

By the Committee on Education Innovation and
Representatives Bainter and Melvin

1 A bill to be entitled
2 An act relating to juvenile justice education
3 programs; amending s. 230.02, F.S.; providing
4 for district school systems to provide
5 instructional personnel at certain juvenile
6 justice programs; amending s. 230.23161, F.S.;
7 prescribing duties for the Department of
8 Juvenile Justice and the Department of
9 Education regarding providing educational
10 instruction to certain delinquent youths;
11 providing that certain full-time teachers are
12 eligible for the critical teacher shortage
13 tuition reimbursement program; requiring
14 certain delinquent youths to participate in
15 educational programs; requiring a multi-agency
16 plan; amending s. 232.032, F.S.; exempting
17 youths in juvenile justice programs from
18 certain immunization requirements; amending s.
19 235.1975, F.S.; requiring the Department of
20 Juvenile Justice to notify the Department of
21 Education regarding certain actions taken
22 regarding the construction of new facilities;
23 amending s. 240.4064, F.S.; providing that
24 full-time teachers in juvenile justice schools
25 are eligible for the critical teacher shortage
26 tuition reimbursement program; amending s.
27 985.227, F.S.; requiring that certain
28 incarcerated minors be offered educational
29 services; providing conditions for the
30 services; creating s. 985.3155, F.S.; requiring
31 both departments to develop a plan for

1 vocational education in juvenile justice
2 facilities; providing powers, duties, and
3 guidelines for the plan; requiring a report;
4 amending s. 985.316, F.S.; providing for
5 compulsory participation in education programs
6 by youths in custody; requiring a study;
7 requiring a review and the creation of a plan;
8 providing appropriations; providing an
9 effective date.

10

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

12

13 Section 1. Section 230.02, Florida Statutes, is
14 amended to read:

15 230.02 Scope of district system.--A district school
16 system shall include all public schools, classes, and courses
17 of instruction and all services and activities directly
18 related to education in that district which are under the
19 direction of the district school officials. A district school
20 system may also include alternative site schools for
21 disruptive or violent youth. Such schools for disruptive or
22 violent youth may be funded by each district or provided
23 through cooperative programs administered by a consortium of
24 school districts, private providers, state and local law
25 enforcement agencies, and the Department of Juvenile Justice.
26 Pursuant to cooperative agreement, a district school system
27 shall provide instructional personnel at juvenile justice
28 programs of 50 or more beds or slots with access to the
29 district school system database for the purpose of accessing
30 student academic, immunization, and registration records for

31

1 students assigned to the programs. Such access shall be in the
2 same manner as provided to other schools in the district.

3 Section 2. Subsections (1), (5), (7), (11), and (13)
4 of section 230.23161, Florida Statutes, are amended and
5 subsection (24) is added to said section, to read:

6 230.23161 Educational services in Department of
7 Juvenile Justice programs.--

8 (1) The Legislature finds that education is the single
9 most important factor in the rehabilitation of adjudicated
10 delinquent youth in the custody of the Department of Juvenile
11 Justice in detention or commitment facilities. The Department
12 of Education shall serve as the lead agency for juvenile
13 justice education programs to ensure that curriculum, support
14 services, and resources are provided to maximize the public's
15 investment in the custody and care of these youth. To this
16 end, the Department of Education and the Department of
17 Juvenile Justice shall each designate a Coordinator for
18 Juvenile Justice Education Programs to serve as the point of
19 contact for resolving issues not addressed by local district
20 school boards and to ensure each department's participation in
21 the following activities:

22 (a) Training, collaborating, and coordinating with the
23 Department of Juvenile Justice, local school districts,
24 educational contract providers, and juvenile justice
25 providers, whether state operated or contracted.

26 (b) Collecting information on the academic performance
27 of students in juvenile justice commitment and detention
28 programs and reporting on the results.

29 (c) Developing academic and vocational protocols that
30 provide guidance to school districts and providers in all
31

1 aspects of education programming, including records transfer
2 and transition.

3 (d) Prescribing the roles of program personnel and
4 collaboration strategies between departments, local school
5 districts, or providers.

6
7 Annually, a cooperative agreement and plan for juvenile
8 justice education service enhancement shall be developed
9 between the Department of Juvenile Justice and the Department
10 of Education and submitted to the Secretary of Juvenile
11 Justice and the Commissioner of Education by June 30.

12 (5) A school day for any student serviced in a
13 Department of Juvenile Justice program shall be the same as
14 specified in s. 228.041(13). Educational services shall be
15 provided at times of the day most appropriate for the juvenile
16 justice program. School programming in juvenile justice
17 detention, commitment, and rehabilitation programs shall be
18 made available by the local school district during the
19 juvenile justice regular school year, as defined in s.
20 228.041(43) ~~and the summer school by the local school~~
21 ~~district.~~

22 (7) Participation in the program by students of
23 compulsory school attendance age as provided for in s. 232.01
24 shall be mandatory. All students of noncompulsory
25 school-attendance age who have not received a high school
26 diploma or its equivalent shall participate in the educational
27 program, unless the student files a formal declaration of his
28 or her intent to terminate school enrollment as described in
29 s. 232.01(1)(c) and is afforded the opportunity to attain a
30 general education development diploma prior to release from a
31 facility. A youth who has received a high school diploma or

1 its equivalent and is not employed shall participate in
2 workforce development or other vocational or technical
3 education, or community college or university courses, while
4 in the program, subject to available funding.

5 (11) 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 Full-time teachers working in juvenile justice schools,
19 whether employed by a school district or a provider, shall be
20 eligible for the critical teacher shortage tuition
21 reimbursement program as defined by s. 240.4064.

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

30 (a) Juvenile justice education programs shall be
31 funded in the appropriate FEFP program based on the

1 educational services needed by the student for Department of
2 Juvenile Justice programs in accordance with s. 236.081.

3 (b) Juvenile justice education programs to receive the
4 appropriate FEFP program funding for Department of Juvenile
5 Justice programs shall include those operated through a
6 contract with the Department of Juvenile Justice and which are
7 under purview of the Department of Juvenile Justice quality
8 assurance standards for education.

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

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

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

1 programming in juvenile commitment facilities, pursuant to s.
2 985.3115.

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

5 232.032 Immunization against communicable diseases;
6 school attendance requirements; exemptions.--

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

8 (e) An authorized school official issues a temporary
9 exemption, for a period not to exceed 30 school days, to
10 permit a child who transfers into a new county to attend class
11 until his or her records can be obtained. The public school
12 health nurse or authorized nonpublic school official is
13 responsible for followup of each such child until proper
14 documentation or immunizations are obtained. An exemption for
15 30 days may be issued for a child who enters a juvenile
16 justice program to permit a child to attend class until his or
17 her records or immunization can be obtained. An authorized
18 juvenile justice official is responsible for followup of each
19 child until proper documents or immunization can be obtained.

20 Section 4. Section 235.1975, Florida Statutes, is
21 amended to read:

22 235.1975 Cooperative Development of Educational
23 Facilities in Juvenile Justice Programs.--

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

31

1 (2) The Department of Juvenile Justice shall notify,
2 in writing, the Department of Education when a request for
3 proposals is issued for the construction or operation of a
4 commitment or detention facility anywhere in the state. The
5 Department of Juvenile Justice shall notify, in writing, the
6 appropriate school district when a request for proposals is
7 issued for the construction or operation of a commitment or
8 detention facility when a county or site is specifically
9 identified.

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

13 (a) The award of a contract for the construction or
14 operation of a commitment or detention facility within that
15 school district.

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

18 (4) All juvenile justice educational facilities must
19 meet the state requirements for educational facilities
20 prescribed by rules of the State Board of Education. Beginning
21 July 1, 2000, all facility designs or substantial renovations
22 plans must be approved by the Department of Education prior to
23 construction. Juvenile justice facilities appropriated after
24 July 1, 2000, which do not meet education specifications after
25 that date shall not be certified for occupancy.

26 Section 5. Subsection (2) of section 240.4064, Florida
27 Statutes, is amended to read:

28 240.4064 Critical teacher shortage tuition
29 reimbursement program.--

30 (2) The State Board of Education shall adopt rules to
31 implement the critical teacher shortage tuition reimbursement

1 program. Any full-time public school employee or
2 developmental research school employee, or teacher working
3 full time in a juvenile justice school whether employed by a
4 school district or juvenile justice provider, who is certified
5 to teach in this state is eligible for the program. For the
6 purposes of this program, tuition reimbursement shall be
7 limited to courses in critical teacher shortage areas as
8 determined by the State Board of Education. Such courses
9 shall be:

10 (a) Graduate-level courses leading to a master's,
11 specialist, or doctoral degree;

12 (b) Graduate-level courses leading to a new
13 certification area; or

14 (c) State-approved undergraduate courses leading to an
15 advanced degree or new certification area.

16 Section 6. Paragraph (d) is added to subsection (3) of
17 section 985.227, Florida Statutes, to read:

18 985.227 Prosecution of juveniles as adults by the
19 direct filing of an information in the criminal division of
20 the circuit court; discretionary criteria; mandatory
21 criteria.--

22 (3) EFFECT OF DIRECT FILE.--

23 (d) Minors who have not graduated from high school and
24 eligible students under the age of 22 with disabilities who
25 have not graduated with a standard diploma or its equivalent
26 who are incarcerated in county jails under this section shall
27 be offered educational services by the local school district
28 in which the county jail is located. These educational
29 services shall be based upon the estimated length of time the
30 youth will be in the county jail and the youth's current level
31 of functioning. School district superintendents or their

1 designees shall be notified by the local sheriff upon the
2 assignment of a youth under the age of 21 to the county jail.
3 A cooperative agreement with the local school district and
4 applicable law enforcement units shall be developed to address
5 the notification requirement and the provision of educational
6 services to these youth.

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

9 985.3155 Multi-agency plan for vocational education.--

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

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

21 (b) The responsibilities of both departments and all
22 other appropriate entities; and

23 (c) A detailed implementation schedule.

24
25 The plan must be submitted to the Governor, the President of
26 the Senate, and the Speaker of the House of Representatives by
27 May 1, 2001.

28 (2) The plan must define vocational programming that
29 is appropriate based upon:

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

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 postrelease 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, quality
4 assurance standards, performance-based budgeting measures, and
5 outcome measures with the plan in commitment facilities by
6 July 31, 2001. Each agency shall provide a report on the
7 implementation of this section to the Governor, the President
8 of the Senate, and the Speaker of the House of Representatives
9 by August 31, 2001.

10 (6) All provider contracts executed by the Department
11 of Juvenile Justice or a school district after January 1,
12 2002, must be aligned with the plan.

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

17 (8) Outcome measures reported by the Department of
18 Juvenile Justice, the Department of Education, and the
19 Juvenile Justice Accountability Board for youth released on or
20 after January 1, 2001, shall include outcome measures that
21 conform to the plan.

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

24 985.316 Aftercare.--

25 (5) Participation in the educational program by
26 students of compulsory school attendance age pursuant to s.
27 232.01 is mandatory for juvenile justice youth on aftercare or
28 postcommitment community control status. A student of
29 noncompulsory school attendance age who has not received a
30 high school diploma or its equivalent must participate in the
31 educational program. A youth who has received a high school

1 diploma or its equivalent and is not employed must participate
2 in workforce development or other vocational or technical
3 education or attend a community college or a university while
4 in the program, subject to available funding.

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

18 Section 10. The Department of Education, in
19 consultation with the Department of Juvenile Justice, shall
20 conduct a review and analysis of existing education facilities
21 in Department of Juvenile Justice facilities to determine the
22 adequacy of the facilities for educational use. This
23 information must be used to generate a 3-year plan to provide
24 adequate space, equipment, furnishings, and technology,
25 including retrofitting. The Department of Education shall
26 submit this plan to the Governor, the President of the Senate,
27 the Speaker of the House of Representatives, and the Secretary
28 of Juvenile Justice by January 1, 2001. The plan must contain
29 sufficient detail for the development of a fixed capital
30 outlay budget request. The sum of \$100,000 in nonrecurring
31 general revenue is appropriated from the General Revenue Fund

1 to the Department of Education for the purpose of conducting
2 the study.
3 Section 11. This act shall take effect July 1, 2000.
4
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