

By Representative Bainter

1                                   A bill to be entitled  
2           An act relating to juvenile justice education  
3           programs; amending s. 228.041, F.S.; providing  
4           that funded days of instruction may not be  
5           reduced to accommodate teacher in-service days;  
6           amending s. 230.02, F.S.; providing for  
7           district school systems to provide  
8           instructional personnel at certain juvenile  
9           justice programs; amending s. 230.23161, F.S.;  
10          providing legislative intent; prescribing  
11          duties for the Department of Juvenile Justice  
12          and the Department of Education regarding  
13          providing educational instruction to certain  
14          delinquent youths; requiring certain delinquent  
15          youths to participate in educational programs;  
16          requiring a multi-agency plan; amending s.  
17          232.032, F.S.; exempting youths in juvenile  
18          justice programs from certain immunization  
19          requirements; amending s. 235.1975, F.S.;  
20          requiring the Department of Juvenile Justice to  
21          notify the Department of Education regarding  
22          certain actions taken regarding the  
23          construction of new facilities; amending s.  
24          236.08104, F.S.; providing for youths enrolled  
25          in juvenile justice education programs to earn  
26          funds from the Florida Education Finance  
27          Program; creating s. 985.3155, F.S.; requiring  
28          both departments to develop a plan for  
29          vocational education in juvenile justice  
30          facilities; providing powers, duties, and  
31          guidelines for the plan; requiring a report;

1           amending s. 985.316, F.S.; providing for  
2           compulsory participation in education programs  
3           by youths in custody; requiring a study;  
4           requiring a review and the creation of a plan;  
5           providing appropriations; providing an  
6           effective date.

7

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

9

10           Section 1. Subsection (43) of section 228.041, Florida  
11 Statutes, is amended to read:

12           228.041 Definitions.--Specific definitions shall be as  
13 follows, and wherever such defined words or terms are used in  
14 the Florida School Code, they shall be used as follows:

15           (43) SCHOOL YEAR FOR JUVENILE JUSTICE PROGRAMS.--For  
16 schools operating for the purpose of providing educational  
17 services to youth in Department of Juvenile Justice programs,  
18 the school year shall be comprised of 250 days of instruction  
19 distributed over 12 months. A district school board may  
20 decrease the minimum number of days of instruction by up to 10  
21 days for teacher planning. The number of funded days of  
22 instruction may not be reduced to accommodate teacher  
23 in-service days.

24           Section 2. Section 230.02, Florida Statutes, is  
25 amended to read:

26           230.02 Scope of district system.--A district school  
27 system shall include all public schools, classes, and courses  
28 of instruction and all services and activities directly  
29 related to education in that district which are under the  
30 direction of the district school officials. A district school  
31 system may also include alternative site schools for

1 disruptive or violent youth. Such schools for disruptive or  
2 violent youth may be funded by each district or provided  
3 through cooperative programs administered by a consortium of  
4 school districts, private providers, state and local law  
5 enforcement agencies, and the Department of Juvenile Justice.  
6 Pursuant to cooperative agreement, a district school system  
7 shall provide instructional personnel at juvenile justice  
8 programs of 50 or more beds or slots with access to the  
9 district school system database for the purpose of accessing  
10 student academic, immunization and registration records for  
11 students assigned to the programs. Such access shall be in the  
12 same manner as provided to other schools in the district.

13 Section 3. Subsections (1), (5), (7), and (13) of  
14 section 230.23161, Florida Statutes, are amended and  
15 subsection (24) is added to that section to read:

16 230.23161 Educational services in Department of  
17 Juvenile Justice programs.--

18 (1) The Legislature finds that education is the single  
19 most important factor in the rehabilitation of adjudicated  
20 delinquent youth in the custody of the Department of Juvenile  
21 Justice in detention or commitment facilities. It is the  
22 intent of the Legislature that youth in the juvenile justice  
23 system be provided with equal opportunity and access to  
24 quality and effective education that will meet the individual  
25 needs of each child.The Department of Education shall serve  
26 as the lead agency for juvenile justice education programs to  
27 ensure that curriculum, support services, and resources are  
28 provided to maximize the public's investment in the custody  
29 and care of these youth. To this end, the Department of  
30 Education and the Department of Juvenile Justice shall each  
31 designate a Coordinator for Juvenile Justice Education

1 Programs to serve as the point of contact for resolving issues  
2 not addressed by local district school boards and to ensure  
3 each department's participation in the following activities:  
4 (a) Training, collaborating, and coordinating with the  
5 Department of Juvenile Justice, local school districts,  
6 educational contract providers, and juvenile justice  
7 providers, whether state operated or contracted.  
8 (b) Collecting information on the academic performance  
9 of students in juvenile justice commitment and detention  
10 programs and reporting on the results.  
11 (c) Developing academic and vocational protocols that  
12 provide guidance to school districts and providers in all  
13 aspects of education programming, including records transfer  
14 and transition.  
15 (d) Prescribing the roles of program personnel and  
16 interdepartmental collaboration strategies.  
17 (e) Implementing and monitoring education services in  
18 detention centers.  
19  
20 Annually, a cooperative agreement and plan for juvenile  
21 justice education service enhancement shall be developed  
22 between the Department of Juvenile Justice and the Department  
23 of Education and submitted to the Secretary of Juvenile  
24 Justice and the Commissioner of Education by June 30.  
25 (5) A school day for any student serviced in a  
26 Department of Juvenile Justice program shall be the same as  
27 specified in s. 228.041(13). Educational services shall be  
28 provided at times of the day most appropriate for the juvenile  
29 justice program. School programming in juvenile justice  
30 detention, commitment, and rehabilitation programs shall be  
31 made available by the local school district during the

1 juvenile justice ~~regular~~ school year, as defined in s.  
2 228.041(43) ~~and the summer school by the local school~~  
3 ~~district.~~

4 (7) 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. A youth who has received a high school diploma or  
14 its equivalent and is not employed may participate in  
15 workforce development or other vocational or technical  
16 education, or community college or university courses, while  
17 in the program, subject to available funding.

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

26 (a) Juvenile justice education programs shall be  
27 funded in the appropriate FEFP program based on the  
28 educational services needed by the student for Department of  
29 Juvenile Justice programs in accordance with s. 236.081.

30 (b) Juvenile justice education programs to receive the  
31 appropriate FEFP program funding for Department of Juvenile

1 Justice programs shall include those operated through a  
2 contract with the Department of Juvenile Justice and which are  
3 under purview of the Department of Juvenile Justice quality  
4 assurance standards for education.

5 (c) Consistent with the rules of the State Board of  
6 Education, local school districts are authorized and required  
7 to request an alternative FTE survey for Department of  
8 Juvenile Justice programs experiencing fluctuations in student  
9 enrollment.

10 (d) Notwithstanding paragraph (c), FTE counts shall be  
11 conducted in the same manner as for equivalent students in the  
12 county school system.FTE count periods shall be prescribed in  
13 rules of the State Board of Education and shall be the same  
14 length and interval as for equivalent students in the county  
15 school system. The summer school period for students in  
16 Department of Juvenile Justice programs shall begin on the day  
17 immediately following the end of the regular school year and  
18 end on the day immediately preceding the subsequent regular  
19 school year. Students shall be funded for no more than 25  
20 hours per week of direct instruction. ~~The Department of~~  
21 ~~Education shall develop a method which captures all direct~~  
22 ~~instructional time provided to such students during the summer~~  
23 ~~school period.~~

24 (24) The Department of Juvenile Justice and the  
25 Department of Education shall, in consultation with the  
26 statewide Workforce Development Youth Council, school  
27 districts, providers, and others, jointly develop a  
28 multi-agency plan for vocational education which describes the  
29 curriculum, goals, and outcome measures for vocational  
30 programming in juvenile commitment facilities, pursuant to s.  
31 985.3115.

1           Section 4. Paragraph (e) of subsection (3) of section  
2 232.032, Florida Statutes, is amended to read:

3           232.032 Immunization against communicable diseases;  
4 school attendance requirements; exemptions.--

5           (3) The provisions of this section shall not apply if:

6           (e) An authorized school official issues a temporary  
7 exemption, for a period not to exceed 30 school days, to  
8 permit a child who transfers into a new county to attend class  
9 until his or her records can be obtained. The public school  
10 health nurse or authorized nonpublic school official is  
11 responsible for followup of each such child until proper  
12 documentation or immunizations are obtained. An exemption for  
13 more than 30 days may be issued for a child who transfers to a  
14 juvenile justice program.

15           Section 5. Section 235.1975, Florida Statutes, is  
16 amended to read:

17           235.1975 Cooperative Development of Educational  
18 Facilities in Juvenile Justice Programs.--

19           (1) The Department of Juvenile Justice shall provide  
20 early notice to school districts regarding the siting of new  
21 juvenile justice facilities. School districts shall include  
22 the projected number of students in the districts' annual  
23 estimates. School districts must ~~should~~ be consulted regarding  
24 the types of students expected to be assigned to commitment  
25 facilities for education planning and budgeting purposes.

26           (2) The Department of Juvenile Justice shall notify,  
27 in writing, the Department of Education when a request for  
28 proposals is issued for the construction or operation of a  
29 commitment or detention facility anywhere in the state. The  
30 Department of Juvenile Justice shall notify, in writing, the  
31 appropriate school district when a request for proposals is

1 issued for the construction or operation of a commitment or  
2 detention facility when a county or site is specifically  
3 identified.

4 (3) The Department of Juvenile Justice shall also ~~is~~  
5 ~~also required to~~ notify the district school superintendent  
6 within 30 days ~~after:~~of

7 (a) The award of a contract for the construction or  
8 operation of a commitment or detention facility within that  
9 school district.

10 (b) Obtaining a permit to begin construction of a new  
11 detention or commitment facility within that school district.

12 (4) All juvenile justice educational facilities must  
13 meet the state requirements for educational facilities  
14 prescribed by rules of the State Board of Education. Beginning  
15 July 1, 2000, all facility designs or substantial renovations  
16 plans must be approved by the Department of Education prior to  
17 construction. Juvenile justice facilities appropriated after  
18 July 1, 2000, which do not meet education specifications after  
19 that date will not be certified for occupancy.

20 Section 6. Subsection (3) of section 236.08104,  
21 Florida Statutes, is amended to read:

22 236.08104 Supplemental academic instruction;  
23 categorical fund.--

24 (3) Effective with the 1999-2000 fiscal year, funding  
25 on the basis of FTE membership beyond the 180-day regular term  
26 shall be provided in the FEFP only for students enrolled in  
27 juvenile justice education programs. Students enrolled in  
28 juvenile justice education programs shall generate funds in  
29 the FEFP for 250 days. Funding for instruction beyond the  
30 regular 180-day school year for all other K-12 students shall  
31 be provided through the supplemental academic instruction



1 categorical fund and other state, federal, and local fund  
2 sources with ample flexibility for schools to provide  
3 supplemental instruction to assist students in progressing  
4 from grade to grade and graduating.

5 Section 7. Section 985.3155, Florida Statutes, is  
6 created to read:

7 985.3155 Multi-agency plan for vocational education.--

8 (1) The Department of Juvenile Justice and the  
9 Department of Education shall, in consultation with the  
10 statewide Workforce Development Youth Council, school  
11 districts, providers, and others, jointly develop a  
12 multi-agency plan for vocational education that establishes  
13 the curriculum, goals, and outcome measures for vocational  
14 programs in juvenile commitment facilities. The plan must  
15 include:

16 (a) Provisions for maximizing appropriate state and  
17 federal funding sources, including funds under the Workforce  
18 Investment Act and the Perkins Act;

19 (b) The responsibilities of both departments and all  
20 other appropriate entities; and

21 (c) A detailed implementation schedule.

22  
23 The plan must be submitted to the Governor, the President of  
24 the Senate, and the Speaker of the House of Representatives by  
25 November 1, 2000.

26 (2) The plan must define vocational programming that  
27 is appropriate based upon:

28 (a) The age and assessed educational abilities and  
29 goals of the youth to be served; and

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1           (b) The typical length of stay and custody  
2 characteristics at the commitment program to which each youth  
3 is assigned.

4           (3) The plan must include a definition of vocational  
5 programming that includes the following classifications of  
6 commitment facilities that will offer vocational programming  
7 by one of the following types:

8           (a) Type A.--Programs that teach personal  
9 accountability skills and behaviors that are appropriate for  
10 youth in all age groups and ability levels and that lead to  
11 work habits that help maintain employment and living  
12 standards.

13           (b) Type B.--Programs that include Type A program  
14 content and an orientation to the broad scope of career  
15 choices, based upon personal abilities, aptitudes, and  
16 interests. Exploring and gaining knowledge of occupation  
17 options and the level of effort required to achieve them is an  
18 essential prerequisite to skill training.

19           (c) Type C.--Programs that include Type A program  
20 content and the vocational competencies or the prerequisites  
21 needed for entry into a specific occupation.

22           (4) The plan must also address strategies to  
23 facilitate involvement of business and industry in the design,  
24 delivery, and evaluation of vocational programming in juvenile  
25 justice commitment facilities and aftercare programs,  
26 including apprenticeship and work experience programs,  
27 mentoring and job shadowing, and other strategies that lead to  
28 post-release employment. Incentives for business involvement,  
29 such as tax breaks, bonding, and liability limits should be  
30 investigated, implemented where appropriate, or recommended to  
31 the Legislature for consideration.

1       (5) The Department of Juvenile Justice and the  
2 Department of Education shall each align its respective agency  
3 policies, practices, technical manuals, contracts,  
4 quality-assurance standards, performance-based-budgeting  
5 measures, and outcome measures with the plan in commitment  
6 facilities by January 31, 2001. Each agency shall provide a  
7 report on the implementation of this section to the Governor,  
8 the President of the Senate, and the Speaker of the House of  
9 Representatives by February 15, 2001.

10       (6) All provider contracts executed by the department  
11 after July 1, 2001, must be aligned with the plan.

12       (7) The planning and execution of quality assurance  
13 reviews conducted by the Department of Education or the  
14 Department of Juvenile Justice after February 1, 2002, must be  
15 aligned with the plan.

16       (8) Outcome measures reported by the department and  
17 the Juvenile Justice Accountability Board for youth released  
18 on or after July 1, 2001, should include outcome measures that  
19 conform to the plan.

20       Section 8. Subsection (5) is added to section 985.316,  
21 Florida Statutes, to read:

22       985.316 Aftercare.--

23       (5) Participation in the educational program by  
24 students of compulsory school attendance age pursuant to s.  
25 232.01 is mandatory for juvenile justice youth on aftercare or  
26 postcommitment community control status. A student of  
27 noncompulsory school-attendance age who has not received a  
28 high school diploma or its equivalent must participate in the  
29 educational program unless the student files a formal  
30 declaration of intent to terminate school enrollment under s.  
31 232.01(1)(c) and is afforded the opportunity to attain a

1 general education development diploma prior to release from a  
2 facility. A youth who has received a high school diploma or  
3 its equivalent and is not employed must participate in  
4 workforce development or other vocational or technical  
5 education or attend a community college or a university while  
6 in the program, subject to available funding.

7       Section 9. The Department of Education, in  
8 consultation with the Department of Juvenile Justice, shall  
9 conduct a study to determine the precise funding level needed  
10 to provide the specialized education programs to youth in  
11 juvenile justice programs. The results of this study may be  
12 used to establish a unique program cost factor beginning in  
13 fiscal year 2001-2002 for juvenile justice education programs.  
14 The results of the study must be presented to the Governor and  
15 Legislature by January 1, 2001. The sum of \$100,000 in  
16 nonrecurring general revenue is appropriated from the General  
17 Revenue Fund to the Department of Education for the purpose of  
18 conducting the study.

19       Section 10. The Department of Education, in  
20 consultation with the Department of Juvenile Justice, shall  
21 conduct a review and analysis of existing education facilities  
22 in Department of Juvenile Justice facilities to determine the  
23 adequacy of the facilities for educational use. This  
24 information must be used to generate a 3-year plan to provide  
25 adequate space, equipment, furnishings, and technology,  
26 including retrofitting. The Department of Education shall  
27 submit this plan to the Governor, the President of the Senate,  
28 the Speaker of the House of Representatives, and the Secretary  
29 of Juvenile Justice by November 1, 2000. The plan must contain  
30 sufficient detail for the development of a fixed capital  
31 outlay budget request. The sum of \$100,000 in nonrecurring

1 general revenue is appropriated from the General Revenue Fund  
2 to the Department of Education for the purpose of conducting  
3 the study.

4 Section 11. This act shall take effect July 1, 2000.

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7 SENATE SUMMARY

8 Revises provisions relating to educational programs and  
9 facilities for youths in juvenile justice programs.  
10 Requires district school systems to provide funds and  
11 instructional personnel for certain juvenile justice  
12 programs. Establishes duties for the Department of  
13 Education and the Department of Juvenile Justice in  
14 providing education to juvenile offenders. Provides  
15 compulsory education requirements for such offenders.  
16 Requires the creation of a multi-agency plan and  
17 cooperation between the two departments regarding  
18 juvenile offender educational programs and facilities.  
19 Requires plans, studies, and reports. (See bill for  
20 details.)  
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