

Bill No. CS for SB 1290

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Horne moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Subsections (43) and (44) are added to		
18	section 228.041, Florida Statutes, 1998 Supplement, to read:		
19	228.041 Definitions.--Specific definitions shall be as		
20	follows, and wherever such defined words or terms are used in		
21	the Florida School Code, they shall be used as follows:		
22	<u>(43) SCHOOL YEAR FOR JUVENILE JUSTICE PROGRAMS.--For</u>		
23	<u>schools operating for the purpose of providing educational</u>		
24	<u>services to youth in Department of Juvenile Justice programs,</u>		
25	<u>the school year shall be comprised of 250 days of instruction</u>		
26	<u>distributed over 12 months. A district school board may</u>		
27	<u>decrease the minimum number of days of instruction by up to 10</u>		
28	<u>days for teacher planning.</u>		
29	<u>(44) JUVENILE JUSTICE PROVIDER.--"Juvenile justice</u>		
30	<u>provider" means the Department of Juvenile Justice or a</u>		
31	<u>private, public, or other governmental organization under</u>		

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1 contract with the Department of Juvenile Justice which  
2 provides treatment, care and custody, or educational programs  
3 for youth in juvenile justice intervention, detention, or  
4 commitment programs.

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

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

20 Section 3. Section 228.081, Florida Statutes, is  
21 amended to read:

22 228.081 Other public educational services.--  
23 (1) The general control of other public educational  
24 services shall be vested in the state board except as provided  
25 herein. The state board shall, at the request of the  
26 Department of Children and Family Services and the Department  
27 of Juvenile Justice, advise as to standards and requirements  
28 relating to education to be met in all state schools or  
29 institutions under their control which provide educational  
30 programs. The Department of Education shall provide  
31 supervisory services for the educational programs of all such

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1 schools or institutions. The direct control of any of these  
2 services provided as part of the district program of education  
3 shall rest with the school board. These services shall be  
4 supported out of state, district, federal, or other lawful  
5 funds, depending on the requirements of the services being  
6 supported.

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

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

18 (b) The responsibilities of the Department of  
19 Education, the Department of Juvenile Justice, school  
20 districts, and providers of education services to youth in  
21 Department of Juvenile Justice programs.

22 (c) Academic expectations.

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

25 (e) Assessment procedures, which:

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

31 2. Require school districts to be responsible for

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1 ensuring the completion of the assessment process.

2 3. Require assessments for students in detention who  
3 will move on to commitment facilities, to be designed to  
4 create the foundation for developing the student's education  
5 program in the assigned commitment facility.

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

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

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

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

25 (h) Qualifications of instructional staff, procedures  
26 for the selection of instructional staff, and procedures to  
27 ensure consistent instruction and qualified staff year round.

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

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

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

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

10          (m) Contract requirements.

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

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

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

27          (q) Other aspects of program operations.

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

31          (a) Develop model contracts for the delivery of

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

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

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

- 18 1. A copy of the student's individualized education  
 19 plan;
- 20 2. Assessment data, including grade level proficiency  
 21 in reading, writing, and mathematics, and performance on tests  
 22 taken according to s. 229.57;
- 23 3. A copy of the student's permanent cumulative  
 24 record; and
- 25 4. A copy of the student's academic transcript.
- 26 5. A portfolio reflecting the youth's academic  
 27 accomplishments while in the Department of Juvenile Justice  
 28 program.

29 (d) Develop model procedures for securing the  
 30 education record and the roles and responsibilities of the  
 31 juvenile probation officer and others involved in the

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1 withdrawal of the student from school and assignment to a  
2 commitment or detention facility. Effective for the 2000-2001  
3 school year and thereafter, school districts shall be required  
4 to respond to requests for student education records received  
5 from another school district or a juvenile justice facility  
6 within 5 working days of receiving the request.

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

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

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

31 229.57 Student assessment program.--

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

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

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



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1           (c) Develop and implement a student achievement  
 2 testing program as part of the statewide assessment program,  
 3 to be administered at designated times at the elementary,  
 4 middle, and high school levels to measure reading, writing,  
 5 and mathematics. The testing program must be designed so  
 6 that:

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

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

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

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



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1 must develop, or select, and implement a common battery of  
2 assessment tools which will be used in all juvenile justice  
3 programs in the state. These tools must accurately reflect  
4 criteria established in the Florida Sunshine State Standards.

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

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

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

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

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

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

31 229.58 District and school advisory councils.--

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1           (1) ESTABLISHMENT.--

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

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

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

14           (1) DEVELOPMENT.--It is the intent of the Legislature  
15 that every public school in the state, including schools  
16 operating for the purpose of providing educational services to  
17 youth in Department of Juvenile Justice programs, shall have a  
18 school improvement plan, as required by s. 230.23(16), ~~fully~~  
19 ~~implemented and operational by the beginning of the 1993-1994~~  
20 ~~school year.~~ Vocational standards considered pursuant to s.  
21 239.229 shall be incorporated into the school improvement plan  
22 for each area technical center operated by a school board by  
23 the 1994-1995 school year, and area technical centers shall  
24 prepare school report cards incorporating such standards,  
25 pursuant to s. 230.23(16), for the 1995-1996 school year. In  
26 order to accomplish this, the Florida Commission on Education  
27 Reform and Accountability and the school districts and schools  
28 shall carry out the duties assigned to them by ss. 229.594 and  
29 230.23(16), respectively.

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

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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

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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.  
31 230.23(16)(e) according to guidelines adopted by the State

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1 Board of Education.

2 (4) DEPARTMENT.--

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

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

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

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

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

11 230.23 Powers and duties of school board.--The school  
12 board, acting as a board, shall exercise all powers and  
13 perform all duties listed below:

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

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



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

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

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

17 230.23161 Educational services in Department of  
18 Juvenile Justice programs.--

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

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1 the following activities:

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

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

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

12 (d) Prescribing the roles of program personnel.

13 (2)(1) The Legislature finds that juvenile assessment  
14 centers are an important source of information about youth who  
15 are entering the juvenile justice system. Juvenile assessment  
16 centers document the condition of youth entering the system,  
17 thereby providing baseline data which is essential to evaluate  
18 changes in the condition of youth as a result of treatment.  
19 The cooperation and involvement of the local school system,  
20 including the commitment of appropriate resources for  
21 determining the educational status and special learning  
22 problems and needs of youth, are essential if the full  
23 potential benefits of juvenile assessment centers are to be  
24 achieved.

25 (3)(2) Students participating in a detention,  
26 commitment, or rehabilitation program pursuant to chapter 985  
27 which is sponsored by a community-based agency or is operated  
28 or contracted for by the Department of Juvenile Justice shall  
29 receive educational programs according to rules of the State  
30 Board of Education. These students shall be eligible for  
31 services afforded to students enrolled in programs pursuant to

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1 s. 230.2316 and all corresponding State Board of Education  
2 rules.

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

19 ~~(5)(4)~~ A school day for any student serviced in a  
20 Department of Juvenile Justice program shall be the same as  
21 specified in s. 228.041(13). Educational services shall be  
22 provided at times of the day most appropriate for the program.  
23 School programming in juvenile justice detention, commitment,  
24 and rehabilitation programs shall be made available during the  
25 regular school year and the summer school by the local school  
26 district.

27 ~~(6)(5)~~ The educational program shall consist of  
28 appropriate basic academic, vocational, or exceptional  
29 curricula and related services which support the treatment  
30 goals and reentry and which may lead to completion of the  
31 requirements for receipt of a high school diploma or its

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1 equivalent. If the duration of a program is less than 40  
2 days, the educational component may be limited to tutorial  
3 activities and vocational employability skills.

4 (7)(6) Participation in the program by students of  
5 compulsory school attendance age as provided for in s. 232.01  
6 shall be mandatory. All students of noncompulsory  
7 school-attendance age who have not received a high school  
8 diploma or its equivalent shall participate in the educational  
9 program, unless the student files a formal declaration of his  
10 or her intent to terminate school enrollment as described in  
11 s. 232.01(1)(c) and is afforded the opportunity to attain a  
12 general education development diploma prior to release from a  
13 facility.

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

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

29 (10) The Department of Education shall ensure that all  
30 school districts make provisions for high school level  
31 committed youth to earn credits toward high school graduation

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1 while in residential and nonresidential juvenile justice  
2 facilities. Provisions must be made for the transfer of  
3 credits and partial credits earned.

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

17 (12)~~(8)~~ School districts are authorized and strongly  
18 encouraged to contract with a private provider for the  
19 provision of educational programs to youths placed with the  
20 Department of Juvenile Justice and shall generate local,  
21 state, and federal funding, including funding through the  
22 Florida Education Finance Program for such students. The  
23 school district's planning and budgeting process shall include  
24 the needs of Department of Juvenile Justice programs in the  
25 district's plan for expenditures for state categorical and  
26 federal funds.

27 (13)~~(9)~~ The local school district shall fund the  
28 education program in a Department of Juvenile Justice facility  
29 at the same or higher level of funding for equivalent students  
30 in the county school system based on the funds generated by  
31 state funding through the Florida Education Finance Program

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

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

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

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

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

29 ~~(14)(10)~~ Each school district shall negotiate a  
30 cooperative agreement with the Department of Juvenile Justice  
31 on the delivery of educational services to youths under the

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

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

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

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

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

12 (e) Curriculum and delivery of instruction.

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

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

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

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

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

26 (k) Methods and procedures for dispute resolution.

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

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

31 (15)~~(11)~~ The cooperative agreement pursuant to

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1 subsection(14)(10)does not preclude the development of an  
 2 operating agreement or contract between the school district  
 3 and the provider for each juvenile justice program in the  
 4 school district where educational programs are to be provided.  
 5 Any of the matters which must be included in the agreement  
 6 pursuant to subsection(14)(10)may be defined in the  
 7 operational agreements or operating contracts rather than in  
 8 the cooperative agreement if agreed to by the Department of  
 9 Juvenile Justice. Nothing in this section or in a cooperative  
 10 agreement shall be construed to require the school board to  
 11 provide more services than can be supported by the funds  
 12 generated by students in the juvenile justice programs.

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

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

29 (c) The Department of Education, in consultation with  
 30 school districts and providers, shall establish minimum  
 31 thresholds for the standards and key indicators for education



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

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

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

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1 and occupant design capacity criteria as provided by state  
2 board rules shall be used for remodeling or new construction  
3 whether facilities are provided on state property or district  
4 school board property.

5 (19)~~(15)~~ The parent or guardian of exceptional  
6 students shall have the due process rights provided for in  
7 chapter 232.

8 (20)~~(16)~~ Department of Juvenile Justice detention and  
9 commitment programs may be designated as second chance schools  
10 pursuant to s. 230.2316(3)(d). Admission to such programs  
11 shall be governed by chapter 985.

12 (21)~~(17)~~ The Department of Education and Department of  
13 Juvenile Justice, after consultation with and assistance from  
14 local providers and local school districts, shall report  
15 annually to the Legislature by February ~~December~~ 1 on the  
16 progress towards developing effective educational programs for  
17 juvenile delinquents including the amount of funding provided  
18 by local school districts to juvenile justice programs, the  
19 amount retained for administration including documenting the  
20 purposes for such expenses, the status of the development of  
21 cooperative agreements, ~~and~~ the results of the quality  
22 assurance reviews including recommendations for system  
23 improvement, and information on the identification of, and  
24 services provided to, exceptional students in juvenile justice  
25 commitment facilities to determine whether these students are  
26 properly reported for funding and are appropriately served.

27 (22)~~(18)~~ The educational programs at the Arthur Dozier  
28 School for Boys in Jackson County and the Florida School for  
29 Boys in Okeechobee shall be operated by the Department of  
30 Education, either directly or through grants or contractual  
31 agreements with other public or duly accredited education

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1 agencies approved by the Department of Education.

2 (23)~~(19)~~ The Department of Education shall have the  
3 authority to adopt any rules necessary to implement the  
4 provisions of this section, including uniform curriculum,  
5 funding, and second chance schools. Such rules shall require  
6 the minimum amount of paperwork and reporting necessary to  
7 comply with this act.

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

10 235.1975 Cooperative Development of Educational  
11 Facilities in Juvenile Justice Programs.--

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

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

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

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

17 237.34 Cost accounting and reporting.--

18 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

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

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

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

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

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

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

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

31 7. Juvenile justice programs, on an aggregate program

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1 basis, 80 percent.

2 ~~8.7.~~ Any new program established and funded under s.  
3 236.081(1)(c), that is not included under subparagraphs 1.  
4 through 6., on an aggregate basis as appropriate, 80 percent.

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

8 985.401 Juvenile Justice Accountability Board.--

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

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

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

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

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

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

27 ~~(7)(6)~~ Each state agency shall provide assistance when  
28 requested by the board. The board shall have access to all  
29 records, files, and reports that are material to its duties  
30 and that are in the custody of a school board, a law  
31 enforcement agency, a state attorney, a public defender, the

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1 court, the Department of Children and Family Services, and the  
2 department.

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

6 985.413 District juvenile justice boards.--

7 (3) DISTRICT JUVENILE JUSTICE BOARDS.--

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

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

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

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

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

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

31 6. Develop, in consultation with the district juvenile

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

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

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

29           9. Assist the district juvenile justice manager in  
30 collecting information and statistical data useful in  
31 assessing the need for prevention programs and services within

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1 the juvenile justice continuum program in the district.

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

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

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

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



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

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

8 985.404 Administering the juvenile justice  
9 continuum.--

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

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1 230.23161(21)(17).

2 Section 15. This act shall take effect upon becoming a  
3 law.

4

5

6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 Delete everything before the enacting clause

9

10 and insert:

11

A bill to be entitled

12

An act relating to education; amending s.

13

228.041, F.S.; defining "juvenile justice

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provider" and "school year for juvenile justice

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programs"; amending s. 228.051, F.S., relating

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to the organization and funding of required

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public schools; requiring the public schools of

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the state to provide instruction for youth in

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Department of Juvenile Justice programs;

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amending s. 228.081, F.S.; requiring the

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development and adoption of a rule articulating

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expectations for education programs for youth

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in Department of Juvenile Justice programs;

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requiring the development of model contracts

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for the delivery of educational services to

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youth in Department of Juvenile Justice

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programs; requiring the Department of Education

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to provide training and technical assistance;

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requiring the development of model procedures

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for transitioning youth into and out of

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Department of Juvenile Justice programs;

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1           requiring the development of model procedures  
2           regarding education records; requiring the  
3           Department of Education to provide, or contract  
4           for the provision of, quality assurance reviews  
5           of all juvenile justice education programs;  
6           amending s. 229.57, F.S.; revising provisions  
7           relating to the statewide assessment program to  
8           include schools operating for the purpose of  
9           providing educational services to youth in  
10          Department of Juvenile Justice programs;  
11          requiring the Department of Education to  
12          develop and implement assessment tools to be  
13          used in juvenile justice programs; amending s.  
14          229.58, F.S.; authorizing the establishment of  
15          district advisory councils for juvenile justice  
16          education programs; amending s. 229.592, F.S.;  
17          revising provisions relating to the  
18          implementation of the state system of school  
19          improvement and education accountability to  
20          include schools operating for the purpose of  
21          providing educational services to youth in  
22          Department of Juvenile Justice programs;  
23          deleting obsolete language; amending s. 230.23,  
24          F.S., relating to powers and duties of the  
25          school board; revising provisions relating to  
26          school improvement plans and public disclosure  
27          to include schools operating for the purpose of  
28          providing educational services to youth in  
29          Department of Juvenile Justice programs;  
30          amending s. 230.23161, F.S., relating to  
31          educational services in Department of Juvenile

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1 Justice programs; providing legislative intent;  
2 requiring the Department of Education to serve  
3 as the lead agency; requiring the Department of  
4 Education and the Department of Juvenile  
5 Justice to designate a coordinator to ensure  
6 department participation in certain activities;  
7 requiring student access to GED programs;  
8 requiring certain funding; revising provisions  
9 relating to compulsory school attendance;  
10 requiring the development of an academic  
11 improvement plan for certain students;  
12 providing requirements regarding academic  
13 records; requiring provisions for the earning  
14 and transfer of credits; providing funding  
15 requirements; revising provisions relating to  
16 quality assurance standards; requiring the  
17 Department of Juvenile Justice site visit and  
18 the education quality assurance site visit to  
19 take place during the same visit; requiring the  
20 establishment of minimum standards; requiring  
21 the State Board of Education to adopt rules  
22 establishing sanctions for performance below  
23 minimum standards; revising requirements  
24 regarding an annual report; creating s.  
25 235.1975, F.S., relating to cooperative  
26 development of educational facilities in  
27 juvenile justice programs; requiring a review  
28 and analysis of existing facilities; requiring  
29 the development and submission of a plan;  
30 requiring the Department of Juvenile Justice to  
31 provide certain information to school districts

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1           and the Department of Education regarding new  
2           juvenile justice facilities; providing an  
3           appropriation; providing requirements regarding  
4           planning and budgeting; amending s. 237.34,  
5           F.S.; requiring each district to expend at  
6           least 90 percent of the funds generated by  
7           juvenile justice programs on the aggregate  
8           total school costs for such programs; amending  
9           s. 985.401, F.S.; requiring the Juvenile  
10          Justice Accountability Board to study the  
11          extent and nature of education programs for  
12          juvenile offenders; amending s. 985.413, F.S.;  
13          revising the duties of district juvenile  
14          justice boards; requiring the development and  
15          submission of a plan for education programs in  
16          detention centers; amending s. 985.404, F.S.,  
17          relating to the administration of the juvenile  
18          justice continuum; correcting a  
19          cross-reference; providing an effective date.

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