

1 A bill to be entitled
2 An act relating to education; amending s.
3 228.041, F.S.; defining "juvenile justice
4 provider" and "school year for juvenile justice
5 programs"; amending s. 228.051, F.S., relating
6 to the organization and funding of required
7 public schools; requiring the public schools of
8 the state to provide instruction for youth in
9 Department of Juvenile Justice programs;
10 amending s. 228.081, F.S.; requiring the
11 development and adoption of a rule articulating
12 expectations for education programs for youth
13 in Department of Juvenile Justice programs;
14 requiring the development of model contracts
15 for the delivery of educational services to
16 youth in Department of Juvenile Justice
17 programs; requiring the Department of Education
18 to provide training and technical assistance;
19 requiring the development of model procedures
20 for transitioning youth into and out of
21 Department of Juvenile Justice programs;
22 requiring the development of model procedures
23 regarding education records; requiring the
24 Department of Education to provide, or contract
25 for the provision of, quality assurance reviews
26 of all juvenile justice education programs;
27 amending s. 229.57, F.S.; revising provisions
28 relating to the statewide assessment program to
29 include schools operating for the purpose of
30 providing educational services to youth in
31 Department of Juvenile Justice programs;

1 requiring the Department of Education to
2 develop and implement assessment tools to be
3 used in juvenile justice programs; amending s.
4 229.58, F.S.; authorizing the establishment of
5 district advisory councils for juvenile justice
6 education programs; amending s. 229.592, F.S.;
7 revising provisions relating to the
8 implementation of the state system of school
9 improvement and education accountability to
10 include schools operating for the purpose of
11 providing educational services to youth in
12 Department of Juvenile Justice programs;
13 deleting obsolete language; amending s. 230.23,
14 F.S., relating to powers and duties of the
15 school board; revising provisions relating to
16 school improvement plans and public disclosure
17 to include schools operating for the purpose of
18 providing educational services to youth in
19 Department of Juvenile Justice programs;
20 amending s. 230.23161, F.S., relating to
21 educational services in Department of Juvenile
22 Justice programs; providing legislative intent;
23 requiring the Department of Education to serve
24 as the lead agency; requiring the Department of
25 Education and the Department of Juvenile
26 Justice to designate a coordinator to ensure
27 department participation in certain activities;
28 requiring student access to GED programs;
29 requiring certain funding; revising provisions
30 relating to compulsory school attendance;
31 requiring the development of an academic

1 improvement plan for certain students;
2 providing requirements regarding academic
3 records; requiring provisions for the earning
4 and transfer of credits; providing funding
5 requirements; revising provisions relating to
6 quality assurance standards; requiring the
7 Department of Juvenile Justice site visit and
8 the education quality assurance site visit to
9 take place during the same visit; requiring the
10 establishment of minimum standards; requiring
11 the State Board of Education to adopt rules
12 establishing sanctions for performance below
13 minimum standards; revising requirements
14 regarding an annual report; creating s.
15 235.1975, F.S., relating to cooperative
16 development of educational facilities in
17 juvenile justice programs; requiring a review
18 and analysis of existing facilities; requiring
19 the development and submission of a plan;
20 requiring the Department of Juvenile Justice to
21 provide certain information to school districts
22 and the Department of Education regarding new
23 juvenile justice facilities; providing an
24 appropriation; providing requirements regarding
25 planning and budgeting; amending s. 237.34,
26 F.S.; requiring each district to expend at
27 least 90 percent of the funds generated by
28 juvenile justice programs on the aggregate
29 total school costs for such programs; amending
30 s. 985.401, F.S.; requiring the Juvenile
31 Justice Accountability Board to study the

1 extent and nature of education programs for
2 juvenile offenders; amending s. 985.413, F.S.;
3 revising the duties of district juvenile
4 justice boards; requiring the development and
5 submission of a plan for education programs in
6 detention centers; amending s. 985.404, F.S.,
7 relating to the administration of the juvenile
8 justice continuum; correcting a cross
9 reference; providing an effective date.

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

12
13 Section 1. Subsections (43) and (44) are added to
14 section 228.041, Florida Statutes, 1998 Supplement, to read:

15 228.041 Definitions.--Specific definitions shall be as
16 follows, and wherever such defined words or terms are used in
17 the Florida School Code, they shall be used as follows:

18 (43) SCHOOL YEAR FOR JUVENILE JUSTICE PROGRAMS.--For
19 schools operating for the purpose of providing educational
20 services to youth in Department of Juvenile Justice programs,
21 the school year shall be comprised of 250 days of instruction
22 distributed over 12 months. A district school board may
23 decrease the minimum number of days of instruction by up to 10
24 days for teacher planning.

25 (44) JUVENILE JUSTICE PROVIDER.--"Juvenile justice
26 provider" means the Department of Juvenile Justice or a
27 private, public, or other governmental organization under
28 contract with the Department of Juvenile Justice which
29 provides treatment, care and custody, or educational programs
30 for youth in juvenile justice intervention, detention, or
31 commitment programs.

1 Section 2. Section 228.051, Florida Statutes, is
2 amended to read:

3 228.051 Organization and funding of required public
4 schools.--The public schools of the state shall provide 13
5 consecutive years of instruction, beginning with kindergarten,
6 and shall also provide such instruction for exceptional
7 children and youth in Department of Juvenile Justice programs
8 as may be required by law. The funds for support and
9 maintenance of such schools shall be derived from state,
10 district, federal, or other lawful sources or combinations of
11 sources and shall include any tuition fees charged
12 nonresidents as provided by law. Public schools,
13 institutions, and agencies providing this instruction shall
14 constitute the uniform system of free public schools
15 prescribed by Art. IX of the State Constitution.

16 Section 3. Section 228.081, Florida Statutes, is
17 amended to read:

18 228.081 Other public educational services.--

19 (1) The general control of other public educational
20 services shall be vested in the state board except as provided
21 herein. The state board shall, at the request of the
22 Department of Children and Family Services and the Department
23 of Juvenile Justice, advise as to standards and requirements
24 relating to education to be met in all state schools or
25 institutions under their control which provide educational
26 programs. The Department of Education shall provide
27 supervisory services for the educational programs of all such
28 schools or institutions. The direct control of any of these
29 services provided as part of the district program of education
30 shall rest with the school board. These services shall be
31 supported out of state, district, federal, or other lawful

1 funds, depending on the requirements of the services being
2 supported.

3 (2) The Department of Education shall recommend and by
4 August 1, 1999, the state board shall adopt an administrative
5 rule articulating expectations for high-quality, effective
6 education programs for youth in Department of Juvenile Justice
7 programs, including, but not limited to, education programs in
8 juvenile justice commitment and detention facilities. The rule
9 shall articulate policies and standards for education programs
10 for youth in Department of Juvenile Justice programs and shall
11 include the following:

12 (a) The interagency collaborative process needed to
13 ensure effective programs with measurable results.

14 (b) The responsibilities of the Department of
15 Education, the Department of Juvenile Justice, school
16 districts, and providers of education services to youth in
17 Department of Juvenile Justice programs.

18 (c) Academic expectations.

19 (d) Service delivery options available to school
20 districts, including direct service and contracting.

21 (e) Assessment procedures, which:

22 1. Include appropriate academic and vocational
23 assessments administered at program entry and exit which are
24 selected by the Department of Education in partnership with
25 representatives from the Department of Juvenile Justice,
26 school districts, and providers.

27 2. Require school districts to be responsible for
28 ensuring the completion of the assessment process.

29 3. Require assessments for students in detention who
30 will move on to commitment facilities, to be designed to
31

1 create the foundation for developing the student's education
2 program in the assigned commitment facility.

3 4. Require assessments of students sent directly to
4 commitment facilities to be completed within the first week of
5 the student's commitment.

6
7 The results of these assessments, together with a portfolio
8 depicting the student's academic and vocational
9 accomplishments, shall be included in the discharge package
10 assembled for each youth.

11 (f) Recommended instructional programs including, but
12 not limited to, vocational training and job preparation.

13 (g) Funding requirements, which shall include the
14 requirement that at least 80 percent of the FEFP funds
15 generated by students in Department of Juvenile Justice
16 Programs be spent on instructional costs for those students.
17 One hundred percent of the formula-based categorial funds
18 generated by students in Department of Juvenile Justice
19 Programs must be spent on appropriate categoricals such as
20 instructional materials and public school technology for those
21 students.

22 (h) Qualifications of instructional staff, procedures
23 for the selection of instructional staff, and procedures to
24 ensure consistent instruction and qualified staff year round.

25 (i) Transition services, including the roles and
26 responsibilities of appropriate personnel in school districts,
27 provider organizations, and the Department of Juvenile
28 Justice.

29 (j) Procedures and timeframe for transfer of education
30 records when a youth enters and leaves a facility.

31

1 (k) The requirement that each school district maintain
2 an academic transcript for each student enrolled in a juvenile
3 justice facility which delineates each course completed by the
4 student as provided by the State Course Code Directory.

5 (l) The requirement that each school district make
6 available and transmit a copy of a student's transcript in the
7 discharge packet when the student exits a facility.

8 (m) Contract requirements.

9 (n) Performance expectations for providers and school
10 districts, including the provision of academic improvement
11 plan as required in s. 232.245.

12 (o) The role and responsibility of the school district
13 in securing workforce development funds.

14 (p) A series of graduated sanctions for school
15 districts whose educational programs in Department of Juvenile
16 Justice facilities are considered to be unsatisfactory and for
17 instances in which school districts fail to meet standards
18 prescribed by law, rule, or State Board of Education policy.
19 These sanctions shall include the option of requiring a school
20 district to contract with a provider or another school
21 district if the educational program at the Department of
22 Juvenile Justice facility has failed a quality assurance
23 review and after 6 months, is still performing below minimum
24 standards.

25 (q) Other aspects of program operations.

26 (3) By January 1, 2000, the Department of Education in
27 partnership with the Department of Juvenile Justice, school
28 districts, and providers shall:

29 (a) Develop model contracts for the delivery of
30 appropriate education services to youth in Department of
31 Juvenile Justice programs to be used for the development of

1 future contracts. The model contracts shall reflect the policy
2 and standards included in subsection (2). The Department of
3 Education shall ensure that appropriate school district
4 personnel are trained and held accountable for the management
5 and monitoring of contracts for education programs for youth
6 in juvenile justice residential and nonresidential facilities.

7 (b) Develop model procedures for transitioning youth
8 into and out of Department of Juvenile Justice programs. These
9 procedures shall reflect the policy and standards adopted
10 pursuant to subsection (2).

11 (c) Develop standardized required content of education
12 records to be included as part of a youth's commitment record.
13 These requirements shall reflect the policy and standards
14 adopted pursuant to subsection (2) and shall include, but not
15 be limited to, the following:

16 1. A copy of the student's individualized education
17 plan;

18 2. Assessment data, including grade level proficiency
19 in reading, writing, and mathematics, and performance on tests
20 taken according to s. 229.57;

21 3. A copy of the student's permanent cumulative
22 record; and

23 4. A copy of the student's academic transcript.

24 5. A portfolio reflecting the youth's academic
25 accomplishments while in the Department of Juvenile Justice
26 program.

27 (d) Develop model procedures for securing the
28 education record and the roles and responsibilities of the
29 juvenile probation officer and others involved in the
30 withdrawal of the student from school and assignment to a
31 commitment or detention facility. Effective for the 2000-2001

1 school year and thereafter, school districts shall be required
2 to respond to requests for student education records received
3 from another school district or a juvenile justice facility
4 within 5 working days of receiving the request.

5 (4) The Department of Education shall ensure that
6 school districts notify students in juvenile justice
7 residential or nonresidential facilities who attain the age of
8 16 years of the provisions of s. 232.01(1)(c) regarding
9 compulsory school attendance and make available the option of
10 enrolling in a program to attain a general education
11 development diploma prior to release from the facility. School
12 districts or community colleges, or both, shall waive GED
13 testing fees for youth in Department of Juvenile Justice
14 residential programs and shall, upon request, designate
15 schools operating for the purpose of providing educational
16 services to youth in Department of Juvenile Justice programs
17 as GED testing centers, subject to GED testing center
18 requirements.

19 (5) The Department of Education shall establish and
20 operate, either directly or indirectly through a contract, a
21 mechanism to provide quality assurance reviews of all juvenile
22 justice education programs and shall provide technical
23 assistance and related research to school districts and
24 providers on how to establish, develop, and operate
25 educational programs that exceed the minimum quality assurance
26 standards.

27 Section 4. Subsection (3) of section 229.57, Florida
28 Statutes, 1998 Supplement, is amended to read.

29 229.57 Student assessment program.--

30 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner is
31 directed to design and implement a statewide program of

1 educational assessment that provides information for the
2 improvement of the operation and management of the public
3 schools including schools operating for the purpose of
4 providing educational services to youth in Department of
5 Juvenile Justice programs. The program must be designed, as
6 far as possible, so as not to conflict with ongoing district
7 assessment programs and so as to use information obtained from
8 district programs. Pursuant to the statewide assessment
9 program, the commissioner shall:

10 (a) Submit to the state board a list that specifies
11 student skills and competencies to which the goals for
12 education specified in the state plan apply, including, but
13 not limited to, reading, writing, and mathematics. The skills
14 and competencies must include problem-solving and higher-order
15 skills as appropriate. The commissioner shall select such
16 skills and competencies after receiving recommendations from
17 educators, citizens, and members of the business community.
18 The commissioner shall submit to the state board revisions to
19 the list of student skills and competencies in order to
20 maintain continuous progress toward improvements in student
21 proficiency.

22 (b) Develop and implement a uniform system of
23 indicators to describe the performance of public school
24 students and the characteristics of the public school
25 districts and the public schools. These indicators must
26 include, without limitation, information gathered by the
27 comprehensive management information system created pursuant
28 to s. 229.555 and student achievement information obtained
29 pursuant to this section.

30 (c) Develop and implement a student achievement
31 testing program as part of the statewide assessment program,

1 to be administered at designated times at the elementary,
2 middle, and high school levels to measure reading, writing,
3 and mathematics. The testing program must be designed so
4 that:

5 1. The tests measure student skills and competencies
6 adopted by the state board as specified in paragraph (a). The
7 tests must measure and report student proficiency levels in
8 reading, writing, and mathematics. Other content areas may be
9 included as directed by the commissioner. The commissioner
10 shall provide for the tests to be developed or obtained, as
11 appropriate, through contracts and project agreements with
12 private vendors, public vendors, public agencies,
13 postsecondary institutions, or school districts. The
14 commissioner shall obtain input with respect to the design and
15 implementation of the testing program from state educators and
16 the public.

17 2. The tests are criterion-referenced and include, to
18 the extent determined by the commissioner, items that require
19 the student to produce information or perform tasks in such a
20 way that the skills and competencies he or she uses can be
21 measured.

22 3. Each testing program, whether at the elementary,
23 middle, or high school level, includes a test of writing in
24 which students are required to produce writings which are then
25 scored by appropriate methods.

26 4. A score is designated for each subject area tested,
27 below which score a student's performance is deemed
28 inadequate. The school districts shall provide appropriate
29 remedial instruction to students who score below these levels.

30 5. All 11th grade students take a high school
31 competency test developed by the state board to test minimum

1 student performance skills and competencies in reading,
2 writing, and mathematics. The test must be based on the skills
3 and competencies adopted by the state board pursuant to
4 paragraph (a). Upon recommendation of the commissioner, the
5 state board shall designate a passing score for each part of
6 the high school competency test. In establishing passing
7 scores, the state board shall consider any possible negative
8 impact of the test on minority students. The commissioner may
9 establish criteria whereby a student who successfully
10 demonstrates proficiency in either reading or mathematics or
11 both may be exempted from taking the corresponding section of
12 the high school competency test or the college placement test.
13 A student must earn a passing score or have been exempted from
14 each part of the high school competency test in order to
15 qualify for a regular high school diploma. The school
16 districts shall provide appropriate remedial instruction to
17 students who do not pass part of the competency test.

18 6. Participation in the testing program is mandatory
19 for all students, including students served in Department of
20 Juvenile Justice programs, except as otherwise prescribed by
21 the commissioner. The commissioner shall recommend rules to
22 the state board for the provision of test adaptations and
23 modifications of procedures as necessary for students in
24 exceptional education programs and for students who have
25 limited English proficiency.

26 7. A student seeking an adult high school diploma must
27 meet the same testing requirements that a regular high school
28 student must meet.

29 8. By January 1, 2000, the Department of Education
30 must develop, or select, and implement a common battery of
31 assessment tools which will be used in all juvenile justice

1 programs in the state. These tools must accurately reflect
2 criteria established in the Florida Sunshine State Standards.

3
4 The commissioner may design and implement student testing
5 programs for any grade level and subject area, based on
6 procedures designated by the commissioner to monitor
7 educational achievement in the state.

8 (d) Obtain or develop a career planning assessment to
9 be administered to students, at their option, in grades 7 and
10 10 to assist them in preparing for further education or
11 entering the workforce. The statewide student assessment
12 program must include career planning assessment.

13 (e) Conduct ongoing research to develop improved
14 methods of assessing student performance, including, without
15 limitation, the use of technology to administer tests, the use
16 of electronic transfer of data, the development of
17 work-product assessments, and the development of process
18 assessments.

19 (f) Conduct ongoing research and analysis of student
20 achievement data, including, without limitation, monitoring
21 trends in student achievement, identifying school programs
22 that are successful, and analyzing correlates of school
23 achievement.

24 (g) Provide technical assistance to school districts
25 in the implementation of state and district testing programs
26 and the use of the data produced pursuant to such programs.

27 Section 5. Paragraph (c) is added to subsection (1) of
28 section 229.58, Florida Statutes, 1998 Supplement, to read:

29 229.58 District and school advisory councils.--

30 (1) ESTABLISHMENT.--

31

1 (c) For those schools operating for the purpose of
2 providing educational services to youth in Department of
3 Juvenile Justice programs, school boards may establish a
4 district advisory council with appropriate representatives for
5 the purpose of developing and monitoring a district school
6 improvement plan which encompasses all such schools in the
7 district, pursuant to s. 230.23(16)(a).

8 Section 6. Subsections (1), (3), and (4) of section
9 229.592, Florida Statutes, 1998 Supplement, are amended to
10 read:

11 229.592 Implementation of state system of school
12 improvement and education accountability.--

13 (1) DEVELOPMENT.--It is the intent of the Legislature
14 that every public school in the state, including schools
15 operating for the purpose of providing educational services to
16 youth in Department of Juvenile Justice programs, shall have a
17 school improvement plan, as required by s. 230.23(16),~~fully~~
18 ~~implemented and operational by the beginning of the 1993-1994~~
19 ~~school year.~~ Vocational standards considered pursuant to s.
20 239.229 shall be incorporated into the school improvement plan
21 for each area technical center operated by a school board by
22 the 1994-1995 school year, and area technical centers shall
23 prepare school report cards incorporating such standards,
24 pursuant to s. 230.23(16), for the 1995-1996 school year. In
25 order to accomplish this, the Florida Commission on Education
26 Reform and Accountability and the school districts and schools
27 shall carry out the duties assigned to them by ss. 229.594 and
28 230.23(16), respectively.

29 (3) COMMISSIONER.--The commissioner shall be
30 responsible for implementing and maintaining a system of
31

1 intensive school improvement and stringent education
2 accountability.

3 (a) Based on the recommendations of the Florida
4 Commission on Education Reform and Accountability, the
5 commissioner shall develop and implement the following
6 programs and procedures:

7 1. A system of data collection and analysis that will
8 improve information about the educational success of
9 individual students and schools, including schools operating
10 for the purpose of providing educational services to youth in
11 Department of Juvenile Justice programs. The information and
12 analyses must be capable of identifying educational programs
13 or activities in need of improvement, and reports prepared
14 pursuant to this subparagraph shall be distributed to the
15 appropriate school boards prior to distribution to the general
16 public. This provision shall not preclude access to public
17 records as provided in chapter 119.

18 2. A program of school improvement that will analyze
19 information to identify schools, including schools operating
20 for the purpose of providing educational services to youth in
21 Department of Juvenile Justice programs, educational programs,
22 or educational activities in need of improvement.

23 3. A method of delivering services to assist school
24 districts and schools to improve, including schools operating
25 for the purpose of providing educational services to youth in
26 Department of Juvenile Justice programs.

27 4. A method of coordinating with the state educational
28 goals and school improvement plans any other state program
29 that creates incentives for school improvement.

30 (b) The commissioner shall be held responsible for the
31 implementation and maintenance of the system of school

1 improvement and education accountability outlined in this
2 subsection. There shall be an annual determination of whether
3 adequate progress is being made toward implementing and
4 maintaining a system of school improvement and education
5 accountability.

6 (c) The annual feedback report shall be developed by
7 the commission and the Department of Education.

8 (d) The commissioner and the commission shall review
9 each school board's feedback report and submit its findings to
10 the State Board of Education. If adequate progress is not
11 being made toward implementing and maintaining a system of
12 school improvement and education accountability, the State
13 Board of Education shall direct the commissioner to prepare
14 and implement a corrective action plan. The commissioner and
15 State Board of Education shall monitor the development and
16 implementation of the corrective action plan.

17 (e) As co-chair of the Florida Commission on Education
18 Reform and Accountability, the commissioner shall appear
19 before the appropriate committees of the Legislature annually
20 in October to report and recommend changes in state policy
21 necessary to foster school improvement and education
22 accountability. The report shall reflect the recommendations
23 of the Florida Commission on Education Reform and
24 Accountability. Included in the report shall be a list of the
25 schools, including schools operating for the purpose of
26 providing educational services to youth in Department of
27 Juvenile Justice programs,for which school boards have
28 developed assistance and intervention plans and an analysis of
29 the various strategies used by the school boards. School
30 reports shall be distributed pursuant to this paragraph and s.
31

1 230.23(16)(e) according to guidelines adopted by the State
2 Board of Education.

3 (4) DEPARTMENT.--

4 (a) The Department of Education shall implement a
5 training program to develop among state and district educators
6 a cadre of facilitators of school improvement. These
7 facilitators shall assist schools and districts to conduct
8 needs assessments and develop and implement school improvement
9 plans to meet state goals.

10 (b) Upon request, the department shall provide
11 technical assistance and training to any school, including any
12 school operating for the purpose of providing educational
13 services to youth in Department of Juvenile Justice programs,
14 school advisory council, district, or school board for
15 conducting needs assessments, developing and implementing
16 school improvement plans, developing and implementing
17 assistance and intervention plans, or implementing other
18 components of school improvement and accountability. Priority
19 for these services shall be given to school districts in rural
20 and sparsely populated areas of the state.

21 (c) Pursuant to s. 24.121(5)(d), the department shall
22 not release funds from the Educational Enhancement Trust Fund
23 to any district in which a school, including schools operating
24 for the purpose of providing educational services to youth in
25 Department of Juvenile Justice programs, does not have an
26 approved school improvement plan, pursuant to s. 230.23(16),
27 after 1 full school year of planning and development, or does
28 not comply with school advisory council membership composition
29 requirements pursuant to s. 229.58(1). The department shall
30 send a technical assistance team to each school without an
31 approved plan to develop such school improvement plan or to

1 each school without appropriate school advisory council
2 membership composition to develop a strategy for corrective
3 action. The department shall release the funds upon approval
4 of the plan or upon establishment of a plan of corrective
5 action. Notice shall be given to the public of the
6 department's intervention and shall identify each school
7 without a plan or without appropriate school advisory council
8 membership composition.

9 Section 7. Paragraphs (a) and (e) of subsection (16)
10 of section 230.23, Florida Statutes, 1998 Supplement, are
11 amended to read:

12 230.23 Powers and duties of school board.--The school
13 board, acting as a board, shall exercise all powers and
14 perform all duties listed below:

15 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
16 ACCOUNTABILITY.--Maintain a system of school improvement and
17 education accountability as provided by statute and State
18 Board of Education rule. This system of school improvement and
19 education accountability shall be consistent with, and
20 implemented through, the district's continuing system of
21 planning and budgeting required by this section and ss.
22 229.555 and 237.041. This system of school improvement and
23 education accountability shall include, but not be limited to,
24 the following:

25 (a) School improvement plans.--Annually approve and
26 require implementation of a new, amended, or continuation
27 school improvement plan for each school in the district,
28 except that a school board may establish a district school
29 improvement plan which includes all schools in the district
30 operating for the purpose of providing educational services to
31 youth in Department of Juvenile Justice programs. Such plan

1 shall be designed to achieve the state education goals and
2 student performance standards pursuant to ss. 229.591(3) and
3 229.592. Beginning in 1999-2000, each plan shall also address
4 issues relative to budget, training, instructional materials,
5 technology, staffing, student support services, and other
6 matters of resource allocation, as determined by school board
7 policy.

8 (e) Public disclosure.--Provide information regarding
9 performance of students and educational programs as required
10 pursuant to s. 229.555 and implement a system of school
11 reports as required by statute and State Board of Education
12 rule which shall include schools operating for the purpose of
13 providing educational services to youth in Department of
14 Juvenile Justice programs, and for those schools, report on
15 the elements specified in s. 230.23161(21).

16 Section 8. Section 230.23161, Florida Statutes, 1998
17 Supplement, is amended to read.

18 230.23161 Educational services in Department of
19 Juvenile Justice programs.--

20 (1) The Legislature finds that education is the single
21 most important factor in the rehabilitation of adjudicated
22 delinquent youth in the custody of the Department of Juvenile
23 Justice in detention or commitment facilities. The Department
24 of Education shall serve as the lead agency for juvenile
25 justice education programs to ensure that curriculum, support
26 services, and resources are provided to maximize the public's
27 investment in the custody and care of these youth. To this
28 end, the Department of Education and the Department of
29 Juvenile Justice shall each designate a Coordinator for
30 Juvenile Justice Education Programs to serve as the point of
31 contact for resolving issues not addressed by local district

1 school boards and to ensure each department's participation in
2 the following activities:

3 (a) Training, collaborating, and coordinating with the
4 Department of Juvenile Justice, local school districts,
5 educational contract providers, and juvenile justice
6 providers, whether state operated or contracted.

7 (b) Collecting information on the academic performance
8 of students in juvenile justice commitment and detention
9 programs and reporting on the results.

10 (c) Developing protocols that provide guidance to
11 school districts and providers in all aspects of education
12 programming, including records transfer and transition.

13 (d) Prescribing the roles of program personnel.

14 (2)~~(1)~~ The Legislature finds that juvenile assessment
15 centers are an important source of information about youth who
16 are entering the juvenile justice system. Juvenile assessment
17 centers document the condition of youth entering the system,
18 thereby providing baseline data which is essential to evaluate
19 changes in the condition of youth as a result of treatment.
20 The cooperation and involvement of the local school system,
21 including the commitment of appropriate resources for
22 determining the educational status and special learning
23 problems and needs of youth, are essential if the full
24 potential benefits of juvenile assessment centers are to be
25 achieved.

26 (3)~~(2)~~ Students participating in a detention,
27 commitment, or rehabilitation program pursuant to chapter 985
28 which is sponsored by a community-based agency or is operated
29 or contracted for by the Department of Juvenile Justice shall
30 receive educational programs according to rules of the State
31 Board of Education. These students shall be eligible for

1 services afforded to students enrolled in programs pursuant to
2 s. 230.2316 and all corresponding State Board of Education
3 rules.

4 ~~(4)(3)~~ The district school board of the county in
5 which the residential or nonresidential care facility or
6 juvenile assessment facility is located shall provide
7 appropriate educational assessments and an appropriate program
8 of instruction and special education services. The district
9 school board shall make provisions for each student to
10 participate in basic, vocational, and exceptional student
11 programs as appropriate. Students served in Department of
12 Juvenile Justice programs shall have access to the appropriate
13 courses and instruction to prepare them for the GED test.
14 Students participating in GED preparation programs shall be
15 funded at the basic program cost factor for Department of
16 Juvenile Justice programs in the Florida Education Finance
17 Program. Each program shall be conducted according to
18 applicable law providing for the operation of public schools
19 and rules of the state board.

20 ~~(5)(4)~~ A school day for any student serviced in a
21 Department of Juvenile Justice program shall be the same as
22 specified in s. 228.041(13). Educational services shall be
23 provided at times of the day most appropriate for the program.
24 School programming in juvenile justice detention, commitment,
25 and rehabilitation programs shall be made available during the
26 regular school year and the summer school by the local school
27 district.

28 ~~(6)(5)~~ The educational program shall consist of
29 appropriate basic academic, vocational, or exceptional
30 curricula and related services which support the treatment
31 goals and reentry and which may lead to completion of the

1 requirements for receipt of a high school diploma or its
2 equivalent. If the duration of a program is less than 40
3 days, the educational component may be limited to tutorial
4 activities and vocational employability skills.

5 (7)~~(6)~~ Participation in the program by students of
6 compulsory school attendance age as provided for in s. 232.01
7 shall be mandatory. All students of noncompulsory
8 school-attendance age who have not received a high school
9 diploma or its equivalent shall participate in the educational
10 program, unless the student files a formal declaration of his
11 or her intent to terminate school enrollment as described in
12 s. 232.01(1)(c) and is afforded the opportunity to attain a
13 general education development diploma prior to release from a
14 facility.

15 (8) An academic improvement plan shall be developed
16 for students who score below the level specified in local
17 school board policy in reading, writing, and mathematics or
18 below the level specified by the Commissioner of Education on
19 statewide assessments as required by s. 232.245. These plans
20 shall address academic, literacy, and life skills and shall
21 include provisions for intensive remedial instruction in the
22 areas of weakness.

23 (9) Each school district shall maintain an academic
24 record for each student enrolled in a juvenile justice
25 facility as prescribed by s. 228.081. Such record shall
26 delineate each course completed by the student according to
27 procedures in the State Course Code Directory. The school
28 district shall include a copy of a student's academic record
29 in the discharge packet when the student exits the facility.

30 (10) The Department of Education shall ensure that all
31 school districts make provisions for high school level

1 committed youth to earn credits toward high school graduation
 2 while in residential and nonresidential juvenile justice
 3 facilities. Provisions must be made for the transfer of
 4 credits and partial credits earned.

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

18 (12)~~(8)~~ School districts are authorized and strongly
 19 encouraged to contract with a private provider for the
 20 provision of educational programs to youths placed with the
 21 Department of Juvenile Justice and shall generate local,
 22 state, and federal funding, including funding through the
 23 Florida Education Finance Program for such students. The
 24 school district's planning and budgeting process shall include
 25 the needs of Department of Juvenile Justice programs in the
 26 district's plan for expenditures for state categorical and
 27 federal funds.

28 (13)~~(9)~~ The local school district shall fund the
 29 education program in a Department of Juvenile Justice facility
 30 at the same or higher level of funding for equivalent students
 31 in the county school system based on the funds generated by

1 state funding through the Florida Education Finance Program
2 for such students. It is the intent of the Legislature that
3 the school district maximize its available local, state, and
4 federal funding to a juvenile justice program.

5 (a) Juvenile justice education programs shall be
6 funded in the appropriate FEFP program based on the
7 educational services needed by the student for Department of
8 Juvenile Justice programs in accordance with s. 236.081.

9 (b) Juvenile justice education programs to receive the
10 appropriate FEFP program funding for Department of Juvenile
11 Justice programs shall include those operated through a
12 contract with the Department of Juvenile Justice and which are
13 under purview of the Department of Juvenile Justice quality
14 assurance standards for education.

15 (c) Consistent with the rules of the State Board of
16 Education, local school districts are authorized and required
17 to request an alternative FTE survey for Department of
18 Juvenile Justice programs experiencing fluctuations in student
19 enrollment.

20 (d) FTE count periods shall be prescribed in rules of
21 the State Board of Education. The summer school period for
22 students in Department of Juvenile Justice programs shall
23 begin on the day immediately following the end of the regular
24 school year and end on the day immediately preceding the
25 subsequent regular school year. Students shall be funded for
26 no more than 25 hours per week of direct instruction. The
27 Department of Education shall develop a method which captures
28 all direct instructional time provided to such students during
29 the summer school period.

30 (14)(10) Each school district shall negotiate a
31 cooperative agreement with the Department of Juvenile Justice

1 on the delivery of educational services to youths under the
2 jurisdiction of the department. Such agreement must include,
3 but is not limited to:

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

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

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

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

13 (e) Curriculum and delivery of instruction.

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

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

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

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

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

27 (k) Methods and procedures for dispute resolution.

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

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

1 ~~(15)(11)~~ The cooperative agreement pursuant to
2 subsection~~(14)(10)~~ 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~~(14)(10)~~ 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 ~~(16)(a)(12)~~ The Department of Education in
15 consultation with the Department of Juvenile Justice, school
16 districts and providers shall establish objective and
17 measurable quality assurance standards for the educational
18 component of residential and nonresidential juvenile justice
19 facilities. These standards shall rate the school district's
20 performance both as a provider and contractor. The quality
21 assurance rating for the education component shall be
22 disaggregated from the overall quality assurance score and
23 reported separately.

24 (b) The Department of Education shall develop and a
25 comprehensive quality assurance review process and schedule
26 for the evaluation of the educational component in juvenile
27 justice programs. The Department of Juvenile Justice quality
28 assurance site visit and the education quality assurance site
29 visit shall be conducted during the same visit.

30 (c) The Department of Education, in consultation with
31 school districts and providers, shall establish minimum

1 thresholds for the standards and key indicators for education
2 programs in juvenile justice facilities. If a school district
3 fails to meet the established minimum standards, the district
4 will be given 6 months to achieve compliance with the
5 standards. If after 6 months, the school district's
6 performance is still below minimum standards, the Department
7 of Education shall exercise sanctions as prescribed by rules
8 adopted by the State Board of Education. If a provider, under
9 contract with the school district, fails to meet minimum
10 standards, such failure shall cause the school district to
11 cancel the provider's contract unless the provider achieves
12 compliance within 6 months or unless there are documented
13 extenuating circumstances.

14 (17)~~(13)~~ The district school board shall not be
15 charged any rent, maintenance, utilities, or overhead on such
16 facilities. Maintenance, repairs, and remodeling of existing
17 facilities shall be provided by the Department of Juvenile
18 Justice.

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

1 approved by the Department of Education. The size of space
2 and occupant design capacity criteria as provided by state
3 board rules shall be used for remodeling or new construction
4 whether facilities are provided on state property or district
5 school board property.

6 (19)~~(15)~~ The parent or guardian of exceptional
7 students shall have the due process rights provided for in
8 chapter 232.

9 (20)~~(16)~~ Department of Juvenile Justice detention and
10 commitment programs may be designated as second chance schools
11 pursuant to s. 230.2316(3)(d). Admission to such programs
12 shall be governed by chapter 985.

13 (21)~~(17)~~ The Department of Education and Department of
14 Juvenile Justice, after consultation with and assistance from
15 local providers and local school districts, shall report
16 annually to the Legislature by February ~~December~~ 1 on the
17 progress towards developing effective educational programs for
18 juvenile delinquents including the amount of funding provided
19 by local school districts to juvenile justice programs, the
20 amount retained for administration including documenting the
21 purposes for such expenses, the status of the development of
22 cooperative agreements, ~~and~~ the results of the quality
23 assurance reviews including recommendations for system
24 improvement, and information on the identification of, and
25 services provided to, exceptional students in juvenile justice
26 commitment facilities to determine whether these students are
27 properly reported for funding and are appropriately served.

28 (22)~~(18)~~ The educational programs at the Arthur Dozier
29 School for Boys in Jackson County and the Florida School for
30 Boys in Okeechobee shall be operated by the Department of
31 Education, either directly or through grants or contractual

1 agreements with other public or duly accredited education
2 agencies approved by the Department of Education.

3 (23)~~(19)~~ The Department of Education shall have the
4 authority to adopt any rules necessary to implement the
5 provisions of this section, including uniform curriculum,
6 funding, and second chance schools. Such rules shall require
7 the minimum amount of paperwork and reporting necessary to
8 comply with this act.

9 Section 9. Section 235.1975, Florida Statutes, is
10 created to read:

11 235.1975 Cooperative Development of Educational
12 Facilities in Juvenile Justice Programs.--

13 (1) The Department of Management Services, in
14 consultation with the Department of Education and the
15 Department of Juvenile Justice, shall conduct a review and
16 analysis of existing education facilities in Department of
17 Juvenile Justice facilities to determine the adequacy of the
18 facilities for educational use. This information shall be used
19 to generate a 3-year plan for the provision of adequate space,
20 equipment, furnishings, and technology for improving the
21 learner's educational outcomes. The Department of Education
22 shall submit this plan to the Governor, the President of the
23 Senate, the Speaker of the House of Representatives, and the
24 Secretary of the Department of Juvenile Justice by November 1,
25 1999. The plan shall contain sufficient detail for the
26 development of a fixed capital outlay budget request which
27 will ensure that student achievement will be enhanced.

28 (2) The Department of Juvenile Justice shall provide
29 early notice to school districts regarding the siting of new
30 juvenile justice facilities. School districts shall include
31 the projected number of students in the districts' annual

1 estimates. School districts should be consulted regarding the
2 types of students expected to be assigned to commitment
3 facilities for education planning and budgeting purposes. The
4 Department of Juvenile Justice shall notify, in writing, the
5 Department of Education when a request for proposals is issued
6 for the construction or operation of a commitment or detention
7 facility anywhere in the state. The Department of Juvenile
8 Justice shall notify, in writing, the appropriate school
9 district when a request for proposals is issued for the
10 construction or operation of a commitment or detention
11 facility when a county or site is specifically identified. The
12 Department of Juvenile Justice is also required to notify the
13 district school superintendent within 30 days of the award of
14 a contract for the construction or operation of a commitment
15 or detention facility within that school district.

16 Section 10. Paragraph (a) of subsection (3) of section
17 237.34, Florida Statutes, is amended to read.

18 237.34 Cost accounting and reporting.--

19 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

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

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

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

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

26 4. Programs for exceptional students, on an aggregate
27 program basis, 80 percent.

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

30 6. Students-at-risk programs, on an aggregate program
31 basis, 80 percent.

1 7. Juvenile justice programs, on an aggregate program
2 basis, 80 percent.

3 ~~8.7.~~ Any new program established and funded under s.
4 236.081(1)(c), that is not included under subparagraphs 1.
5 through 6., on an aggregate basis as appropriate, 80 percent.

6 Section 11. Subsection (6) of section 985.401, Florida
7 Statutes, 1998 Supplement, is renumbered as subsection (7),
8 and a new subsection (6) is added to said section to read:

9 985.401 Juvenile Justice Accountability Board.--

10 (6) The board shall study the extent and nature of
11 education programs for juvenile offenders committed by the
12 court to the Department of Juvenile Justice and for juvenile
13 offenders under court supervision in the community. The board
14 shall utilize a subcommittee of interested board members and
15 may request other interested persons to participate and act as
16 a juvenile justice education task force for the study. The
17 task force shall address, at a minimum, the following issues:

18 (a) The impact of education services on students in
19 commitment programs;

20 (b) The barriers impeding the timely transfer of
21 education records;

22 (c) The development and implementation of vocational
23 programming in commitment programs;

24 (d) The implementation of provisions for earning high
25 school credits regardless of varied lengths of stay; and

26 (e) The accountability of school districts and
27 providers regarding the expenditure of education funds.

28 ~~(7)(6)~~ Each state agency shall provide assistance when
29 requested by the board. The board shall have access to all
30 records, files, and reports that are material to its duties
31 and that are in the custody of a school board, a law

1 enforcement agency, a state attorney, a public defender, the
2 court, the Department of Children and Family Services, and the
3 department.

4 Section 12. Paragraph (d) of subsection (3) of section
5 985.413, Florida Statutes, 1998 Supplement, is amended to
6 read:

7 985.413 District juvenile justice boards.--

8 (3) DISTRICT JUVENILE JUSTICE BOARDS.--

9 (d) A district juvenile justice board has the purpose,
10 power, and duty to:

11 1. Advise the district juvenile justice manager and
12 the district administrator on the need for and the
13 availability of juvenile justice programs and services in the
14 district, including the educational services in Department of
15 Juvenile Justice programs.

16 2. Develop a district juvenile justice plan that is
17 based upon the juvenile justice plans developed by each county
18 within the district, and that addresses the needs of each
19 county within the district.

20 3. Develop a district interagency cooperation and
21 information-sharing agreement that supplements county
22 agreements and expands the scope to include appropriate
23 circuit and district officials and groups.

24 4. Coordinate the efforts of the district juvenile
25 justice board with the activities of the Governor's Juvenile
26 Justice and Delinquency Prevention Advisory Committee and
27 other public and private entities.

28 5. Advise and assist the district juvenile justice
29 manager in the provision of optional, innovative delinquency
30 services in the district to meet the unique needs of
31 delinquent children and their families.

1 6. Develop, in consultation with the district juvenile
2 justice manager, funding sources external to the Department of
3 Juvenile Justice for the provision and maintenance of
4 additional delinquency programs and services. The board may,
5 either independently or in partnership with one or more county
6 juvenile justice councils or other public or private entities,
7 apply for and receive funds, under contract or other funding
8 arrangement, from federal, state, county, city, and other
9 public agencies, and from public and private foundations,
10 agencies, and charities for the purpose of funding optional
11 innovative prevention, diversion, or treatment services in the
12 district for delinquent children and children at risk of
13 delinquency, and their families. To aid in this process, the
14 department shall provide fiscal agency services for the
15 councils.

16 7. Educate the community about and assist in the
17 community juvenile justice partnership grant program
18 administered by the Department of Juvenile Justice.

19 8. Advise the district health and human services
20 board, the district juvenile justice manager, and the
21 Secretary of Juvenile Justice regarding the development of the
22 legislative budget request for juvenile justice programs and
23 services in the district and the commitment region, and, in
24 coordination with the district health and human services
25 board, make recommendations, develop programs, and provide
26 funding for prevention and early intervention programs and
27 services designed to serve children in need of services,
28 families in need of services, and children who are at risk of
29 delinquency within the district or region.

30 9. Assist the district juvenile justice manager in
31 collecting information and statistical data useful in

1 assessing the need for prevention programs and services within
2 the juvenile justice continuum program in the district.

3 10. Make recommendations with respect to, and monitor
4 the effectiveness of, the judicial administrative plan for
5 each circuit pursuant to Rule 2.050, Florida Rules of Judicial
6 Administration.

7 11. Provide periodic reports to the health and human
8 services board in the appropriate district of the Department
9 of Children and Family Services. These reports must contain,
10 at a minimum, data about the clients served by the juvenile
11 justice programs and services in the district, as well as data
12 concerning the unmet needs of juveniles within the district.

13 12. Provide a written annual report on the activities
14 of the board to the district administrator, the Secretary of
15 Juvenile Justice, and the Juvenile Justice Accountability
16 Advisory Board. The report should include an assessment of the
17 effectiveness of juvenile justice continuum programs and
18 services within the district, recommendations for elimination,
19 modification, or expansion of existing programs, and
20 suggestions for new programs or services in the juvenile
21 justice continuum that would meet identified needs of children
22 and families in the district.

23 Section 13. The Department of Education shall work in
24 consultation with the Department of Juvenile Justice and the
25 local school districts to develop a plan for educational
26 programs in detention centers. The plan shall reflect the
27 unique needs, variability in lengths of stay, and diversity of
28 youth assigned to juvenile justice detention centers, and
29 instructional strategies to improve student achievement. The
30 plan shall anticipate the use of all state and local funding
31 categories available to ensure the success of students who are

1 being educated in juvenile justice facilities. The plan shall
2 provide for appropriate performance outcome measures. The
3 plan shall be submitted to the Governor, the Speaker of the
4 House of Representatives, and the President of the Senate
5 prior to January 1, 2000, and shall include appropriate cost
6 estimates.

7 Section 14. Subsection (10) of section 985.404,
8 Florida Statutes, 1998 Supplement, is amended to read:

9 985.404 Administering the juvenile justice
10 continuum.--

11 (10) The department shall annually collect and report
12 cost data for every program operated or contracted by the
13 department. The cost data shall conform to a format approved
14 by the department and the Legislature. Uniform cost data shall
15 be reported and collected for state-operated and contracted
16 programs so that comparisons can be made among programs. The
17 department shall ensure that there is accurate cost accounting
18 for state-operated services including market-equivalent rent
19 and other shared cost. The cost of the educational program
20 provided to a residential facility shall be reported and
21 included in the cost of a program. The department shall submit
22 an annual cost report to the President of the Senate, the
23 Speaker of the House of Representatives, the Minority Leader
24 of each house of the Legislature, the appropriate substantive
25 and appropriations committees of each house of the
26 Legislature, and the Governor, no later than December 1 of
27 each year. Cost-benefit analysis for educational programs will
28 be developed and implemented in collaboration with and
29 cooperation by the Department of Education, local providers,
30 and local school districts. Cost data for the report shall
31 include data collected by the Department of Education for the

1 purposes of preparing the annual report required by s.
2 230.23161(21)~~(17)~~.
3 Section 15. This act shall take effect upon becoming a
4 law.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31