

By the Committees on Criminal Justice, Education and Senator
Horne

307-2026-00

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; amending s. 230.23, F.S.;
4 requiring provision of educational services to
5 certain minors and students who are detained in
6 specified detention facilities; creating s.
7 951.176, F.S.; requiring provision of
8 educational services to certain minors and
9 students who are detained in specified
10 detention facilities; providing an effective
11 date.

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

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15 Section 1. Section 230.02, Florida Statutes, is
16 amended to read:

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

1 student academic, immunization and registration records for
2 students assigned to the programs. Such access shall be in the
3 same manner as provided to other schools in the district.

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

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

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

26 (a) Training, collaborating, and coordinating with the
27 Department of Juvenile Justice, local school districts,
28 educational contract providers, and juvenile justice
29 providers, whether state operated or contracted.

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1 (b) Collecting information on the academic performance
2 of students in juvenile justice commitment and detention
3 programs and reporting on the results.

4 (c) Developing academic and vocational protocols that
5 provide guidance to school districts and providers in all
6 aspects of education programming, including records transfer
7 and transition.

8 (d) Prescribing the roles of program personnel and
9 interdepartmental local school district or provider
10 collaboration strategies.

11
12 Annually, a cooperative agreement and plan for juvenile
13 justice education service enhancement shall be developed
14 between the Department of Juvenile Justice and the Department
15 of Education and submitted to the Secretary of Juvenile
16 Justice and the Commissioner of Education by June 30.

17 (5) A school day for any student serviced in a
18 Department of Juvenile Justice program shall be the same as
19 specified in s. 228.041(13). Educational services shall be
20 provided at times of the day most appropriate for the juvenile
21 justice program. School programming in juvenile justice
22 detention, commitment, and rehabilitation programs shall be
23 made available by the local school district during the
24 juvenile justice regular school year, as defined in s.
25 228.041(43) ~~and the summer school by the local school~~
26 ~~district.~~

27 (7) Participation in the program by students of
28 compulsory school attendance age as provided for in s. 232.01
29 shall be mandatory. All students of noncompulsory
30 school-attendance age who have not received a high school
31 diploma or its equivalent shall participate in the educational

1 program, unless the student files a formal declaration of his
2 or her intent to terminate school enrollment as described in
3 s. 232.01(1)(c) and is afforded the opportunity to take the
4 general education development test and attain a Florida high
5 school ~~general education development~~ diploma prior to release
6 from a facility. A youth who has received a high school
7 diploma or its equivalent and is not employed shall
8 participate in workforce development or other vocational or
9 technical education or community college or university courses
10 while in the program, subject to available funding.

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

19 (a) Juvenile justice education programs shall be
20 funded in the appropriate FEFP program based on the
21 educational services needed by the student for Department of
22 Juvenile Justice programs in accordance with s. 236.081.

23 (b) Juvenile justice education programs to receive the
24 appropriate FEFP program funding for Department of Juvenile
25 Justice programs shall include those operated through a
26 contract with the Department of Juvenile Justice and which are
27 under purview of the Department of Juvenile Justice quality
28 assurance standards for education.

29 (c) Consistent with the rules of the State Board of
30 Education, local school districts are authorized and required
31 to request an alternative FTE survey for Department of

1 Juvenile Justice programs experiencing fluctuations in student
2 enrollment.

3 (d) FTE count periods shall be prescribed in rules of
4 the State Board of Education and shall be the same for
5 programs of the Department of Juvenile Justice as for other
6 public school programs. The summer school period for students
7 in Department of Juvenile Justice programs shall begin on the
8 day immediately following the end of the regular school year
9 and end on the day immediately preceding the subsequent
10 regular school year. Students shall be funded for no more than
11 25 hours per week of direct instruction. ~~The Department of~~
12 ~~Education shall develop a method which captures all direct~~
13 ~~instructional time provided to such students during the summer~~
14 ~~school period.~~

15 (24) The Department of Juvenile Justice and the
16 Department of Education shall, in consultation with the
17 statewide Workforce Development Youth Council, school
18 districts, providers, and others, jointly develop a
19 multi-agency plan for vocational education which describes the
20 curriculum, goals, and outcome measures for vocational
21 programming in juvenile commitment facilities, pursuant to s.
22 985.3155.

23 Section 3. Paragraph (e) of subsection (3) of section
24 232.032, Florida Statutes, is amended to read:

25 232.032 Immunization against communicable diseases;
26 school attendance requirements; exemptions.--

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

28 (e) An authorized school official issues a temporary
29 exemption, for a period not to exceed 30 school days, to
30 permit a child who transfers into a new county to attend class
31 until his or her records can be obtained. The public school

1 health nurse or authorized nonpublic school official is
2 responsible for followup of each such child until proper
3 documentation or immunizations are obtained. An exemption for
4 30 days may be issued for a child who enters a juvenile
5 justice program to permit the child to attend class until his
6 or her records can be obtained or until the immunizations can
7 be obtained. An authorized juvenile justice official is
8 responsible for followup of each child who enters a juvenile
9 justice program until proper documentation or immunizations
10 are obtained.

11 Section 4. Section 235.1975, Florida Statutes, is
12 amended to read:

13 235.1975 Cooperative Development of Educational
14 Facilities in Juvenile Justice Programs.--

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

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

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

4 (a) The award of a contract for the construction or
5 operation of a commitment or detention facility within that
6 school district.

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

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

17 Section 5. Section 985.3155, Florida Statutes, is
18 created to read:

19 985.3155 Multi-agency plan for vocational education.--

20 (1) The Department of Juvenile Justice and the
21 Department of Education shall, in consultation with the
22 statewide Workforce Development Youth Council, school
23 districts, providers, and others, jointly develop a
24 multi-agency plan for vocational education that establishes
25 the curriculum, goals, and outcome measures for vocational
26 programs in juvenile commitment facilities. The plan must
27 include:

28 (a) Provisions for maximizing appropriate state and
29 federal funding sources, including funds under the Workforce
30 Investment Act and the Perkins Act;

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1 (b) The responsibilities of both departments and all
2 other appropriate entities; and

3 (c) A detailed implementation schedule.

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5 The plan must be submitted to the Governor, the President of
6 the Senate, and the Speaker of the House of Representatives by
7 May 1, 2001.

8 (2) The plan must define vocational programming that
9 is appropriate based upon:

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

12 (b) The typical length of stay and custody
13 characteristics at the commitment program to which each youth
14 is assigned.

15 (3) The plan must include a definition of vocational
16 programming that includes the following classifications of
17 commitment facilities that will offer vocational programming
18 by one of the following types:

19 (a) Type A.--Programs that teach personal
20 accountability skills and behaviors that are appropriate for
21 youth in all age groups and ability levels and that lead to
22 work habits that help maintain employment and living
23 standards.

24 (b) Type B.--Programs that include Type A program
25 content and an orientation to the broad scope of career
26 choices, based upon personal abilities, aptitudes, and
27 interests. Exploring and gaining knowledge of occupation
28 options and the level of effort required to achieve them is an
29 essential prerequisite to skill training.

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

4 (4) The plan must also address strategies to
5 facilitate involvement of business and industry in the design,
6 delivery, and evaluation of vocational programming in juvenile
7 justice commitment facilities and aftercare programs,
8 including apprenticeship and work experience programs,
9 mentoring and job shadowing, and other strategies that lead to
10 post-release employment. Incentives for business involvement,
11 such as tax breaks, bonding, and liability limits should be
12 investigated, implemented where appropriate, or recommended to
13 the Legislature for consideration.

14 (5) The Department of Juvenile Justice and the
15 Department of Education shall each align its respective agency
16 policies, practices, technical manuals, contracts,
17 quality-assurance standards, performance-based-budgeting
18 measures, and outcome measures with the plan in commitment
19 facilities by July 31, 2001. Each agency shall provide a
20 report on the implementation of this section to the Governor,
21 the President of the Senate, and the Speaker of the House of
22 Representatives by August 31, 2001.

23 (6) All provider contracts executed by the Department
24 of Juvenile Justice or the school districts after January 1,
25 2002, must be aligned with the plan.

26 (7) The planning and execution of quality assurance
27 reviews conducted by the Department of Education or the
28 Department of Juvenile Justice after August 1, 2002, must be
29 aligned with the plan.

30 (8) Outcome measures reported by the Department of
31 Juvenile Justice, the Department of Education, and the

1 Juvenile Justice Accountability Board for youth released on or
2 after January 1, 2002, should include outcome measures that
3 conform to the plan.

4 Section 6. Subsection (5) is added to section 985.316,
5 Florida Statutes, to read:

6 985.316 Aftercare.--

7 (5) Participation in the educational program by
8 students of compulsory school attendance age pursuant to s.
9 232.01 is mandatory for juvenile justice youth on aftercare or
10 postcommitment community control status. A student of
11 noncompulsory school-attendance age who has not received a
12 high school diploma or its equivalent must participate in the
13 educational program. A youth who has received a high school
14 diploma or its equivalent and is not employed must participate
15 in workforce development or other vocational or technical
16 education or attend a community college or a university while
17 in the program, subject to available funding.

18 Section 7. The Department of Education, in
19 consultation with the Department of Juvenile Justice, school
20 districts, and providers, shall conduct a study to determine
21 the precise funding level needed to provide the specialized
22 education programs, including academic and vocational
23 programs, to youth in juvenile justice programs. The results
24 of this study may be used to establish a unique program cost
25 factor beginning in fiscal year 2001-2002 for juvenile justice
26 education programs. The results of the study must be presented
27 to the Governor and Legislature by January 1, 2001. The sum of
28 \$100,000 in nonrecurring general revenue is appropriated from
29 the General Revenue Fund to the Department of Education for
30 the purpose of conducting the study.

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1 Section 8. The Department of Education, in
2 consultation with the Department of Juvenile Justice, shall
3 conduct a review and analysis of existing education facilities
4 in Department of Juvenile Justice facilities to determine the
5 adequacy of the facilities for educational use. This
6 information must be used to generate a 3-year plan to provide
7 adequate space, equipment, furnishings, and technology,
8 including retrofitting. The Department of Education shall
9 submit this plan to the Governor, the President of the Senate,
10 the Speaker of the House of Representatives, and the Secretary
11 of Juvenile Justice by January 1, 2001. The plan must contain
12 sufficient detail for the development of a fixed capital
13 outlay budget request. The sum of \$100,000 in nonrecurring
14 general revenue is appropriated from the General Revenue Fund
15 to the Department of Education for the purpose of conducting
16 the study.

17 Section 9. Subsection (4) of section 228.081, Florida
18 Statutes, is amended to read:

19 228.081 Other public educational services.--

20 (4) The Department of Education shall ensure that
21 school districts notify students in juvenile justice
22 residential or nonresidential facilities who attain the age of
23 16 years of the provisions of s. 232.01(1)(c) regarding
24 compulsory school attendance and make available the option of
25 enrolling in a program to attain a Florida high school ~~general~~
26 ~~education development~~ diploma by taking the general education
27 development test prior to release from the facility. School
28 districts or community colleges, or both, shall waive GED
29 testing fees for youth in Department of Juvenile Justice
30 residential programs and shall, upon request, designate
31 schools operating for the purpose of providing educational

1 services to youth in Department of Juvenile Justice programs
2 as GED testing centers, subject to GED testing center
3 requirements. The administrative fees for the general
4 education development test required by the Department of
5 Education are the responsibility of school districts and may
6 be required of providers by contractual agreement.

7 Section 10. Paragraph (p) is added to subsection (4)
8 of section 230.23, Florida Statutes, to read:

9 230.23 Powers and duties of school board.--The school
10 board, acting as a board, shall exercise all powers and
11 perform all duties listed below:

12 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
13 SCHOOLS.--Adopt and provide for the execution of plans for the
14 establishment, organization, and operation of the schools of
15 the district, including, but not limited to, the following:

16 (p) Educational services in detention
17 facilities.--Minors who have not graduated from high school
18 and eligible students with disabilities under the age of 22
19 who have not graduated with a standard diploma or its
20 equivalent who are detained in a county or municipal detention
21 facility as defined in s. 951.23 shall be offered educational
22 services by the local school district in which the facility is
23 located. These educational services shall be based upon the
24 estimated length of time the youth will be in the facility and
25 the youth's current level of functioning. School district
26 superintendents or their designees shall be notified by the
27 county sheriff or chief correctional officer, or his or her
28 designee, upon the assignment of a youth under the age of 21
29 to the facility. A cooperative agreement with the local school
30 district and applicable law enforcement units shall be

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1 developed to address the notification requirement and the
2 provision of educational services to these youth.

3 Section 11. Section 951.176, Florida Statutes, is
4 created to read:

5 951.176 Provision of education programs for
6 youth.--Minors who have not graduated from high school and
7 eligible students with disabilities under the age of 22 who
8 have not graduated with a standard diploma or its equivalent
9 who are detained in a county or municipal detention facility
10 as defined in s. 951.23 shall be offered educational services
11 by the local school district in which the facility is located.
12 These educational services shall be based upon the estimated
13 length of time the youth will be in the facility and the
14 youth's current level of functioning. School district
15 superintendents or their designees shall be notified by the
16 county sheriff or chief correctional officer, or his or her
17 designee, upon the assignment of a youth under the age of 21
18 to the facility. A cooperative agreement with the local school
19 district and applicable law enforcement units shall be
20 developed to address the notification requirement and the
21 provision of educational services to these youth.

22 Section 12. This act shall take effect July 1, 2000.

23
24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 CS for Senate Bill 2464

27 Provides that specified youths being detained in jail must be
28 provided educational services by the local school district.
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