

By the Committees on Fiscal Policy, Criminal Justice,
Education and Senator Horne

309-2151-00

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 allowing full-time teachers in juvenile justice
14 schools to participate in the
15 critical-teacher-shortage tuition-reimbursement
16 program; clarifying the FTE count requirements;
17 requiring a multi-agency plan; amending s.
18 232.032, F.S.; exempting youths in juvenile
19 justice programs from certain immunization
20 requirements; providing for followup; amending
21 s. 235.1975, F.S.; requiring the Department of
22 Juvenile Justice to notify the Department of
23 Education regarding certain actions taken
24 regarding the construction of new facilities;
25 creating s. 985.3155, F.S.; requiring both
26 departments to develop a plan for vocational
27 education in juvenile justice facilities;
28 providing powers, duties, and guidelines for
29 the plan; requiring a report; amending s.
30 985.316, F.S.; providing for compulsory
31 participation in education programs by youths

1 in custody; requiring a study; requiring a
2 review and the creation of a plan; providing
3 appropriations; amending s. 228.081, F.S.;
4 clarifying the educational option available to
5 certain students; establishing responsibility
6 for certain fees; amending s. 230.23, F.S.;
7 requiring provision of educational services to
8 certain minors and students who are detained in
9 specified detention facilities; creating s.
10 951.176, F.S.; requiring provision of
11 educational services to certain minors and
12 students who are detained in specified
13 detention facilities; providing an effective
14 date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 230.02, Florida Statutes, is
19 amended to read:

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

1 shall provide instructional personnel at juvenile justice
2 facilities of 50 or more beds or slots with access to the
3 district school system database for the purpose of accessing
4 student academic, immunization and registration records for
5 students assigned to the programs. Such access shall be in the
6 same manner as provided to other schools in the district.

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

10 230.23161 Educational services in Department of
11 Juvenile Justice programs.--

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

29 (a) Training, collaborating, and coordinating with the
30 Department of Juvenile Justice, local school districts,
31

1 educational contract providers, and juvenile justice
2 providers, whether state operated or contracted.

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

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

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

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

19 (5) A school day for any student serviced in a
20 Department of Juvenile Justice program shall be the same as
21 specified in s. 228.041(13). Educational services shall be
22 provided at times of the day most appropriate for the juvenile
23 justice program. School programming in juvenile justice
24 detention, commitment, and rehabilitation programs shall be
25 made available by the local school district during the
26 juvenile justice regular school year, as defined in s.
27 228.041(43)and the summer school by the local school
28 district.

29 (7) Participation in the program by students of
30 compulsory school attendance age as provided for in s. 232.01
31 shall be mandatory. All students of noncompulsory

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

13 (11) The school district shall recruit and train
14 teachers who are interested, qualified, or experienced in
15 educating students in juvenile justice programs. Students in
16 juvenile justice programs shall be provided a wide range of
17 educational programs and opportunities including textbooks,
18 technology, instructional support, and other resources
19 available to students in public schools. Teachers assigned to
20 educational programs in juvenile justice settings in which the
21 school district operates the educational program shall be
22 selected by the school district in consultation with the
23 director of the juvenile justice facility. Educational
24 programs in juvenile justice facilities shall have access to
25 the substitute teacher pool utilized by the school district.
26 Full-time teachers working in juvenile justice schools,
27 whether employed by a school district or a provider, shall be
28 eligible for the critical-teacher-shortage
29 tuition-reimbursement program as defined by s. 240.4064.

30 (13) The local school district shall fund the
31 education program in a Department of Juvenile Justice facility

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

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

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

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

22 (d) FTE count periods shall be prescribed in rules of
23 the State Board of Education and shall be the same for
24 programs of the Department of Juvenile Justice as for other
25 public school programs. The summer school period for students
26 in Department of Juvenile Justice programs shall begin on the
27 day immediately following the end of the regular school year
28 and end on the day immediately preceding the subsequent
29 regular school year. Students shall be funded for no more than
30 25 hours per week of direct instruction. ~~The Department of~~
31 ~~Education shall develop a method which captures all direct~~

1 ~~instructional time provided to such students during the summer~~
2 ~~school period.~~

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

11 Section 3. Paragraph (e) of subsection (3) of section
12 232.032, Florida Statutes, is amended to read:

13 232.032 Immunization against communicable diseases;
14 school attendance requirements; exemptions.--

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

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

30 Section 4. Section 235.1975, Florida Statutes, is
31 amended to read:

1 235.1975 Cooperative Development of Educational
2 Facilities in Juvenile Justice Programs.--

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

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

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

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

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

27 Section 5. Section 985.3155, Florida Statutes, is
28 created to read:

29 985.3155 Multi-agency plan for vocational education.--

30 (1) The Department of Juvenile Justice and the
31 Department of Education shall, in consultation with the

1 statewide Workforce Development Youth Council, school
2 districts, providers, and others, jointly develop a
3 multi-agency plan for vocational education that establishes
4 the curriculum, goals, and outcome measures for vocational
5 programs in juvenile commitment facilities. The plan must
6 include:

7 (a) Provisions for maximizing appropriate state and
8 federal funding sources, including funds under the Workforce
9 Investment Act and the Perkins Act;

10 (b) The responsibilities of both departments and all
11 other appropriate entities; and

12 (c) A detailed implementation schedule.

13
14 The plan must be submitted to the Governor, the President of
15 the Senate, and the Speaker of the House of Representatives by
16 May 1, 2001.

17 (2) The plan must define vocational programming that
18 is appropriate based upon:

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

21 (b) The typical length of stay and custody
22 characteristics at the commitment program to which each youth
23 is assigned.

24 (3) The plan must include a definition of vocational
25 programming that includes the following classifications of
26 commitment facilities that will offer vocational programming
27 by one of the following types:

28 (a) Type A.--Programs that teach personal
29 accountability skills and behaviors that are appropriate for
30 youth in all age groups and ability levels and that lead to
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1 work habits that help maintain employment and living
2 standards.

3 (b) Type B.--Programs that include Type A program
4 content and an orientation to the broad scope of career
5 choices, based upon personal abilities, aptitudes, and
6 interests. Exploring and gaining knowledge of occupation
7 options and the level of effort required to achieve them is an
8 essential prerequisite to skill training.

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

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

22 (5) The Department of Juvenile Justice and the
23 Department of Education shall each align its respective agency
24 policies, practices, technical manuals, contracts,
25 quality-assurance standards, performance-based-budgeting
26 measures, and outcome measures with the plan in commitment
27 facilities by July 31, 2001. Each agency shall provide a
28 report on the implementation of this section to the Governor,
29 the President of the Senate, and the Speaker of the House of
30 Representatives by August 31, 2001.

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1 (6) All provider contracts executed by the Department
2 of Juvenile Justice or the school districts after January 1,
3 2002, must be aligned with the plan.

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

8 (8) Outcome measures reported by the Department of
9 Juvenile Justice, the Department of Education, and the
10 Juvenile Justice Accountability Board for youth released on or
11 after January 1, 2002, should include outcome measures that
12 conform to the plan.

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

15 985.316 Aftercare.--

16 (5) Participation in the educational program by
17 students of compulsory school attendance age pursuant to s.
18 232.01 is mandatory for juvenile justice youth on aftercare or
19 postcommitment community control status. A student of
20 noncompulsory school-attendance age who has not received a
21 high school diploma or its equivalent must participate in the
22 educational program. A youth who has received a high school
23 diploma or its equivalent and is not employed must participate
24 in workforce development or other vocational or technical
25 education or attend a community college or a university while
26 in the program, subject to available funding.

27 Section 7. The Department of Education, in
28 consultation with the Department of Juvenile Justice, school
29 districts, and providers, shall conduct a study to determine
30 the precise funding level needed to provide the specialized
31 education programs, including academic and vocational

1 programs, to youth in juvenile justice programs. The results
2 of this study may be used to establish a unique program cost
3 factor beginning in fiscal year 2001-2002 for juvenile justice
4 education programs. The results of the study must be presented
5 to the Governor and Legislature by January 1, 2001. The sum of
6 \$100,000 in nonrecurring general revenue is appropriated from
7 the General Revenue Fund to the Department of Education for
8 the purpose of conducting the study.

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

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

27 228.081 Other public educational services.--

28 (4) The Department of Education shall ensure that
29 school districts notify students in juvenile justice
30 residential or nonresidential facilities who attain the age of
31 16 years of the provisions of s. 232.01(1)(c) regarding

1 compulsory school attendance and make available the option of
2 enrolling in a program to attain a Florida high school general
3 ~~education development~~ diploma by taking the general education
4 development test prior to release from the facility. School
5 districts or community colleges, or both, shall waive GED
6 testing fees for youth in Department of Juvenile Justice
7 residential programs and shall, upon request, designate
8 schools operating for the purpose of providing educational
9 services to youth in Department of Juvenile Justice programs
10 as GED testing centers, subject to GED testing center
11 requirements. The administrative fees for the general
12 education development test required by the Department of
13 Education are the responsibility of school districts and may
14 be required of providers by contractual agreement.

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

17 230.23 Powers and duties of school board.--The school
18 board, acting as a board, shall exercise all powers and
19 perform all duties listed below:

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

24 (p) Educational services in detention
25 facilities.--Minors who have not graduated from high school
26 and eligible students with disabilities under the age of 22
27 who have not graduated with a standard diploma or its
28 equivalent who are detained in a county or municipal detention
29 facility as defined in s. 951.23 shall be offered educational
30 services by the local school district in which the facility is
31 located. These educational services shall be based upon the

1 estimated length of time the youth will be in the facility and
2 the youth's current level of functioning. School district
3 superintendents or their designees shall be notified by the
4 county sheriff or chief correctional officer, or his or her
5 designee, upon the assignment of a youth under the age of 21
6 to the facility. A cooperative agreement with the local school
7 district and applicable law enforcement units shall be
8 developed to address the notification requirement and the
9 provision of educational services to these youth.

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

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

29 Section 12. This act shall take effect July 1, 2000.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/CS/SB 2464

Allows full-time teachers working in juvenile justice schools to participate in the critical teacher shortage tuition reimbursement program.

Makes the following changes related to juvenile justice educational facilities:

- the facilities do not have to meet the state requirements for education facilities prescribed by rules of the State Board of Education.
- the Department of Education is not required to approve facility designs for substantial renovations prior to construction.