

By the Committee on Education and Senator Horne

304-1898B-00

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 providing legislative intent; prescribing
8 duties for the Department of Juvenile Justice
9 and the Department of Education regarding
10 providing educational instruction to certain
11 delinquent youths; requiring certain delinquent
12 youths to participate in educational programs;
13 clarifying the FTE count requirements;
14 requiring a multi-agency plan; amending s.
15 232.032, F.S.; exempting youths in juvenile
16 justice programs from certain immunization
17 requirements; providing for followup; amending
18 s. 235.1975, F.S.; requiring the Department of
19 Juvenile Justice to notify the Department of
20 Education regarding certain actions taken
21 regarding the construction of new facilities;
22 creating s. 985.3155, F.S.; requiring both
23 departments to develop a plan for vocational
24 education in juvenile justice facilities;
25 providing powers, duties, and guidelines for
26 the plan; requiring a report; amending s.
27 985.316, F.S.; providing for compulsory
28 participation in education programs by youths
29 in custody; requiring a study; requiring a
30 review and the creation of a plan; providing
31 appropriations; amending s. 228.081, F.S.;

1 clarifying the educational option available to
2 certain students; establishing responsibility
3 for certain fees; providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Section 230.02, Florida Statutes, is
8 amended to read:

9 230.02 Scope of district system.--A district school
10 system shall include all public schools, classes, and courses
11 of instruction and all services and activities directly
12 related to education in that district which are under the
13 direction of the district school officials. A district school
14 system may also include alternative site schools for
15 disruptive or violent youth. Such schools for disruptive or
16 violent youth may be funded by each district or provided
17 through cooperative programs administered by a consortium of
18 school districts, private providers, state and local law
19 enforcement agencies, and the Department of Juvenile Justice.
20 Pursuant to cooperative agreement, a district school system
21 shall provide instructional personnel at juvenile justice
22 facilities of 50 or more beds or slots with access to the
23 district school system database for the purpose of accessing
24 student academic, immunization and registration records for
25 students assigned to the programs. Such access shall be in the
26 same manner as provided to other schools in the district.

27 Section 2. Subsections (1), (5), (7), and (13) of
28 section 230.23161, Florida Statutes, are amended and
29 subsection (24) is added to that section to read:

30 230.23161 Educational services in Department of
31 Juvenile Justice programs.--

1 (1) The Legislature finds that education is the single
2 most important factor in the rehabilitation of adjudicated
3 delinquent youth in the custody of the Department of Juvenile
4 Justice in detention or commitment facilities. It is the
5 intent of the Legislature that youth in the juvenile justice
6 system be provided with equal opportunity and access to
7 quality and effective education that will meet the individual
8 needs of each child.The Department of Education shall serve
9 as the lead agency for juvenile justice education programs to
10 ensure that curriculum, support services, and resources are
11 provided to maximize the public's investment in the custody
12 and care of these youth. To this end, the Department of
13 Education and the Department of Juvenile Justice shall each
14 designate a Coordinator for Juvenile Justice Education
15 Programs to serve as the point of contact for resolving issues
16 not addressed by local district school boards and to ensure
17 each department's participation in the following activities:
18 (a) Training, collaborating, and coordinating with the
19 Department of Juvenile Justice, local school districts,
20 educational contract providers, and juvenile justice
21 providers, whether state operated or contracted.
22 (b) Collecting information on the academic performance
23 of students in juvenile justice commitment and detention
24 programs and reporting on the results.
25 (c) Developing academic and vocational protocols that
26 provide guidance to school districts and providers in all
27 aspects of education programming, including records transfer
28 and transition.
29 (d) Prescribing the roles of program personnel and
30 interdepartmental local school district or provider
31 collaboration strategies.

1
2 Annually, a cooperative agreement and plan for juvenile
3 justice education service enhancement shall be developed
4 between the Department of Juvenile Justice and the Department
5 of Education and submitted to the Secretary of Juvenile
6 Justice and the Commissioner of Education by June 30.

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

17 (7) Participation in the program by students of
18 compulsory school attendance age as provided for in s. 232.01
19 shall be mandatory. All students of noncompulsory
20 school-attendance age who have not received a high school
21 diploma or its equivalent shall participate in the educational
22 program, unless the student files a formal declaration of his
23 or her intent to terminate school enrollment as described in
24 s. 232.01(1)(c) and is afforded the opportunity to take the
25 general education development test and attain a Florida high
26 school general education development diploma prior to release
27 from a facility. A youth who has received a high school
28 diploma or its equivalent and is not employed shall
29 participate in workforce development or other vocational or
30 technical education or community college or university courses
31 while in the program, subject to available funding.

1 (13) The local school district shall fund the
2 education program in a Department of Juvenile Justice facility
3 at the same or higher level of funding for equivalent students
4 in the county school system based on the funds generated by
5 state funding through the Florida Education Finance Program
6 for such students. It is the intent of the Legislature that
7 the school district maximize its available local, state, and
8 federal funding to a juvenile justice program.

9 (a) Juvenile justice education programs shall be
10 funded in the appropriate FEFP program based on the
11 educational services needed by the student for Department of
12 Juvenile Justice programs in accordance with s. 236.081.

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

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

24 (d) FTE count periods shall be prescribed in rules of
25 the State Board of Education and shall be the same for
26 programs of the Department of Juvenile Justice as for other
27 public school programs. The summer school period for students
28 in Department of Juvenile Justice programs shall begin on the
29 day immediately following the end of the regular school year
30 and end on the day immediately preceding the subsequent
31 regular school year. Students shall be funded for no more than

1 25 hours per week of direct instruction. ~~The Department of~~
2 ~~Education shall develop a method which captures all direct~~
3 ~~instructional time provided to such students during the summer~~
4 ~~school period.~~

5 (24) The Department of Juvenile Justice and the
6 Department of Education shall, in consultation with the
7 statewide Workforce Development Youth Council, school
8 districts, providers, and others, jointly develop a
9 multi-agency plan for vocational education which describes the
10 curriculum, goals, and outcome measures for vocational
11 programming in juvenile commitment facilities, pursuant to s.
12 985.3155.

13 Section 3. Paragraph (e) of subsection (3) of section
14 232.032, Florida Statutes, is amended to read:

15 232.032 Immunization against communicable diseases;
16 school attendance requirements; exemptions.--

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

18 (e) An authorized school official issues a temporary
19 exemption, for a period not to exceed 30 school days, to
20 permit a child who transfers into a new county to attend class
21 until his or her records can be obtained. The public school
22 health nurse or authorized nonpublic school official is
23 responsible for followup of each such child until proper
24 documentation or immunizations are obtained. An exemption for
25 30 days may be issued for a child who enters a juvenile
26 justice program to permit the child to attend class until his
27 or her records can be obtained or until the immunizations can
28 be obtained. An authorized juvenile justice official is
29 responsible for followup of each child who enters a juvenile
30 justice program until proper documentation or immunizations
31 are obtained.

1 Section 4. Section 235.1975, Florida Statutes, is
2 amended to read:

3 235.1975 Cooperative Development of Educational
4 Facilities in Juvenile Justice Programs.--

5 (1) The Department of Juvenile Justice shall provide
6 early notice to school districts regarding the siting of new
7 juvenile justice facilities. School districts shall include
8 the projected number of students in the districts' annual
9 estimates. School districts must ~~should~~ be consulted regarding
10 the types of students expected to be assigned to commitment
11 facilities for education planning and budgeting purposes.

12 (2) The Department of Juvenile Justice shall notify,
13 in writing, the Department of Education when a request for
14 proposals is issued for the construction or operation of a
15 commitment or detention facility anywhere in the state. The
16 Department of Juvenile Justice shall notify, in writing, the
17 appropriate school district when a request for proposals is
18 issued for the construction or operation of a commitment or
19 detention facility when a county or site is specifically
20 identified.

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

24 (a) The award of a contract for the construction or
25 operation of a commitment or detention facility within that
26 school district.

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

29 (4) All juvenile justice educational facilities must
30 meet the state requirements for educational facilities
31 prescribed by rules of the State Board of Education. Beginning

1 July 1, 2000, all facility designs or substantial renovations
2 plans must be approved by the Department of Education prior to
3 construction. Juvenile justice facilities appropriated after
4 July 1, 2000, which do not meet education specifications after
5 that date will not be certified for occupancy.

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

8 985.3155 Multi-agency plan for vocational education.--

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

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

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

22 (c) A detailed implementation schedule.

23
24 The plan must be submitted to the Governor, the President of
25 the Senate, and the Speaker of the House of Representatives by
26 May 1, 2001.

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

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

31

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 July 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 August 31, 2001.

10 (6) All provider contracts executed by the Department
11 of Juvenile Justice or the school districts 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, 2002, should include outcome measures that
21 conform to the plan.

22 Section 6. 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 7. 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 8. 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 9. Subsection (4) of section 228.081, Florida
4 Statutes, is amended to read:

5 228.081 Other public educational services.--

6 (4) The Department of Education shall ensure that
7 school districts notify students in juvenile justice
8 residential or nonresidential facilities who attain the age of
9 16 years of the provisions of s. 232.01(1)(c) regarding
10 compulsory school attendance and make available the option of
11 enrolling in a program to attain a Florida high school general
12 ~~education development~~ diploma by taking the general education
13 development test 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. The administrative fees for the general
21 education development test required by the Department of
22 Education are the responsibility of school districts and may
23 be required of providers by contractual agreement.

24 Section 10. This act shall take effect July 1, 2000.
25
26
27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 2464

4 The committee substitute removes the following from the bill:

5 -Changes to the definition of a school year for juvenile
6 justice programs.

7 -Requirement for students enrolled in juvenile justice
8 education programs to generate funds in the FEFP for 250 days.

9 -Monitoring responsibilities for the juvenile justice
10 education program coordinators.

11 -Prohibition against reducing the number of days of
12 instruction to accommodate teacher in-service days.

13 Students of noncompulsory school attendance age who have not
14 received a high school diploma or its equivalent must
15 participate in an educational program.

16 The committee substitute clarifies the temporary exemption
17 from the immunization requirements. An exemption may be
18 granted for 30 days in order to let the child attend class
19 until his or her records or immunizations are obtained. An
20 authorized juvenile justice official is responsible for follow
21 up on the child.

22 The committee substitute imposes responsibilities on school
23 districts for the administrative fees associated with the
24 general education development tests. Fees may be required of
25 providers by contract. The bill also makes technical
26 corrections to the type of diploma received by students.

27 FTE counts must be the same for Department of Juvenile Justice
28 programs as they are for other public school programs. The
29 timelines for many of the required activities in the bill are
30 adjusted to allow for more timely completion of tasks.

31