

By Senator Horne

6-1326A-00

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:

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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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