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DATE: April 7, 1997

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
JUVENILE JUSTICE
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 695

RELATING TO: Community Control Programs/Education

SPONSOR(S): Committee on Education and Innovation and Representative Byrd

STATUTE(S) AFFECTED: ss. 39.045 and 232.271, Florida Statutes

COMPANION BILL(S): SB 1520

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

(1) EDUCATION INNOVATION YEAS 7 NAYS 0

(2) JUVENILE JUSTICE

(3)

(4)

(5)

I. SUMMARY:

CS/HB 695 requires that a public school student who has committed a felony offense and is in a community control program under the Department of Juvenile Justice (DJJ) or the Department of Corrections (DOC) or in a commitment program under DJJ must attend a public educational program other than the regular public educational school program. The alternatives include a public adult education program, a drop-out prevention program or a Department of Juvenile Justice educational program. Drop-out prevention programs include second chance schools and alternatives to expulsion.

If a student attends a regular public educational school because one of the alternatives is not available, the identity of the student, the nature of the offense, and the conditions of DJJ or DOC community control or that the student was in a DJJ commitment program would have to be revealed to his or her teachers.

A student who is in a DJJ community control program as a transition from a DJJ commitment program may be placed in a regular educational program if a DJJ case staffing committee determines that special circumstances warrant the placement.

If courses that the student needs to meet graduation requirements are not currently offered in the alternative programs, the school district could incur additional costs to offer those classes.

DJJ estimates a total fiscal impact of over \$5.1 million, of which \$2.3 is for additional case managers and is recurring. The nonrecurring portion of the estimate is based on juveniles reoffending and requiring additional detention, day treatment, and commitment beds. It is possible that CS/HB 695 will not cause as many reoffenders as DJJ estimates; therefore, the resources needed initially could be considerably less than those estimated by the department.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Requirement for Children to Attend School

Section 232.01, F.S., requires children to attend school regularly during the entire school term. A child who attains the age of 16 years during the school year shall not be required to attend school beyond the date upon which he or she attains that age. Students with special needs are not prohibited from attending school and receive the same educational instruction or its equivalent as other students, but may voluntarily be assigned to a class or program suited to their special needs. Students who are married or pregnant are examples of such students.

Adult Education

Section 239.301, F.S., provides that the purpose of adult education is to attain basic literacy skills, a high school diploma or its equivalent, and achieve a more employable, productive, and responsible life. The adult education system is charged with providing academic services to students who demonstrate skills at less than a fifth grade level, students who are seeking a high school diploma or its equivalent, and students who seek improvement through employment, a post secondary education, or speaking English. Additionally, adult education courses are offered in lifelong learning and recreational activities.

According to the Department of Education, adult general education services are available in all Florida counties. Nine of the 67 counties offer these adult services through community colleges. The state appropriates funds for the adult education program by including adults in the FTE and the adult programs in the Florida Educational Finance Program (FEFP) funding formula. However, there is an imposed funding cap and, in FY 1995-96, about half of the schools districts had over 6,000 weighted FTEs that were not funded.

Proceedings Related to Juveniles

Some of the purposes of Chapter 39, F.S., *Proceedings Related to Juveniles*, as outlined in s. 39.001, F.S., are to:

- Assure due process through which children are assured fair hearings.
- Recognize, protect, and enforce children's constitutional and other legal rights, while ensuring that public safety interests are adequately protected.
- Ensure the protection of society, by providing for a comprehensive assessment of the child's needs so the most appropriate control, discipline, punishment, and treatment can be administered; (the educational condition of a juvenile offender is part of the evaluation information included in a comprehensive assessment as defined in s. 39.01(17), F.S.).

- Assure that adjudication and disposition of child found to have committed a violation of law be exercised with appropriate discretion and meet constitutional standards of fairness and due process.

Section 39.002(3), F.S., provides state policy for juvenile justice and delinquency prevention. Among other things, the juvenile justice system is to:

- Protect the public from acts of delinquent youth.
- Provide effective methods of preventing and reducing acts of delinquency with a focus on maintaining and strengthening the family so that youth may remain in their homes or communities.
- Develop effective programs to divert youth from the traditional juvenile justice system.

To carry out this policy, the state has developed a continuum of programs designed to meet the individual needs of the youth and family and protect the community from harm. These programs range in restrictiveness according to the risks posed by the needs of individual youth. Youths who pose low risks to the community are to be diverted from juvenile court and placed in community-based diversion programs, while youth who pose higher risks to the community will go to juvenile court and may be placed on community control or if committed to DJJ, placed in secure residential facilities.

Community Control for Juveniles

Community control, defined in s. 39.01(16), F.S., and described in s. 39.054, F.S., is the least restrictive of the judicial juvenile justice programs. Community control is the legal status of probation created by law and court order in cases involving a child who has been found to have committed a delinquent act. The program allows youth to remain in their homes under the supervision of the state. It is an individualized program in lieu of commitment to the custody of the DJJ. Youth placed in community control must complete a set of court-ordered sanctions and services. These may include sanctions such as community work hours, restitution, curfew, or letters of apology or services such as individual or family counseling, or substance abuse treatment.

The court has the power to place the child in a community control program under the supervision of DJJ for an indeterminate period of time until the child reaches the age of 19 years or sooner if discharged by the court. If a child proves not to be suitable to a community control program, the court can commit the child to DJJ

The court develops, approves, and orders a plan of community control after appropriate sanctions for the offense are determined. The community control plan must contain rules, requirements, conditions, and programs designed to encourage responsible and acceptable behavior and to promote the rehabilitation of the child and the protection of the community (s. 39.059(7)(f), F.S.). The court may receive and consider any other relevant and material evidence, including other reports, written or oral, in its effort to determine the action to be taken with regard to the child.

The court must notify any victim of the offense and the parents, or guardians of the child to attend the hearing (s. 39.059(7)(h), F.S.). Upon completion of the predisposition

report, it must be made available to the child's counsel and the state attorney by DJJ prior to the disposition hearing (s. 39.059(7)(l), F.S.).

DJJ case managers are required to monitor, coordinate and supervise all aspects of the community control order. All offenders assigned to community control must attend school if they are under the age of 16. If the offender is over the age of 16, he or she has the option, depending upon the court order, of attending school or working.

Pursuant to s. 39.045(11), F.S., a law enforcement agency is required to notify the superintendent of schools if a child of any age is taken into custody for an offense that would be a felony if committed by an adult or a crime of violence. The information obtained from the law enforcement agency must be released within 48 hours to appropriate school personnel, including the principal of the school the child attends. The principal must immediately notify the child's classroom teachers.

Additionally, s. 39.045(5), F.S., requires each county, the sheriff, the chiefs of police, the district school superintendent and the department to enter into an interagency agreement to share information about juvenile offenders. The agreement specifies the conditions under which summary criminal history information is made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate DJJ personnel.

The law specifies that information about juveniles under part II of chapter 39, F.S., can be released only to authorized personnel of the court, the DJJ the Department of Corrections, the Parole Commission, the Juvenile Justice Advisory Board, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and any others entitled under chapter 39, F.S., to receive information or upon order of the court.

Performance Audit of Community Control by The Office of Program Policy Analysis and Government Accountability (OPPAGA)

According to a July 19, 1995, performance audit of community control by the Office of Program Policy Analysis and Government Accountability, community control was serving many youth who, according to DJJ criteria, could be diverted to non-judicial programs. Of the reviewed cases, 54 percent had low risk scores and could have been diverted from the judicial system. Supporting this finding is the Auditor General's audit report No. 12293, dated May 10, 1994, which found that the state's primary diversion program, the Juvenile Alternative Services Program, was not being used to divert youth from community control.

Another finding of the July 19, 1995 OPPAGA report was that DJJ case managers frequently failed to develop case plans, actively monitor youth's behavior, or routinely assess each youth's progress in meeting court ordered requirements. As a result, case managers did not always know whether youth were completing court-ordered terms and conditions. The report further states that monitoring compliance is an essential part of holding youth accountable, first for their criminal action, and then for completing court sanctions. Unless youth are held accountable, court orders will not command their respect or serve as a deterrent. The report expressed concern over whether case

managers were visiting youth in their homes or schools and monitoring their behavior in the community.

One of the reasons for the lack of such visits and monitoring was the size of case managers' case loads. In some instances, a recommended case load should be 32 and the case managers would actually be handling closer to 50 cases. If case loads are geographically spread out, this is also more time-consuming. Time and budget constraints can also limit case work.

Juvenile Justice Advisory Board 1997 Annual Report

The *Juvenile Justice Advisory Board 1997 Annual Report* was published on February 17, 1997. According to the report:

- In FY 1995-96, 35,079 cases, or 24,270 youth, were placed on community control. This was a decrease of 1,801 cases, or 5%, from the previous fiscal year.
- Since FY 1991-92, there has been a 32% increase in the number of delinquency cases placed on community control, with the number growing from 26,643 to 35,079 in FY 1995-96.

Profile of Delinquency Cases and Youths Referred

The following data on cases and youths placed on community control is from the *Profile of Delinquency Cases and Youths Referred* prepared by the Bureau of Data and Research, Florida Department of Juvenile Justice, Management Report Number 36, in December 1996.

- Number of cases disposed to community control rose 32 percent from FY 1991-92 to FY 1995-96, but declined 5 percent last year. During the same period, the number of youth placed on community control increased 35 percent and declined 3 percent last year.
- In FY 1991-92, the percentage of cases placed on community control for felony charges was 47 percent and the percentage of youth was 56 percent. By FY 1995-96, both the number of cases and youths had declined to 37 percent and 45 percent.
- Burglary is the most common felony offense for cases placed on community control, comprising 13 percent of the total and 36 percent of the felony cases referred. The number of youths placed on community control for burglary was 2 percent lower than in FY 1991-92.
- Shoplifting is the most common misdemeanor offense for cases on community control, comprising 10 percent of the total and 23 percent of the misdemeanor cases referred. From FY 1991-92 to FY 1995-96, the number of shoplifting cases disposed to community control increased 45 percent and the number of youths increased by 58 percent. Last year the number of shoplifting cases in community control declined 5 percent and the number of youths declined 4 percent.

- Number of youths placed on community control for auto theft declined 23 percent last year. The number of youths placed on community control for violent felonies grew 20 percent.
- The number of marijuana felony cases placed on community control increased 151 percent. The number of non-marijuana felony cases placed on community control was 11 percent higher in FY 1995-96 than in FY 1991-92; there was a 7 percent decline last year.
- Number of white male cases placed on community control was 30 percent higher in FY 1995-96 than in FY 1991-92, while the number of black male cases was 13 percent higher. During the same period, the number of white female cases increased by 107 percent and black female cases increased by 61 percent. While the number of male cases increased 23 percent during the five year period, the number of female cases increased by 84 percent.
- In FY 1991-92, 48 percent of the youths on community control were white males, 35 percent were black males, 8 percent were white females and 8 percent were black females. In FY 1995-96, 47 percent were white males, 31 percent were black males, 12 percent were white females and 9 percent were black females.
- Last year, the number of youths placed on community control was down 3 percent overall, with a decline of 3 percent for white males and 6 percent for black males. Female placements were up with 4 percent for white females and 1 percent for black females.

The following table indicates total number of cases and youths placed on community control for the years of the study.

	Total Cases	Total Youth
FY 1991-92	26,643	17,974
FY 1992-93	28,892	19,437
FY 1993-94	31,904	21,736
FY 1994-95	36,880	24,969
FY 1995-96	35,079	24,272

The Department of Juvenile Justice Management Report Number 34, *Community Control 1994-95*, states that:

- Average age of the juvenile placed on community control during fiscal year 1994-95 was 15.9 years

- Average age at the time of discharge from community control was 16.6 years of age
- Six percent of juveniles on community control are 12 years or age or younger

Information from the Department of Juvenile Justice

A total of 10,870 felony offenders were disposed to community control by the courts during FY 1995-96. Of that number an estimated 55 percent or 5,945 were of mandatory school age or 15 years old or younger. A total of 5,750 juveniles were committed for felony offenses by the courts during FY 1995-96, and an estimated 44 percent or 2,547 were of mandatory school age.

Department of Corrections' Community Control for Adults

DOC community control as defined in s. 948.001, F.S., means a form of intensive supervised custody in the community, including surveillance on weekends and holidays, administered by officers with restricted caseloads. It is an individualized program in which the freedom of an offender is restricted within the community, home, or noninstitutional residential placement and specific sanctions are imposed and enforced.

Community control is one of several community supervision programs operated by DOC. Other community supervision programs as part of the original sentence include probation, administrative probation, drug offender probation, community control with electronic monitoring, and pretrial intervention. In addition, DOC operates post-prison community supervision programs. These include parole and conditional release.

According to DOC, on June 30, 1996, there were 98,420 offenders on probation, 7,857 offenders on drug offender probation, 13,562 offenders on community control, 903 offenders on community control/electronic monitoring, and 7,813 offenders on pretrial intervention.

Defendants are placed on community control through court orders. If it appears to the court in the case of a felony disposition that probation is an unsuitable dispositional alternative to imprisonment, the court may place the offender in a community control program. If this sentencing alternative is used, the court must:

- determine what community based sanctions will be imposed;
- develop, approve, and order a plan containing rules, requirements, conditions, and programs designed to encourage noncriminal functional behavior and promote the rehabilitation of the offender and the protection of the community; and
- require DOC to provide notifications to the original arresting law enforcement agency, the county sheriff or chief law enforcement officer of the county in which the offender is to be placed, and the chief of any local law enforcement agency

The court may also impose split sentences which place the defendant into community control upon completion of any specified period of imprisonment.

If an offender has not obtained a high school diploma or equivalency or lacks literacy skills, a good faith effort toward completion can be a condition of community control. This condition is dependent upon the offender's acceptance into an adult education program. Community control cannot be revoked for failure to achieve the diploma or skills, but can be revoked for failure to make a good faith effort toward the diploma or skills. If the offender successfully completes the educational program, community control may be terminated by the court.

According to DOC, on June 30, 1996, statewide there were 14,465 offenders on community control (including electronic monitoring). Of these, 1,258 were 19 years old or younger. Specifically, those ages were:

Age Groups	Community Control Offenders
16 and under	87
17	182
18	368
19	621
Total	1,258

Of the entire 1,258 community control offenders, DOC estimates that there are only a couple of hundred who are in public education programs.

According to DOC, on June 30, 1996, statewide there were 98,420 offenders on probation. Of these, 5,966 were 19 years old or younger. There were 7,857 offenders on drug offender probation and 319 were 19 or younger.

B. EFFECT OF PROPOSED CHANGES:

CS/HB 695 requires that a public school student who is on a DJJ or DOC community control or returning from a DJJ commitment program for a felony offense must attend one of the following rather than a regular educational school program if the school district offers such a program.

- public adult education program;
- drop-out prevention program, including second chance schools and alternatives to expulsion; or
- educational program for students in DJJ commitment programs.

Several exceptions to placement in one of the above programs include the following:

- If the student is transitioning from a DJJ commitment program to the DJJ community control program and a DJJ case staffing committee determines that special circumstances warrant such a placement.
- If an alternative school program is not available.

If an alternative school program is not available in the school district, the identity of the student, the nature of the offense, and the conditions of community control would have to be revealed to the teachers of the student. The current required interagency agreement between the sheriff, the chiefs of police, the district school superintendent, and DJJ will have a new requirement that the teacher of any student who is in a community control or commitment program for a felony offense be notified.

The intent of the bill is to remove disruptive students who have violated the law from the classroom. If the student is granted one of the exceptions and remains in the regular educational program, he or she may be removed from the classroom by the teacher if he or she disrupts communication between the teacher and other students or interferes with the ability of classmates to learn on one or more occasion.

According to DJJ, case managers currently have more cases to monitor than they can effectively manage. Any new activities which need to be monitored, such as attending school at a different time or location, could create a greater workload for the case managers. Consequently, more case managers may be needed.

DJJ contends that more juveniles could be placed "deeper" into the Florida juvenile justice system due to the implementation of CS/HB 695. This could lead to an increase in the number of detention beds and case managers needed.

If courses that the student needs to meet graduation requirements are not currently offered in the alternative programs, the school district could incur additional costs to offer those classes. Additional costs could also be incurred by the district for transportation or for students who have unique or special needs.

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?

The Department of Education has general rule making authority to make rules for all education programs.

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

Although the school district is not required in CS/HB 695 to create an alternative school program, if they have a program, they would be required to accept the student in the program. The bill does not specify whether the district would be required to offer the same courses as the student would be taking if attending public school during the day or whether the district could expel the student if the student was continually disruptive in the alternative program.

The DJJ case manager could have additional monitoring responsibilities to ensure that the student was attending the alternative program, especially if the program was during the evening hours rather than during the day.

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

Not applicable.

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

Not applicable.

- (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?

No.

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

No.

4. Individual Freedom:

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

No.

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

Students who are on DJJ or DOC community control or DJJ commitment programs would be required to transfer to the alternative programs if a program is offered in the school district.

5. Family Empowerment:

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

Not applicable.

(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?

No.

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:

CS/HB 695 does change a program involving public education for students on DJJ or DOC community control or DJJ commitment programs. However, the DJJ case staffing committee has some decision making power for whether it is in the best interest of the student to change to the alternative educational program. This gives the opportunity for information regarding the specific situation of the student to be taken into consideration.

(1) parents and guardians?

Parents and guardians have no input as to whether the student is transferred to an alternative program or remains in the regular public educational program.

(2) service providers?

The school has no choice as to whether the student is transferred to the alternative program or remains in the regular public educational program, except that the DJJ case staffing committee can make some exceptions for students.

(3) government employees/agencies?

DJJ, through the case staffing committee, has input into whether the student is transferred to the alternative program.

D. SECTION-BY-SECTION ANALYSIS:

Section 1 Establishes legislative intent of creating a positive and safe learning environment for children and keeping disruptive children from affecting the ability of public school students to learn.

Requires students in a DJJ or DOC community control or returning to a community control program from a DJJ commitment program to attend an alternative public educational program if school district has such a program available. Requires disclosure of student's identity, nature of committed felony offense, and conditions of community control or commitment program to teachers of students who attend a regular educational program and are in community control program.

Provides that a student who is on DJJ community control as part of a transition from a DJJ commitment program may be placed in a regular educational program if a case staffing committee determines that special circumstances exist.

Section 2 Amends s. 232.271, F.S., Supplement, relating to the removal by teachers of students from the class, by adding a paragraph allowing a student to be removed if the student is in a DJJ or DOC community control or DJJ commitment program and interferes with the teaching or learning process in the classroom.

Section 3 Amends s. 39.045, F.S., Supplement, relating to confidential information, by providing that the required interagency agreement with juvenile offender information includes notification to the offender's teachers.

Section 4 Provides an effective date of July 1, 1997.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

The Department of Juvenile Justice contends that more juveniles could be placed "deeper" into the Florida juvenile justice system due to the implementation of CS/HB 695. This could lead to an increase in the needed number of detention beds and case management workers.

Based on department calculations, if 20 percent of the 1,698 juvenile school age felony offenders, which will be 340 juveniles, reoffend and must be held in secure

detention, the estimated cost for construction of nine additional detention beds (340 residents X 10 days divided by 365 days) would be required. The cost estimate is **\$652,500** (9 X \$72,500).

If 10 percent of the 1,698 juvenile school age felony offenders, which will be 170 juveniles, were committed to a residential commitment program as a result of violating their court ordered placement, more beds would be required. If 50 percent of the 170 juveniles, which is 85 juvenile residents, are placed in a residential commitment program, new construction of 42 residential beds will be needed (85 X 180 days divided by 365 days). The cost estimate is **\$2,184,000** (42 X \$52,000).

2. Recurring Effects:

More case managers could be needed to process the increased number of juveniles who violate their educational sanctions while on community control and are referred to the court for violation of community control. The department estimates a need for 4 additional case managers. The cost estimate is **\$196,908**.

The cost estimate for secure detainment for the 340 reoffenders (20 percent X 1,698) at an average cost of \$86 per day for an average of 10 days will be **\$292,400**.

If 10 percent of the 1,698 juveniles, which would be 170, processed by the department are committed as a result of violating their court ordered placement and 50 percent of the 170 are placed in day treatment and 50 percent of the 170 are placed in a residential commitment program, the department estimates the following costs:

50 % of 170 = 85

Day treatment = \$45/day for average of 180 days = **\$688,500**

Residential commitment program = \$75/day for 180 days = **\$1,147,500**

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

Based on DJJ calculations and estimates, the total fiscal impact is over **\$5.1 million**.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

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

None.

D. **FISCAL COMMENTS:**

DJJ states that all figures may result in as much as an estimated 5 percent increase annually. All estimates are based on information and estimated percentages from the DJJ. The nonrecurring portion of the estimate is based on juveniles becoming reoffenders and requiring additional beds. It is possible that CS/HB 695 will not cause as many reoffenders as DJJ estimates; therefore, the resources needed initially could be considerably less than those estimated by DJJ.

IV. 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.

V. COMMENTS:

According to an analysis of the CS for this bill by the Department of Education (DOE), the specific inclusion of students who are on DJJ or DOC community control as an additional justification for removal by a teacher may be biased against these students, since any student is currently subject to removal from the classroom if the student interferes with the learning of their classmates or if it is determined by the teacher that the student is unruly, disruptive, or abusive. DOE recommends that Section 2 of the bill be removed.

The CS for this bill as currently written, in addition to DJJ community control, applies only to offenders on DOC community control. Community control is only one form of DOC community supervision. If an intent of this bill is to remove students from the regular public school program who are on any form of DJJ or DOC supervision in the community and require them to be placed in alternative school settings, there will be students in DOC community supervision programs not covered by this bill.

The bill does provide that if there are insufficient alternative school programs available in the school district, the student on DJJ or DOC community control who is in a regular educational school program may continue to attend this program. All of the student's teachers would be provided detailed information regarding the student's criminal offense and the terms and conditions of community control.

Should a school district choose to establish a sufficient number of alternative school programs, all students on DJJ or DOC community control would not be permitted to attend a regular public school.

A policy choice for the Legislature is to what extent students on DJJ or DOC community control should be permitted to attend regular public school programs balanced against the school and teachers' ability to maintain order in the classroom and have removed those students who are disruptive in the classroom. Students in regular school programs who are on DJJ or DOC community control and doing well in school may be penalized under this bill.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

HB 695 was prefiled by Representative Byrd on February 19, 1997, and referred to the Committees on Education Innovation and Juvenile Justice on March 4, 1997. On March 13, 1997, the Education Innovation Committee unanimously passed the bill as a committee substitute. The committee substitute differs from the original bill in the following ways:

- ◆ Modifies intent language
- ◆ Expands group of students who must attend an alternative education program to include students in community control or commitment programs supervised by the Department of Juvenile Justice or Department of Corrections and who have

committed a felony offense. The original bill only included students in a community control program and did not specify the felony offense.

- ◆ Changes requirement for attendance at “a public education adult and community night school education program” to a choice of three options:
 1. Public adult education program
 2. Dropout prevention program, including second chance schools and alternatives to expulsion
 3. Educational programs for students in the Department of Juvenile Justice commitment programs
- ◆ Removes requirement that student on the community control or commitment program work for 40 hours per week
- ◆ Allows a student in transition from a commitment program via a community control program to be placed in a regular educational program if a case staffing committee determines that special circumstances warrant such a placement
- ◆ Allows a teacher to remove from class a student who is under supervision by the Department of Juvenile Justice or the Department of Corrections as part of a community control or commitment program for a felony offense and who interferes with the teacher’s ability to communicate effectively with the other students or with the ability of the student’s classmates to learn on one or more occasion
- ◆ Provides that the interagency agreement, which is required between the sheriff, the chiefs of police, the district school superintendent, and the department, include the requirement that the teacher be notified of any student in his or her classroom who is on community control or commitment program for a felony offense

VII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

Legislative Research Director:

Ouida J. Ashworth

Peter C. Doherty

AS REVISED BY THE COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Legislative Research Director:

Ken Winker

Ken Winker