and all corresponding State  
28 Board of Education rules.

29 ~~(3)(2)~~ The district school board of the county in  
30 which the residential or nonresidential care facility or  
31 juvenile assessment facility is located shall provide



1 appropriate educational assessments and an appropriate program  
 2 of instruction and special education services. The district  
 3 school board shall make provisions for each student to  
 4 participate in basic, vocational, and exceptional student  
 5 programs as appropriate. Each program shall be conducted  
 6 according to applicable law providing for the operation of  
 7 public schools and rules of the state board.

8 (4)~~(3)~~ A school day for any student serviced in a  
 9 Department of Juvenile Justice program shall be the same as  
 10 specified in s. 228.041(13). Educational services shall ~~may~~ be  
 11 provided at times of the day most appropriate for the program.  
 12 School programming in juvenile justice detention, commitment,  
 13 and rehabilitation programs shall be made available during the  
 14 regular school year and the summer school by the local school  
 15 district.

16 (5)~~(4)~~ The educational program shall consist of  
 17 appropriate basic academic, vocational, or exceptional  
 18 curricula and related services which support the treatment  
 19 goals and reentry and which may lead to completion of the  
 20 requirements for receipt of a high school diploma or its  
 21 equivalent. If the duration of a program is less than 40  
 22 days, the educational component may be limited to tutorial  
 23 activities and vocational employability skills.

24 (6)~~(5)~~ Participation in the program by students of  
 25 compulsory school attendance age as provided for in s. 232.01  
 26 shall be mandatory. All students of noncompulsory  
 27 school-attendance age who have not received a high school  
 28 diploma or its equivalent shall participate in the educational  
 29 program.

30 (7)~~(6)~~ The school district shall ~~make every effort to~~  
 31 recruit and train teachers who are interested, qualified, or

1 ~~and~~ experienced in educating students in juvenile justice  
 2 programs.~~and to provide~~ Students in juvenile justice programs  
 3 shall be provided with a wide range of educational programs  
 4 and opportunities including textbooks, technology,  
 5 instructional support, and other resources available to  
 6 students in public schools. Teachers assigned to educational  
 7 programs in juvenile justice settings in which the school  
 8 district operates the educational program shall be selected by  
 9 the school district in consultation with the director of the  
 10 juvenile justice facility. Educational programs in juvenile  
 11 justice facilities shall have access to the substitute teacher  
 12 pool utilized by the school district.

13 (8)(7) School districts are authorized and strongly  
 14 encouraged to ~~A school district may~~ contract with a private  
 15 provider for the provision of educational programs to youths  
 16 placed with the Department of Juvenile Justice and shall may  
 17 generate local, state, and federal funding, including funding  
 18 through the Florida Education Finance Program for such  
 19 students.

20 (9) The local school district shall fund the education  
 21 program in a Department of Juvenile Justice facility at the  
 22 same or higher level of funding for equivalent students in the  
 23 county school system based on the funds generated by state  
 24 funding through the Florida Education Finance Program for such  
 25 students. It is the intent of the Legislature that the school  
 26 district maximize its available local, state, and federal  
 27 funding to a juvenile justice program.

28 (10)(9) Each school district shall negotiate a  
 29 cooperative agreement with the Department of Juvenile Justice  
 30 on the delivery of educational services to youths under the  
 31

1 jurisdiction of the department. Such agreement must include,  
2 but is not limited to:

3 (a) Roles and responsibilities of each agency,  
4 including the roles and responsibilities of contract  
5 providers.

6 (b) Administrative issues including procedures for  
7 sharing information.

8 (c) Allocation of resources including maximization of  
9 local, state, and federal funding.

10 (d) Procedures for educational evaluation for  
11 educational exceptionalities and special needs.

12 (e) Curriculum and delivery of instruction.

13 (f) Classroom management procedures and attendance  
14 policies.

15 (g) Procedures for provision of qualified  
16 instructional personnel, whether supplied by the school  
17 district or provided under contract by the provider, and for  
18 performance of duties while in a juvenile justice setting.

19 (h) Provisions for improving skills in teaching and  
20 working with juvenile delinquents.

21 (i) Transition plans for students moving into and out  
22 of juvenile facilities.

23 (j) Procedures and timelines for the timely  
24 documentation of credits earned and transfer of student  
25 records.

26 (k) Methods and procedures for dispute resolution.

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

29 (m) Strategies for correcting any deficiencies found  
30 through the quality assurance process.

31

1           (11)~~(10)~~ The cooperative agreement pursuant to  
 2 subsection(10)~~(9)~~ does not preclude the development of an  
 3 operating agreement or contract between the school district  
 4 and the provider for each juvenile justice program in the  
 5 school district where educational programs are to be provided.  
 6 Any of the matters which must be included in the agreement  
 7 pursuant to subsection(10)~~(9)~~ may be defined in the  
 8 operational agreements or operating contracts rather than in  
 9 the cooperative agreement if agreed to by the Department of  
 10 Juvenile Justice. Nothing in this section or in a cooperative  
 11 agreement shall be construed to require the school board to  
 12 provide more services than can be supported by the funds  
 13 generated by students in the juvenile justice programs.

14           (12)~~(11)~~ The Department of Education in consultation  
 15 with the Department of Juvenile Justice shall establish  
 16 standards and a comprehensive quality assurance review process  
 17 and schedule for the evaluation of the educational component  
 18 in juvenile justice programs.

19           (13)~~(12)~~ The district school board shall not be  
 20 charged any rent, maintenance, utilities, or overhead on such  
 21 facilities. Maintenance, repairs, and remodeling of existing  
 22 facilities shall be provided by the Department of Juvenile  
 23 Justice.

24           (14)~~(13)~~ When additional facilities are required, the  
 25 district school board and the Department of Juvenile Justice  
 26 shall agree on the appropriate site based on the instructional  
 27 needs of the students. When the most appropriate site for  
 28 instruction is on district school board property, a special  
 29 capital outlay request shall be made by the commissioner in  
 30 accordance with s. 235.41. When the most appropriate site is  
 31 on state property, state capital outlay funds shall be

1 requested by the Department of Juvenile Justice provided by s.  
 2 216.043 and shall be submitted as specified by s. 216.023.  
 3 Any instructional facility to be built on state property shall  
 4 have educational specifications jointly developed by the  
 5 school district and the Department of Juvenile Justice and  
 6 approved by the Department of Education. The size of space  
 7 and occupant design capacity criteria as provided by state  
 8 board rules shall be used for remodeling or new construction  
 9 whether facilities are provided on state property or district  
 10 school board property.

11 (15)~~(14)~~ The parent or guardian of exceptional  
 12 students shall have the due process rights provided for in  
 13 chapter 232.

14 (16)~~(15)~~ Department of Juvenile Justice detention and  
 15 commitment programs may be designated as second chance schools  
 16 pursuant to s. 230.2316(3)(d). Admission to such programs  
 17 shall be governed by ~~part II of~~ chapter 985 39.

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

30 (18) The educational programs at the Arthur Dozier  
 31 School for Boys in Jackson County and the Florida School for

1 Boys in Okeechobee shall be operated by the Department of  
2 Education, either directly or through grants or contractual  
3 agreements with other public or duly accredited education  
4 agencies approved by the Department of Education.

5 ~~(19)(17)~~ The Department of Education shall have the  
6 authority to adopt any rules necessary to implement the  
7 provisions of this section, including uniform curriculum,  
8 funding, and second chance schools. Such rules shall require  
9 the minimum amount of paperwork and reporting necessary to  
10 comply with this act. ~~By January 1, 1997, current rules~~  
11 ~~regarding this section shall be revised.~~

12 Section 5. Section 402.22, Florida Statutes, is  
13 amended to read:

14 402.22 Education program for students who reside in  
15 residential care facilities operated by the Department of  
16 Children and Family ~~Health and Rehabilitative~~ Services.--

17 (1)(a) The Legislature recognizes that the Department  
18 of Children and Family ~~Health and Rehabilitative~~ Services has  
19 under its residential care students with critical problems of  
20 physical impairment, emotional disturbance, ~~social~~  
21 ~~maladjustment~~, mental impairment, and learning impairment.

22 (b) The Legislature recognizes the vital role of  
23 education in the rehabilitation of such students. It is the  
24 intent of the Legislature that all such students benefit from  
25 educational services and receive such services.

26 (c) It is the intent of the Legislature that  
27 educational services be coordinated with appropriate and  
28 existing diagnostic and evaluative, social, followup, and  
29 other therapeutic services of the Department of Children and  
30 Family ~~Health and Rehabilitative~~ Services so that the effect  
31 of the total rehabilitation process is maximized.

1           (d) It is the intent of the Legislature that, as  
2 educational programs for students in residential care  
3 facilities are implemented by the district school board,  
4 educational personnel in the Department of Children and Family  
5 ~~Health and Rehabilitative~~ Services residential care facilities  
6 who meet the qualifications for employees of the district  
7 school board be employed by the district school board.

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

14           (3) Notwithstanding any provisions of chapters 39,  
15 393, 394, and 397 to the contrary, the services of the  
16 Department of Children and Family ~~Health and Rehabilitative~~  
17 Services and those of the Department of Education and district  
18 school boards shall be mutually supportive and complementary  
19 of each other. The education programs provided by the district  
20 school board shall meet the standards prescribed by the State  
21 Board of Education and the district school board. Decisions  
22 regarding the design and delivery of Department of Children  
23 and Family ~~Health and Rehabilitative~~ Services treatment or  
24 habilitative services shall be made by interdisciplinary teams  
25 of professional and paraprofessional staff of which  
26 appropriate district school system administrative and  
27 instructional personnel shall be invited to be participating  
28 members. The requirements for maintenance of confidentiality  
29 as prescribed in chapters 39, 393, 394, and 397 shall be  
30 applied to information used by such interdisciplinary teams,  
31

1 and such information shall be exempt from the provisions of  
 2 ss. 119.07(1) and 286.011.

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

17 ~~(5) Students committed to the Department of Health and~~  
 18 ~~Rehabilitative Services and placed in youth services~~  
 19 ~~residential and day programs shall be assigned to the~~  
 20 ~~educational alternatives or other basic or special programs,~~  
 21 ~~as appropriate.~~

22 (5)(6) Instructional and special educational services  
 23 which are provided to mental health and retardation clients in  
 24 the Department of Children and Family ~~Health and~~  
 25 ~~Rehabilitative~~ Services residential care facilities by local  
 26 school districts shall not be less than 180 days or 900 hours;  
 27 however, the 900 hours may be distributed over a 12-month  
 28 period, unless otherwise stated in rules developed by the  
 29 State Board of Education with the concurrence of the  
 30 Department of Children and Family ~~Health and Rehabilitative~~  
 31 Services promulgated pursuant to subsection (6)(7).



1           ~~(6)(7)~~ The State Board of Education and the Department  
 2 of Children and Family ~~Health and Rehabilitative~~ Services  
 3 shall have the authority to promulgate rules which shall  
 4 assist in the orderly transfer of the instruction of students  
 5 from Department of Children and Family ~~Health and~~  
 6 ~~Rehabilitative~~ Services residential care facilities to the  
 7 district school system or to the public education agency and  
 8 which shall assist in implementing the specific intent as  
 9 stated in this act.

10           ~~(7)(8)~~ Notwithstanding the provisions of s.  
 11 230.23(4)(n), the educational program ~~programs~~ at Arthur  
 12 ~~Dozier School for Boys~~ and the Marianna Sunland Center in  
 13 Jackson County ~~and the Florida School for Boys in Okeechobee~~  
 14 shall be operated by the Department of Education, either  
 15 directly or through grants or contractual agreements with  
 16 other public educational agencies. The annual state  
 17 allocation to any such agency shall be computed pursuant to s.  
 18 236.081(1), (2), and (5) and allocated in the amount that  
 19 would have been provided the local school district in which  
 20 the residential facility is located.

21           Section 6. Section 985.317, Florida Statutes, is  
 22 created to read:

23           985.317 Literacy Programs for Juvenile Offenders.--

24           (1) INTENT.--It is the intent of the Legislature that  
 25 mandatory literacy programs for juvenile offenders committed  
 26 by the court and placed in residential commitment programs be  
 27 established. Juvenile offenders shall have the opportunity to  
 28 achieve reading and writing skills as a means to further their  
 29 educational and vocational needs and to assist them in  
 30 discontinuing a life of crime. The literacy programs shall be  
 31 of high quality, targeted to the juvenile offender's assessed

1 ability and needs, and use appropriate instructional  
2 technology and qualified educational instructors. The programs  
3 shall be offered in each residential commitment program  
4 operated by or under contract with the department and shall  
5 consist of standardized outcomes so that an offender who is  
6 transferred to another facility may be able to continue his or  
7 her literacy education with minimal disruption.

8 (2) JUVENILE OFFENDER LITERACY PROGRAMS.--The  
9 Department of Education, in consultation with the Department  
10 of Juvenile Justice, shall identify and, contingent upon  
11 specific appropriations, implement, and administer juvenile  
12 offender literacy programs for each residential commitment  
13 programs operated by or under contract with the department.  
14 These programs shall promote the reading and writing skills of  
15 juvenile offenders.

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

19 2. An offender 17 years of age or older who is  
20 admitted to a residential commitment program on or after July  
21 1, 1998, shall be required to participate in a literacy  
22 program. An offender 17 years of age or older who was  
23 committed to a residential commitment program before July 1,  
24 1998, may voluntarily participate in a program if the offender  
25 otherwise meets the requirements for eligibility.

26 (b) An offender is eligible to participate in a  
27 program if the offender is unable to read and write at a  
28 sixth-grade level and is not exempt under subsection (4).

29 (c) In addition to any other requirements determined  
30 by the department, a literacy program shall:

31

1           1. Provide for the participation of an offender who  
2 may not attain a sixth-grade or higher reading and writing  
3 level due to a medical, developmental, or learning disability  
4 but who can reasonably be expected to benefit from a literacy  
5 program.

6           2. Require an eligible offender to participate in a  
7 minimum of 240 hours of education per year unless the offender  
8 attains a sixth-grade or higher reading and writing level or  
9 is released from the commitment facility.

10           3. Require counseling for an offender who has not  
11 achieved a sixth-grade or higher reading and writing level  
12 after participation in a program. The counseling shall address  
13 the benefits of continuing in the program.

14           4. Include a system of incentives to encourage and  
15 reward the performance of an offender in a program.

16           5. Include a system of disincentives that may include  
17 disciplinary action if an offender refuses or intentionally  
18 fails to participate in good faith in a program.

19           6. Provide for reports to be maintained in the  
20 offender's records and forwarded to the appropriate  
21 educational facility upon the offender's release from the  
22 commitment facility.

23           (3) INITIAL ASSESSMENT.--When an offender is admitted  
24 to a residential commitment facility, the department or a  
25 provider under contract with the department shall immediately  
26 assess whether the offender has achieved a sixth-grade or  
27 higher reading and writing level. An assessment may be  
28 conducted at a juvenile assessment center as provided in s.  
29 985.209 as a part of the intake process. If the department or  
30 a provider determines that an offender has not achieved a  
31 sixth-grade or higher reading and writing level the offender

1 shall participate in a program if the offender meets the  
2 criteria for participation.

3 (4) OFFENDERS EXEMPT FROM PARTICIPATION.--If an  
4 offender is not reasonably expected to benefit from a program  
5 as a result of a medical, developmental, or learning  
6 disability, the offender may not be required to participate in  
7 a program. The determination that an offender should be exempt  
8 from a program must be made by an appropriate psychologist,  
9 psychiatrist, or physician.

10 (5) EVALUATION AND REPORT.--The Juvenile Justice  
11 Advisory Board shall evaluate the literacy program outcomes as  
12 part of its annual evaluation of program outcomes under s.  
13 985.401. The department, in consultation with the Department  
14 of Education, shall develop and implement an evaluation of the  
15 program in order to determine the impact of the programs on  
16 recidivism. The department shall submit an annual report on  
17 the implementation and progress of the programs to the  
18 President of the Senate and the Speaker of the House of  
19 Representatives by January 1 of each year.

20 Section 7. Subsection (10) of section 985.404, Florida  
21 Statutes, is amended to read:

22 985.404 Administering the juvenile justice  
23 continuum.--

24 (10) The department shall annually collect and report  
25 cost data for every program operated or contracted by the  
26 department. The cost data shall conform to a format approved  
27 by the department and the Legislature. Uniform cost data shall  
28 be reported and collected for state-operated and contracted  
29 programs so that comparisons can be made among programs. The  
30 department shall ensure that there is accurate cost accounting  
31 for state-operated services including market-equivalent rent

1 and other shared cost. The cost of the educational program  
2 provided to a residential facility shall be reported and  
3 included in the cost of a program. The department shall submit  
4 an annual cost report to the President of the Senate, the  
5 Speaker of the House of Representatives, the Minority Leader  
6 of each house of the Legislature, the appropriate substantive  
7 and appropriations committees of each house of the  
8 Legislature, and the Governor, no later than December 1  
9 ~~February 1~~ of each year. Cost-benefit analysis for educational  
10 programs will be developed and implemented in collaboration  
11 with and cooperation by the Department of Education, local  
12 providers, and local school districts. Cost data for the  
13 report shall include data collected by the Department of  
14 Education for the purposes of preparing the annual report  
15 required by s. 230.23161(17)~~and will use current data sources~~  
16 ~~whenever possible.~~

17 Section 8. This act shall take effect upon becoming a  
18 law.

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