

STORAGE NAME: h1033s1a.ed

DATE: April 18, 1999

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
EDUCATION APPROPRIATIONS
ANALYSIS**

BILL #: CS/HB 1033

RELATING TO: Juvenile Justice Education Programs

SPONSOR(S): Committee on Juvenile Justice and Representative Bainter

COMPANION BILL(S): SB 1290 (S)

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

- (1) JUVENILE JUSTICE YEAS 13 NAYS 0
- (2) EDUCATION INNOVATION YEAS 6 NAYS 0
- (3) GOVERNMENTAL RULES AND REGULATIONS (W/D)
- (4) EDUCATION APPROPRIATIONS YEAS 11 NAYS 0
- (5)

I. SUMMARY:

CS/HB 1033 establishes systems of coordination between the Department of Juvenile Justice (DJJ) and the Department of Education (DOE) in providing educational services to youth in DJJ programs. *This summary describes the bill as amended in the Education Innovation Committee.* Specifically the bill does the following:

- Provides that youth committed to juvenile justice facilities receive all of the educational and vocational training as youth in Florida public schools.
- Requires school districts to operate schools on a 12-month basis, 250 days yearly with no more than ten of those days being used for teacher planning.
- Stipulates that youth committed to DJJ facilities participate in all required statewide assessment testing.
- Requires the state board to adopt rules articulating expectations for high quality and effective education programs for youth committed to DJJ facilities by August 1, 1999.
- Directs DOE to develop model contracts for the appropriate delivery of services.
- Requires youth in DJJ facilities to have school records and assessments included with them upon entering and exiting commitment programs to ensure proper educational training.
- Provides committed youth with the opportunity to earn a GED prior to release with any associated fees waived.
- Authorizes funding for juvenile justice programs through the FEFP at a weighted cost factor.
- Provides for students with disabilities to be funded at the highest ESE weight for which the student qualifies.
- Requires any funding beyond 180 days be specified in the General Appropriations Act.
- Directs that at least 90 percent of the FEFP funding and 100 percent of the formula-based categorical funds generated by students in DJJ programs must be spent on instructional costs.
- Requires DOE to develop and conduct quality assurance site visits in coordination with the DJJ quality assurance site visits.
- Directs the Department of Management Services to review existing facilities to determine the adequacy of the facilities for educational use. This study will generate a three-year plan to be used by the departments when constructing or retrofitting DJJ educational facilities.
- Directs the JJAB to study the extent and nature of education programs for committed youth.
- Requires the DOE to work to develop a plan for education in detention centers.
- Stipulates that DJJ facilities participate in the school improvement process.

This bill reallocates revenue from the FEFP and categorical program appropriations to provide a proportionate or minimum share to Juvenile Justice education programs for delivery of educational services. This reallocation is achieved through a number of provisions which guarantee weighted levels of funding and minimum percentage allocations of revenue earned in the funding formula.

The bill also requires that students in Juvenile Justice education programs be funded for the entire summer school period, from the end of the regular school year, to the beginning of the subsequent school year. This expansion of the summer school educational program is estimated to cost between \$3 and \$8 million. The FEFP funding entitlement would increase as a result of this expansion; however, no additional funds are anticipated to be provided in the appropriation specifically for this purpose.

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The bill also contains a \$100,000 appropriation from nonrecurring general revenue to the DOE to conduct a study of existing education facilities and needs in anticipation of the development of a plan and fixed capital outlay budget request for DJJ educational facilities. In addition, the DOE anticipates the need for three positions to conduct the QA visits and to offer on-site technical assistance to school districts and their DJJ districts. The estimated cost for these positions is \$215,000.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Educational Services in Department of Juvenile Justice Programs

Section 230.23161, F.S., establishes the regulations for providing educational services in Juvenile Justice programs. Students participating in a detention, commitment, or rehabilitation program pursuant to chapter 985 which is sponsored by a community-based agency or is operated or contracted for by the Department of Juvenile Justice (DJJ) receive educational programs according to rules of the State Board of Education. These students are eligible for services afforded to students enrolled in Florida's system of free and public schools and all corresponding State Board of Education rules.

The district school board of the county in which a DJJ facility is located must provide appropriate educational assessments and an appropriate program of instruction and special education services. The district school board must make provisions for each student to participate in basic, vocational, and exceptional student programs as appropriate. Each program is subject to applicable law providing for the operation of public schools and rules of the state board.

Time in School

A school day for any student in a DJJ program is the same as in the public school system. Educational services are provided at times of the day most appropriate for the program. School programming in juvenile justice detention, commitment, and rehabilitation programs must be made available during the regular school year and the summer school by the local school district.

Educational Program

The juvenile justice educational program consists of appropriate basic academic, vocational, or exceptional curricula and related services which may lead to completion of the requirements for receipt of a high school diploma or its equivalent. If the duration of a program is less than 40 days, the educational component may be limited to tutorial activities and vocational employability skills.

Participation in the program by students of compulsory school attendance age, between the ages of 6 and 16 is mandatory. All students of noncompulsory school-attendance age who have not received a high school diploma or its equivalent must participate in the educational program. Students in juvenile justice programs are provided a wide range of educational programs and opportunities including textbooks, technology, instructional support, and other resources available to students in public schools.

Teachers

The school district is responsible for recruiting and training teachers who are interested, qualified, or experienced in educating students in juvenile justice programs. Teachers assigned to educational programs in juvenile justice settings are to be selected by the school district in consultation with the director of the juvenile justice facility. Educational programs in DJJ facilities also have access to the substitute teacher pool utilized by the school district.

Funding

School districts are authorized and strongly encouraged to contract with a private provider for DJJ educational programs. The school districts also generate local, state, and federal funding, including funding through the FEFP for DJJ students. The Legislature's intent is that the school district maximize its available local, state, and federal funding to a juvenile justice program.

The local school district is required to fund the education program in a DJJ facility at the same or higher level of funding for equivalent students in the county school system. This funding is based on the funds generated through the FEFP.

Cooperative Agreements

Each school district negotiates a cooperative agreement with the DJJ on the delivery of educational services under the jurisdiction of the department. Such agreement must include, but is not limited to:

- Roles and responsibilities of each agency, including the roles and responsibilities of contract providers.
- Administrative issues including procedures for sharing information.
- Allocation of resources including maximization of local, state, and federal funding.
- Procedures for educational evaluation for educational exceptionalities and special needs.
- Curriculum and delivery of instruction.
- Classroom management procedures and attendance policies.
- Procedures for provision of qualified instructional personnel, whether supplied by the school district or provided under contract by the provider, and for performance of duties while in a juvenile justice setting.
- Provisions for improving skills in teaching and working with juvenile delinquents.
- Transition plans for students moving into and out of juvenile facilities.
- Procedures and time lines for the timely documentation of credits earned and transfer of student records.
- Methods and procedures for dispute resolution.
- Provisions for ensuring the safety of educational personnel and support for the agreed-upon education program.
- Strategies for correcting any deficiencies found through the quality assurance process.

This cooperative agreement does not preclude the development of an operating agreement or contract between the school district and the provider for each juvenile justice program in the school district where educational programs are to be provided. Nothing in a cooperative agreement shall be construed to require the school board to provide more services than can be supported by the funds generated by students in the juvenile justice programs.

The Department of Education in consultation with the DJJ, is required to establish standards and a comprehensive quality assurance review process and schedule for the evaluation of the educational component in juvenile justice programs.

Rule Making Authority

According to s. 230.23161(19), F.S., DOE has the authority to adopt any rules necessary to implement the program, including uniform curriculum, funding, and second chance schools. Such rules must require the minimum amount of paperwork and reporting necessary for compliance.

Program Reviews

Education for juvenile offenders is considered a cornerstone in the rehabilitative process. But many states, including Florida, have been slow in organizing and supplying the necessary educational programs for youth in juvenile justice educational facilities. To address this problem, the Legislature directed the Juvenile Justice Accountability Board (JJAB) and the Office of Program Policy Analysis and Government Accountability (OPPAGA)(Chapter 89-186, Laws of Florida) to conduct independent reviews of education programs in juvenile justice facilities. The reports were conducted between July and December 1998.

OPPAGA - Review of Education Services in Juvenile Justice Residential Facilities

OPPAGA conducted a performance review of the education services offered to youth in the 150 juvenile justice residential facilities. The study found that in reading skills, 80% of youth were one or more years below the grade level appropriate for their age and in math skills, 90% of the youth scored one or more years below the grade level appropriate for their age. Even though the majority of youth improved by at least one grade level during their residential stay, most youth remained below their age-appropriate grade level when released.

In most cases the report found youth benefiting from the educational services offered at residential programs; however, the programs fail to assist youth in completing their high school education through alternative ways such as the General Equivalency Diploma (GED) or the General Equivalency Diploma/High School Competency Test (GED/HSCT). According to the OPPAGA report, 93% of youth leaving residential programs enter the workforce, and only 13 percent of youth earned a high school

diploma during their commitment. One other hindrance for educational providers cited by the report, is the difficulty of obtaining educational records for the youth served. Records from previous schools describe skill levels, performance and course work. Without these records it is difficult to develop appropriate educational goals.

The report identified a lack of training in the area of vocational education. Most residential programs offered a range of subjects including math (87%), language (85%), life skills (69%), social studies (67%), science (64%), and vocational education (44%), with vocational education being the least offered training area. There are 24 programs that do not offer any vocational training.

School districts are not held accountable for the educational services provided in residential commitment facilities. Many residential programs are not included in the Blueprint 2000 school improvement process nor are they subject to the Department of Education's critically low performing school list. The only standard reviews come from DJJ 's yearly Quality Assurance review of every juvenile justice program.

Also, identified in the OPPAGA report is the lack of consistent, ongoing education classes. Thirty-one percent of the facilities surveyed reported that they were unable to provide instruction for extended periods of time due to school district calendars.

General Findings and Recommendations from OPPAGA

Findings in Student Performance

- Most students enter residential facilities performing below their grade level in reading and math. Over one-third are considered exceptional education students and two-thirds have a history of truancy.
- Most youth remained below their age-appropriate grade level when released despite some gains in educational programs.
- Funding and age requirements limit opportunities for youth to earn a GED while in residential programs.

Findings in Classroom Conditions

- Eighty-three percent of teachers in residential programs are certified, but more teachers certified in Exceptional Student Education are needed.
- Educational planning is hindered by difficulty in obtaining records from out-of-county schools.
- More vocational education is needed.
- Student/teacher ratios met correctional standards and student/computer ratios were adequate in most education programs.
- At more than 25 percent of the facilities, the number of days that instruction is not available due to summer vacation and other breaks is a concern.

Findings in Accountability

- The success of residential education programs is not determined by whether school districts provide education directly or hire contractors. Either model can achieve success with the right support and active participation of the school district and the juvenile justice facility.
- School districts are not held accountable for the educational services provided in residential commitment facilities

Juvenile Justice Accountability Board (JJAB) - Report of Findings on the Education of Juvenile Offenders

The Legislature directed the JJAB to “conduct a study to determine the extent and nature of education programs for juvenile offenders committed by the court to the DJJ and for juvenile offenders under court supervision . . . analyze existing juvenile justice education policy, statutes, programs, services and resources and identify new directions for juvenile justice education.” (Chapter 98-186, Laws of Florida) The JJAB report identified 30 findings including many of those identified by the OPPAGA study.

The JJAB report identified the lack of consistent funding for juvenile justice programs statewide. All school districts reported using the standard Florida Educational Finance Program (FEFP) funding formula for calculating the budget allocations for juvenile justice facilities whether those services were contracted or provided by the school districts. The FEFP bases financial support upon the individual student participating in a particular education program (a full time equivalency or FTE count). Students are counted in July, October, February and June. If a student is not enrolled and present in an education program during the full time equivalency (FTE) count, no funds are generated to support that student's participation in the program.

The entry and exit of students in commitment and detention programs are not consistent with the FTE counting procedures. The JJAB recommends that education programs in commitment and detention facilities should be funded by the Legislature based on the number of beds or program slots contracted to each facility whether or not the bed or slot is filled at the time of reporting.

Other funding recommendations by the JJAB are:

- Education services are funded on a 12-month calendar with the extended service funded by a supplemental appropriation.
- At least 90 percent of the FEFP funds generated and a prorated share of state and federal categorical funds for education (based on unweighted FTE or other state and federal categorical funds for education) should be spent on direct services in juvenile justice education facilities. State and categorical funding includes discretionary lottery, technology, instructional materials, transportation, Title I and the Individuals With Disabilities Education Act (IDEA).
- Students in juvenile justice residential and non-residential facilities should be funded at the Dropout Prevention weight or at an enhanced level justified by the Exceptional Students Education matrix (ESE).

Progress Towards Developing Effective Educational Programs in Department of Juvenile Justice Programs 1998 Report to the Legislature

This report, prepared by the Department of Education, provides information regarding school district expenditures on Juvenile Justice education programs for 1997-98. In 1997-98, on the average, school districts spent 114.24% of their revenue on DJJ programs relative to the FEFP revenue provided. Total FEFP revenue provided was \$49.1 million; total expenditures were \$56.1 million. Nine districts spent less than 80% of their revenue on DJJ programs, and sixteen districts spent less than 90% of their DJJ revenue on DJJ programs.

In addition, of the \$56.1 million that school districts spent on DJJ programs, \$45.2 million, or 80% was spent on direct instructional costs, with the remaining expenditures, or 20%, provided for indirect costs.

B. EFFECT OF PROPOSED CHANGES:

This section of the analysis describes the changes made in the Education Innovation Committee.

Educational Services in Department of Juvenile Justice Programs

CS/HB 1033 requires DOE to recommend an administrative rule articulating expectations for high-quality, effective education programs for youth in DJJ programs, including, but not limited to, education programs in juvenile justice commitment and detention facilities. The state board is

required to adopt the rule by August 1, 1999. The rule must articulate policies and standards for education programs for youth in Department of Juvenile Justice programs and include the following:

- The interagency collaborative process needed to ensure effective programs with measurable results.
- The responsibilities of the Department of Education, the Department of Juvenile Justice, school districts, and providers of education services to youth in Department of Juvenile Justice programs.
- Academic expectations.
- Service delivery options available to school districts, including direct service and contracting.
- Assessment procedures, which:
 - Include appropriate academic and vocational assessments administered at program entry and exit which are selected by the Department of Education in partnership with representatives from the Department of Juvenile Justice, school districts, and providers.
 - Require school districts to be responsible for ensuring the completion of the assessment process.
 - Require assessments for students in detention who will move onto commitment facilities, to be designed to create the foundation for developing the student's education program in the assigned commitment facility.
 - Require assessments of students sent directly to commitment facilities to be completed within the first week of the student's commitment.
- The results of these assessments, together with a portfolio depicting the student's academic and vocational accomplishments, must be included in the discharge package assembled for each youth.
- Recommended instructional programs including, but not limited to, vocational training and job preparation.
- Funding requirements, which shall include the requirement that at least 90 percent of the FEFP funds generated by students in Department of Juvenile Justice Programs be spent on instructional costs for those students. One hundred percent of the formula-based categorical funds generated by students in Department of Juvenile Justice Programs must be spent on appropriate categoricals such as instructional materials and public school technology for those students.
- Qualifications of instructional staff and procedures for the selection of instructional staff.
- Transition services, including the roles and responsibilities of appropriate personnel in school districts, provider organizations, and the Department of Juvenile Justice.
- Procedures and time frame for transfer of education records when a youth enters and leaves a facility.
- The requirement that each school district maintain an academic transcript for each student enrolled in a juvenile justice facility which delineates each course completed by the student as provided by the State Course Code Directory.
- The requirement that each school district make available and transmit a copy of a student's transcript in the discharge packet when the student exits a facility.
- Contract requirements.
- Performance expectations for providers and school districts, including the provision of academic improvement plan as required in s. 232.245, F.S.
- The role and responsibility of the school district in securing workforce development funds.

- A series of graduated sanctions for school districts whose educational programs in Department of Juvenile Justice facilities are considered to be unsatisfactory and for instances in which school districts fail to meet standards prescribed by law, rule, or State Board of Education policy.

These sanctions shall include the option of requiring a school district to contract with a provider or another school district if the educational program at the Department of Juvenile Justice facility has failed a quality assurance review and after six months, is still performing below minimum standards.

- Other aspects of program operations.

By January 1, 2000, the Department of Education in partnership with the Department of Juvenile Justice, school districts, and providers shall:

- Develop model contracts for the delivery of appropriate education services to youth in Department of Juvenile Justice programs to be used for the development of future contracts. The model contracts shall reflect the policy and standards included in subsection.
- The Department of Education shall ensure that appropriate school district personnel are trained and held accountable for the management and monitoring of contracts for education programs for youth in juvenile justice residential and nonresidential facilities.
- Develop model procedures for transitioning youth into and out of Department of Juvenile Justice programs.
- Develop standardized required content of education records to be included as part of a youth's commitment record including but not limited to the following:
 - Student's individualized education plan;
 - Assessment data, including grade level proficiency in reading, writing, and mathematics, and performance on tests taken;
 - Student's permanent cumulative record;
 - Student's academic transcript; and
 - Portfolio reflecting the youth's academic accomplishments while in the Department of Juvenile Justice program.
- Develop model procedures for securing the education record and the roles and responsibilities of the juvenile probation officer and others involved in the withdrawal of the student from school and assignment to a commitment or detention facility. Effective for the 2000-2001 school year and thereafter, school districts are required to respond to requests for student education records received from another school district or a juvenile justice facility within five working days of receiving the request.

The Department of Education must ensure that school districts notify students in juvenile justice residential or nonresidential facilities who attain the age of 16 years of the provisions of s. 232.01(1)(c), F.S. regarding compulsory school attendance and make available the option of enrolling in a program to attain a general education development diploma prior to release from the facility.

School districts or community colleges, or both, are to waive GED testing fees for youth in Department of Juvenile Justice residential programs and, upon request, must designate schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs as GED testing centers, subject to GED testing center requirements.

The Department of Education is to establish and operate, either directly or indirectly through a contract, a mechanism to provide quality assurance reviews of all juvenile justice education programs and must provide technical assistance and related research to school districts and providers on how to establish, develop, and operate educational programs that exceed the minimum quality assurance standards. There is evidence to suggest that the Best Financial Management Practice and/or School District Performance reviews currently conducted by OPPAGA could be used as the quality assurance reviews required by this bill.

Time in School

Schools operating for the purpose of providing educational services to youth in DJJ programs, the school year is to be comprised of 250 days of instruction distributed over 12 months. A district school board may decrease the minimum number of days of instruction by *up to* 10 days for teacher planning. Students are funded for no more than 25 hours per week of direct instruction.

Educational Program

The Legislature finds, and research has documented, that education is the single most important factor in the rehabilitation of adjudicated delinquent youth in the custody of the DJJ in detention or commitment facilities. The DOE is to serve as the lead agency for juvenile justice education programs to ensure that curriculum, support services, and resources are provided to maximize the public's investment in the custody and care of these youth. To this end, DOE and DJJ must each designate a Coordinator for Juvenile Justice Education Programs to serve as the point of contact for resolving issues not addressed by local district school boards and to ensure each department's participation in the following activities:

- Training, collaborating, and coordinating with DJJ, local school districts, educational contract providers, and juvenile justice providers, whether state operated or contracted.
- Collecting information on the academic performance of students in juvenile justice commitment and detention programs and reporting on the results.
- Developing protocols that provide guidance to school districts and providers in all aspects of education programming, including records transfer and transition.
- Prescribing the roles of program personnel.

Students served in DJJ programs must have access to the appropriate courses and instruction to prepare them for the GED test. Students participating in GED preparation programs are funded at the weighted cost factor for DJJ programs in the FEFP.

All students of noncompulsory school-attendance age who have not received a high school diploma or its equivalent are required to participate in the educational program, unless the student files a formal declaration of his or her intent to terminate school enrollment as described in s. 232.01(1)(c), F.S., and is afforded the opportunity to attain a general education development diploma prior to release from a facility.

An academic improvement plan (AIP) must be developed for students who score below the level specified in local school board policy in reading, writing, and mathematics or below the level specified by the Commissioner of Education on statewide assessments as required by s. 232.245, F.S. These plans shall address academic, literacy, and life skills and must include provisions for intensive remedial instruction in the areas of weakness. This provision could prove to be problematic for youth in a DJJ facility, specifically a residential facility, due to the provision that academic improvement plans require a parent signature.

Each school district must maintain an academic record for each student enrolled in a juvenile justice facility as prescribed by s. 228.081, F.S. These records must delineate each course completed by the student according to procedures in the State Course Code Directory. The school district is to include a copy of a student's academic record in the discharge packet when the student exits the facility.

The Department of Education must ensure that all school districts make provisions for high school level committed youth to earn credits toward high school graduation while in residential and nonresidential juvenile justice facilities. Provisions must be made for the transfer of credits and partial credits earned.

Funding

DOE is required to work in consultation with the DJJ and the local school districts to develop a plan for education programs in detention centers. The plan shall reflect the unique needs, variability in lengths of stay, and diversity of youth assigned to juvenile justice detention centers. The plan shall anticipate the use of dropout prevention funding and appropriate education funding categories available to juvenile justice facilities and shall provide for appropriate benchmark measures. The plan

shall be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate prior to January 1, 2000, and shall include appropriate cost estimates.

The school district's planning and budgeting process are required to include the needs of DJJ programs in the district's plan for expenditures for state categorical and federal funds. Juvenile justice education programs shall be funded through the FEFP with a weighted cost factor for DJJ in accordance with s. 236.081, F.S., except that students with disabilities shall be funded at the higher of the weights for which the student qualifies. Funding for students in DJJ programs beyond the 180 day school year and summer school shall be specified in the General Appropriations Act.

Juvenile justice education programs that receive the weighted cost factor for Department of Juvenile Justice programs include those operated through a contract with the DJJ and which are under purview of the DJJ quality assurance standards for education.

Consistent with the rules of the State Board of Education, local school districts are authorized and required to request an alternative FTE survey for DJJ programs experiencing fluctuations in student enrollment. The report completed by the JJAB suggested funding by the Legislature to be based on the number of beds or program slots contracted to each facility whether or not the bed or slot is filled at the time of reporting. The funding plan proposed by CS/HB 1033 does not address this issue.

FTE count periods are prescribed in rules of the State Board of Education. The summer school period for students in DJJ programs begins on the day immediately following the end of the regular school year and end on the day immediately preceding the subsequent regular school year. Students are to be funded for no more than 25 hours per week of direct instruction. DOE is to develop a method which captures all direct instructional time provided to such students during the summer school period.

Accountability

The DOE, in consultation with the DJJ and providers, is required to establish objective and measurable quality assurance standards for the educational component of residential and nonresidential juvenile justice facilities. These standards must rate the school district's performance both as a provider and contractor. The quality assurance rating for the education component must be disaggregated from the overall quality assurance score and reported separately.

DOE is charged with developing a comprehensive quality assurance review process and schedule for the evaluation of the educational component in juvenile justice programs. The DJJ quality assurance site visit and the education quality assurance site visit shall be conducted during the same visit.

DOE, in consultation with school districts and providers, must establish minimum thresholds for the standards and key indicators for education programs in juvenile justice facilities. If a school district fails to meet the established minimum standards, the district will be given six months to achieve compliance with the standards. If after six months, the school district's performance is still below minimum standards, DOE is to exercise sanctions as prescribed by rules adopted by the State Board of Education. If a provider, under contract with the school district, fails to meet minimum standards, the school district is required to cancel the provider's contract unless the provider achieves compliance within six months or unless there are documented extenuating circumstances.

Juvenile Justice Accountability Board

CS/HB 1033 requires the JJAB is to study the extent and nature of education programs for juvenile offenders committed by the court to the DJJ and for juvenile offenders under court supervision in the community. The board must utilize a subcommittee of interested board members and may request other interested persons to participate and act as a juvenile justice education task force for the study. The task force will address, at a minimum, the following issues:

- The impact of education services on students in commitment programs;
- The barriers impeding the timely transfer of education records;
- The development and implementation of vocational programming in commitment programs;
- The implementation of provisions for earning high school credits regardless of varied lengths of stay; and
- The accountability of school districts and providers regarding the expenditure of education funds.

School Improvement

For those schools operating for the purpose of providing educational services to youth in DJJ programs, school boards may establish a district advisory council with appropriate representatives for the purpose of developing and monitoring a district school improvement plan which encompasses all such schools in the district, pursuant to s. 230.23(16)(a), F.S.

It is the intent of the Legislature that every public school in the state, including schools operating for the purpose of providing educational services to youth in DJJ programs, must have a school improvement plan, as required by s. 230.23, F.S.

Pursuant to s. 24.121(5)(d), F.S., the department is not to release funds from the Educational Enhancement Trust Fund (lottery dollars) to any district in which a school, including schools operating for the purpose of providing educational services to youth in DJJ programs, that does not have an approved school improvement plan, pursuant to s. 230.23(16), F.S., or does not comply with school advisory council membership composition requirements pursuant to s. 229.58(1), F.S. The department is required to send a technical assistance team to each school without an approved school improvement plan or to each school without appropriate school advisory council membership composition to develop a strategy for corrective action. Due to the specific population in DJJ programs, meeting the provisions of advisory board composition established in s. 229.58(1), F.S., may be difficult.

Facilities

The Department of Management Services, in consultation with DOE and DJJ, is required to conduct a review and analysis of existing education facilities to determine the adequacy of the facilities for educational use. This information is to be used to generate a three-year plan for the provision of adequate space, equipment, furnishings, and technology, including retrofitting. DOE is required to submit this plan to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of the Department of Juvenile Justice by November 1, 1999. The plan must contain sufficient detail for the development of a fixed capital outlay budget request. The amount of \$100,000 in nonrecurring general revenue is appropriated to the Department of Education for the purpose of conducting this study.

The Department of Juvenile Justice is required to provide early notice to school districts regarding the siting of new juvenile justice facilities. School districts are required to include the projected number of students in the districts' annual estimates. School districts should be consulted regarding the types of students expected to be assigned to commitment facilities for education planning and budgeting purposes. The DJJ is required to notify DOE, in writing, when a request for proposals is issued for the construction or operation of a commitment or detention facility anywhere in the state. The DJJ is required to notify in writing, the appropriate school district when a RFP is issued for the construction or operation of a commitment or detention facility when a county or site is specifically identified. The DJJ is also required to notify the district school superintendent within 30 days of the award of a contract for the construction or operation of a commitment or detention facility within that school district.

Assessments

The commissioner is directed to design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. By January 1, 2000, the Department of Education must develop, or select, and implement a common battery of assessment tools which will be used in all juvenile justice programs in the state. These tools must accurately reflect criteria established in the Florida Sunshine State Standards.

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 State Board of Education is authorized to make rules in order to administer this program.

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

The DOE and the DJJ would have increased responsibilities to youth in juvenile justice educational facilities.

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

Youth in DJJ facilities would have the fee associated with GED testing waived.

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

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

N/A

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

N/A

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

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

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

No.

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

No.

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

No.

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

No.

3. Personal Responsibility:

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

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?

No.

5. Family Empowerment:

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

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

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

N/A

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

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends ss. 228.041; 228.051; 228.081; 229.57; 229.58; 229.592; 230.23; 230.23161; 237.34; 985.401; 985.413; 985.404, F.S.

Creates s. 235.1975, F.S.

E. SECTION-BY-SECTION ANALYSIS:

The section by section analysis below, does not include the amendments adopted by the Committee on Education Innovation on March 31, 1999. Please refer to the summary, effects of the proposed changes and committee amendment sections of this bill analysis for an explanation of the amendments.

Section 1 Amends s. 228.041, F.S., defining juvenile justice provider and school year for juvenile justice programs.

Section 2 Amends s. 228.051, F.S., relating to the organization and funding of required public schools; requiring the public schools to provide instruction for youths in DJJ programs.

Section 3 Amends s. 228.081, F.S., requiring the development and adoption of a rule articulating expectations for education programs for youth in DJJ programs; requiring the development of model contracts for the delivery of educational services to youth in DJJ programs; requiring DOE to provide training and technical assistance; requiring the development of model procedures for transitioning youth into and out of DJJ programs; requiring DOE the development of model procedures regarding education records; requiring DOE to provide or contract for the provisions of quality assurance reviews of all DJJ educational programs.

Section 4 Amends s. 229.57, F.S., revising provisions relating to the statewide assessment program to include schools operating for the purpose of providing educational services to youth in DJJ programs; requiring DOE to develop and implement assessment tools to be used in DJJ programs.

Section 5 Amends s. 229.58, F.S., authorizing the establishment of district advisory councils for DJJ education programs.

Section 6 Amends s. 229.592, F.S., revising provisions relating to the implementation of the state system of school improvement and education accountability to include schools operating for the purpose of providing educational services to youth in DJJ programs; deleting obsolete language.

Section 7 Amends s. 230.23, F.S., relating to powers and duties of the school board; revising provisions relating to school improvement plans and public disclosure to schools operating for the purpose of providing educational services to youth in DJJ programs.

- Section 8** Amends s. 230.2316, F.S., relating to program criteria for drop out prevention programs; requiring common education assessments for all students assigned to residential or nonresidential commitment or detention facilities.
- Section 9** Amends s. 230.23161, F.S., relating to educational services in DJJ programs; providing legislative intent; requiring DOE to serve as the lead agency; requiring DOE and DJJ to designate a coordinator to ensure department participation in certain activities; requiring student access to GED programs; requiring certain funding; revising provisions relating to compulsory school attendance; requiring the development of an academic improvement plan for certain students; providing requirements regarding academic records; requiring provisions for the earning and transfer of credits; providing funding requirements; revising provisions relating to quality assurance standards; requiring DJJ site visit and the education quality assurance site visit to take place during the same visit; requiring the State Board of Education to adopt rules establishing sanctions for performance below minimum standards; revising requirements regarding an annual report.
- Section 10** Amends s. 235.194, F.S., requiring the submission of the district's general education facilities report to each juvenile justice district manager within the school board's jurisdiction; requiring the inclusion of educational facilities serving youth in DJJ programs in the educational facilities report.
- Section 11** Creates s. 235.1975, F.S., relating to cooperative development of educational facilities in DJJ programs; requiring a review and analysis of existing facilities; requiring the development and submission of a plan; requiring DJJ to provide certain information to school districts and DOE regarding new juvenile justice facilities; providing an appropriation; providing requirements regarding planning and budgeting.
- Section 12** Amends s. 237.34, F.S., requiring each district to expend at least 90 percent of the funds generated by juvenile justice programs on the aggregate total school costs for such programs.
- Section 13** Amends s. 985.401, F.S., requiring the JJAB to study the extent and nature of education programs for juvenile offenders.
- Section 14** Amends s. 985.413, F.S., revising the duties of district juvenile justice boards; requiring the submission of a plan for education programs in detention centers.
- Section 15** Creates a new section of law, requiring the DOE to work with DJJ and local school districts to develop a plan for detention centers and submit the plan to the Legislature and Governor.
- Section 16** Amends s. 985.404, F.S., relating to the administration of the juvenile justice consortium; correcting a cross reference.
- Section 17** Providing an effective date of upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

FY 1999-00 - \$100,000 for a DMS study on educational facilities

2. Recurring Effects:

The DOE anticipates the need for three positions to conduct the QA visits and to offer on-site technical assistance to school districts and their DJJ districts.

3 program specialists IV positions (10% above salary rate) \$54,998

Position benefits \$5,236

Operating Capital Outlay \$3,302

Travel \$8,000

Total per position \$71,563

Overall total \$214,689

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

This bill reallocates revenue from the FEFP and categorical program appropriations to provide a proportionate or minimum share to Juvenile Justice education programs for delivery of educational services. This reallocation is achieved through a number of provisions which guarantee weighted levels of funding and minimum percentage allocations of revenue earned.

The bill also requires that students in Juvenile Justice education programs be funded for the entire summer school period, from the end of the regular school year, to the beginning of the subsequent school year. This expansion of the summer school educational program is estimated to cost between \$3 and \$8 million. The FEFP funding entitlement would increase as a result of this expansion; however, no additional funds are provided in the appropriation for this purpose.

In addition, the DOE anticipates the need for three positions to conduct the QA visits and to offer on-site technical assistance to school districts and their DJJ districts. The estimated cost for these positions is \$215,000.

School districts would be required to waive the cost of GED testing fees. They are \$17 for a full test, \$5 for one test and \$4 for tests two through five. The DOE recommends local school districts work with their communities, and public-private partnerships to off-set GED costs.

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

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

N/A

D. FISCAL COMMENTS:

The following represents a listing of the fiscal provisions of this bill, some of which are also provided in the "Effect of Proposed Changes" under "Funding".

- At least 90 percent of the FEFP funds generated by students in DJJ programs is to be spent on instructional costs for those students. 100 percent of formula based categorical funds shall be spent on the categorical programs such as instructional materials and public school technology
- As part of a state board rule defining policies and standards associated with DJJ programs, the role and responsibility of the school district in securing workforce development funds is to be addressed
- GED testing fees are to be waived for youth in DJJ residential programs
- Students in GED Prep programs shall be funded in the FEFP at the weighted cost factor.
- Juvenile Justice education programs shall be funded through the FEFP with a weighted cost factor s.236.081, except that students with disabilities shall be funded at the highest weighted cost factor for which the student qualifies.
- Funding for DJJ students beyond 180 days shall be specified in the GAA.
- Alternate FTE surveys for abnormal fluctuations in student enrollment in DJJ facilities is authorized.
- FTE count periods for DJJ programs are to be prescribed in state board rule. The summer school period will begin immediately following the end of the regular school year and end immediately preceding the subsequent school year. Students shall be funded for no more than 25 hours per week of direct instruction during the summer school period. The DOE shall develop a method for reporting all direct instruction during the summer school period.
- Contains a \$100,000 appropriation from nonrecurring general revenue to the DOE to conduct a study of existing education facilities and needs in anticipation of the development of a plan and fixed capital outlay budget request for DJJ educational facilities.
- Requires school districts to spend 90% of the FEFP revenue generated for Juvenile Justice programs on Juvenile Justice programs.
- The DOE and DJJ are required to develop an education plan for youth in DJJ facilities which anticipates the use of dropout prevention funding and appropriate education funding.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority of counties or municipalities to raise revenue.

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

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

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

CS/HB 1033 was considered by the Committee on Education Innovation on March 31, 1999. The bill passed unanimously, by a vote of six to zero, with seven amendments, which are traveling with the bill. The amendments change the bill in the following manner:

Amendment 1 Decreases the number of days in the school year for DJJ facilities from 260 to 250 days.

Amendment 2 Lengthens the maximum number of days from three to five that a school district has to respond to requests for student education records received from another school district of DJJ facility.

Amendment 3 Eliminates duplicative language regarding uniform assessments which were inadvertently placed in the wrong section.

Amendment 4 Allows DOE and DJJ to provide guidance on the appropriation of roles of the state agency, school district and private provider staff at various juvenile justice educational programs.

Amendment 5 Requires DOE to consult with the school districts, in addition to the DJJ and providers, when developing quality assurance standards for educational programs in DJJ facilities.

Amendment 6 Removes the requirement for school boards to submit a facilities report to the local juvenile justice managers. Since the facilities for DJJ programs are provided by DJJ, there is no need for the managers to receive this report.

Amendment 7 Requires DJJ to notify school districts when a RFP is issued for a juvenile justice facility in their area. Earlier notice allows the school district to properly plan for future educational needs.

CS/HB 1033 was considered by the Education Appropriations Committee on April 16, 1999. The bill passed unanimously with seven amendments, which are traveling with the bill. The amendments address the following:

Amendment 1 limits the expenditure provision of FEFP funds for Juvenile Justice programs to 80% for direct instruction

Amendment 2 provides for GED Prep instruction for Juvenile Justice Education programs only, in the Basic FEFP program

Amendment 3 authorizes Juvenile Justice Education programs to be funded in the appropriate FEFP program based on the student's educational needs

Amendment 4 authorizes Juvenile Justice Education programs which are contracted, to be funded in the appropriate FEFP program.

Amendment 5 removes a \$100,000 appropriation from nonrecurring GR from the bill for conducting a facilities study and emphasizes that the facilities study shall be used to improve student achievement and outcomes in Juvenile Justice education programs.

Amendment 6 limits the FEFP program expenditure requirements to 80% for Juvenile Justice Education programs

Amendment 7 in the development of a DOE/DJJ plan for education programs in detention centers, this amendment removes the reference to dropout prevention funding to conform to the Appropriations bill and also requires the improvement of student achievement and the development of performance outcome measures for DJJ educational programs

VII. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Bridget Edmond

Staff Director:

David De La Paz

AS REVISED BY THE COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

Pamela M. Allen

Staff Director:

Quida J. Ashworth

AS FURTHER REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:

Prepared by:

Mark Armstrong

Staff Director:

John Newman