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1 A bill to be entitled

2 An act relating to juvenile justice education; amending s.  
3 1003.51, F.S.; increasing the percentage of Florida  
4 Education Finance Program funding generated by students in  
5 juvenile justice programs which must be spent on  
6 instructional costs; providing that formula-based  
7 categorical funds must be spent on juvenile justice  
8 students; amending s. 1003.52, F.S.; requiring school  
9 districts to provide the GED exit option for juvenile  
10 justice programs; requiring the Department of Education,  
11 by a specified date, to select a student assessment  
12 instrument and protocol for measuring student learning  
13 gains and student progression in juvenile justice  
14 education programs; requiring the instrument and protocol  
15 to be implemented statewide by a specified date; requiring  
16 that students in juvenile justice education programs have  
17 access to Florida Virtual School courses; requiring the  
18 department and the school districts to adopt policies  
19 ensuring such access; providing that juvenile justice  
20 teachers are eligible for all teacher recruitment and  
21 retention programs; providing that juvenile justice  
22 education programs are eligible for all federal funds;  
23 deleting a reference to second chance schools; revising  
24 requirements for the plan for career and technical  
25 education; amending s. 1010.20, F.S.; increasing the  
26 percentage of the funds generated by juvenile justice  
27 programs which the school district must expend on those  
28 programs; requiring a workgroup to suggest strategies for  
29 meeting the requirements of the No Child Left Behind Act

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30 and for rewarding juvenile justice education programs for  
 31 high performance; requiring the department to report the  
 32 findings of the workgroup to legislative leaders by a  
 33 specified date; amending ss. 985.412 and 1001.42, F.S., to  
 34 conform; providing an effective date.

35  
 36 Be It Enacted by the Legislature of the State of Florida:

37  
 38 Section 1. Paragraph (g) of subsection (2) of section  
 39 1003.51, Florida Statutes, is amended to read:

40 1003.51 Other public educational services.--

41 (2) The State Board of Education shall adopt and maintain  
 42 an administrative rule articulating expectations for effective  
 43 education programs for youth in Department of Juvenile Justice  
 44 programs, including, but not limited to, education programs in  
 45 juvenile justice commitment and detention facilities. The rule  
 46 shall articulate policies and standards for education programs  
 47 for youth in Department of Juvenile Justice programs and shall  
 48 include the following:

49 (g) Funding requirements, which shall include the  
 50 requirement that at least 90 ~~80~~ percent of the FEFP funds  
 51 generated by students in Department of Juvenile Justice programs  
 52 be spent on instructional costs for those students. One hundred  
 53 percent of the formula-based categorical funds generated by  
 54 students in Department of Juvenile Justice programs must be  
 55 spent on ~~appropriate categoricals such as instructional~~  
 56 ~~materials and public school technology~~ for those students.

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57 Section 2. Subsections (1), (2), (3), (4), (9), (10),  
 58 (12), (19), (20), (21), (22), and (23) of section 1003.52,  
 59 Florida Statutes, are amended to read:

60 1003.52 Educational services in Department of Juvenile  
 61 Justice programs.--

62 (1) The Legislature finds that education is the single  
 63 most important factor in the rehabilitation of adjudicated  
 64 delinquent youth in the custody of ~~the~~ Department of Juvenile  
 65 Justice programs ~~in detention or commitment facilities~~. It is  
 66 the goal of the Legislature that youth in the juvenile justice  
 67 system continue to be allowed the opportunity to obtain a high  
 68 quality education. The Department of Education shall serve as  
 69 the lead agency for juvenile justice education programs,  
 70 curriculum, support services, and resources. To this end, the  
 71 Department of Education and the Department of Juvenile Justice  
 72 shall each designate a Coordinator for Juvenile Justice  
 73 Education Programs to serve as the point of contact for  
 74 resolving issues not addressed by district school boards and to  
 75 provide each department's participation in the following  
 76 activities:

77 (a) Training, collaborating, and coordinating with the  
 78 Department of Juvenile Justice, district school boards,  
 79 educational contract providers, and juvenile justice providers,  
 80 whether state operated or contracted.

81 (b) Collecting information on the academic performance of  
 82 students in juvenile justice ~~commitment and detention~~ programs  
 83 and reporting on the results.

84 (c) Developing academic and career and technical protocols  
 85 that provide guidance to district school boards and providers in

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86 all aspects of education programming, including records transfer  
87 and transition.

88 (d) Prescribing the roles of program personnel and  
89 interdepartmental district school board or provider  
90 collaboration strategies.

91  
92 Annually, a cooperative agreement and plan for juvenile justice  
93 education service enhancement shall be developed between the  
94 Department of Juvenile Justice and the Department of Education  
95 and submitted to the Secretary of Juvenile Justice and the  
96 Commissioner of Education by June 30.

97 (2) Students participating in Department of Juvenile  
98 Justice programs ~~a detention, commitment, or rehabilitation~~  
99 ~~program~~ pursuant to chapter 985 which are ~~is~~ sponsored by a  
100 community-based agency or are ~~is~~ operated or contracted for by  
101 the Department of Juvenile Justice shall receive educational  
102 programs according to rules of the State Board of Education.  
103 These students shall be eligible for services afforded to  
104 students enrolled in programs pursuant to s. 1003.53 and all  
105 corresponding State Board of Education rules.

106 (3) The district school board of the county in which the  
107 residential or nonresidential care facility or juvenile  
108 assessment facility is located shall provide appropriate  
109 educational assessments and an appropriate program of  
110 instruction and special education services.

111 (a) The district school board shall make provisions for  
112 each student to participate in basic, career and technical  
113 education, and exceptional student programs as appropriate.  
114 Students served in Department of Juvenile Justice programs shall

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115 have access to the appropriate courses and instruction to  
116 prepare them for the GED test. Students participating in GED  
117 preparation programs shall be funded at the basic program cost  
118 factor for Department of Juvenile Justice programs in the  
119 Florida Education Finance Program. Each program shall be  
120 conducted according to applicable law providing for the  
121 operation of public schools and rules of the State Board of  
122 Education. School districts shall provide the GED exit option  
123 for all juvenile justice programs.

124 (b) By October 1, 2004, the Department of Education, with  
125 the assistance of the school districts, shall select a common  
126 student assessment instrument and protocol for measuring student  
127 learning gains and student progression while a student is in a  
128 juvenile justice education program. The assessment instrument  
129 and protocol must be implemented in all juvenile justice  
130 education programs in this state by January 1, 2005.

131 (4) Educational services shall be provided at times of the  
132 day most appropriate for the juvenile justice program. School  
133 programming in juvenile justice detention, commitment, and  
134 rehabilitation programs shall be made available by the local  
135 school district during the juvenile justice school year, as  
136 defined in s. 1003.01(11)~~(12)~~. In addition, students in juvenile  
137 justice education programs shall have access to Florida Virtual  
138 School courses. The Department of Education and the school  
139 districts shall adopt policies necessary to ensure such access.

140 (9) The Department of Education shall ensure that all  
141 district school boards make provisions for high school level  
142 ~~committed~~ youth to earn credits toward high school graduation  
143 while in residential and nonresidential juvenile justice

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144 facilities. Provisions must be made for the transfer of credits  
 145 and partial credits earned.

146 (10) The district school board shall recruit and train  
 147 teachers who are interested, qualified, or experienced in  
 148 educating students in juvenile justice programs. Students in  
 149 juvenile justice programs shall be provided a wide range of  
 150 educational programs and opportunities including textbooks,  
 151 technology, instructional support, and other resources available  
 152 to students in public schools. Teachers assigned to educational  
 153 programs in juvenile justice settings in which the district  
 154 school board operates the educational program shall be selected  
 155 by the district school board in consultation with the director  
 156 of the juvenile justice facility. Educational programs in  
 157 juvenile justice facilities shall have access to the substitute  
 158 teacher pool utilized by the district school board. Full-time  
 159 teachers working in juvenile justice schools, whether employed  
 160 by a district school board or a provider, shall be eligible for  
 161 the critical teacher shortage tuition reimbursement program as  
 162 defined by s. 1009.58 and other teacher recruitment and  
 163 retention programs.

164 (12) The district school board shall fund the educational  
 165 program in a Department of Juvenile Justice facility at the same  
 166 or higher level of funding for equivalent students in the  
 167 district school system based on the funds generated by state  
 168 funding through the Florida Education Finance Program for such  
 169 students. It is the intent of the Legislature that the school  
 170 district maximize its available local, state, and federal  
 171 funding to a juvenile justice program.

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172 (a) Juvenile justice educational programs shall be funded  
 173 in the appropriate FEFP program based on the educational  
 174 services needed by the student for Department of Juvenile  
 175 Justice programs in accordance with s. 1011.62.

176 (b) Juvenile justice educational programs to receive the  
 177 appropriate FEFP funding for Department of Juvenile Justice  
 178 programs shall include those operated through a contract with  
 179 the Department of Juvenile Justice and which are under purview  
 180 of the Department of Juvenile Justice quality assurance  
 181 standards for education.

182 (c) Consistent with the rules of the State Board of  
 183 Education, district school boards are required to request an  
 184 alternative FTE survey for Department of Juvenile Justice  
 185 programs experiencing fluctuations in student enrollment.

186 (d) FTE count periods shall be prescribed in rules of the  
 187 State Board of Education and shall be the same for programs of  
 188 the Department of Juvenile Justice as for other public school  
 189 programs. The summer school period for students in Department of  
 190 Juvenile Justice programs shall begin on the day immediately  
 191 following the end of the regular school year and end on the day  
 192 immediately preceding the subsequent regular school year.  
 193 Students shall be funded for no more than 25 hours per week of  
 194 direct instruction.

195 (e) Each juvenile justice education program must receive  
 196 all federal funds for which the program is eligible.

197 ~~(19) Department of Juvenile Justice detention and~~  
 198 ~~commitment programs may be designated as second chance schools~~  
 199 ~~pursuant to s. 1003.53(1)(d). Admission to such programs shall~~  
 200 ~~be governed by chapter 985.~~

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201        (19)~~(20)~~ The Department of Education and the Department of  
 202 Juvenile Justice, after consultation with and assistance from  
 203 local providers and district school boards, shall report  
 204 annually to the Legislature by February 1 on the progress toward  
 205 developing effective educational programs for juvenile  
 206 delinquents, including the amount of funding provided by  
 207 district school boards to juvenile justice programs, the amount  
 208 retained for administration including documenting the purposes  
 209 for such expenses, the status of the development of cooperative  
 210 agreements, the results of the quality assurance reviews  
 211 including recommendations for system improvement, and  
 212 information on the identification of, and services provided to,  
 213 exceptional students in juvenile justice commitment facilities  
 214 to determine whether these students are properly reported for  
 215 funding and are appropriately served.

216        (20)~~(21)~~ The educational programs at the Arthur Dozier  
 217 School for Boys in Jackson County and the Florida School for  
 218 Boys in Okeechobee shall be operated by the Department of  
 219 Education, either directly or through grants or contractual  
 220 agreements with other public or duly accredited education  
 221 agencies approved by the Department of Education.

222        (21)~~(22)~~ The State Board of Education may adopt any rules  
 223 necessary to implement the provisions of this section, including  
 224 uniform curriculum, funding, and second chance schools. Such  
 225 rules must ~~shall~~ require the minimum amount of paperwork and  
 226 reporting.

227        (22)~~(23)~~ The Department of Juvenile Justice and the  
 228 Department of Education ~~shall~~, in consultation with Workforce  
 229 Florida, Inc., the statewide Workforce Development Youth



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230 Council, district school boards, community colleges, providers,  
 231 and others, shall jointly develop a multiagency plan for career  
 232 and technical education which describes the funding, curriculum,  
 233 transfer of credits, goals, and outcome measures for career and  
 234 technical education programming in juvenile commitment  
 235 facilities, pursuant to s. 985.3155. The plan must be reviewed  
 236 annually.

237 Section 3. Paragraph (a) of subsection (3) of section  
 238 1010.20, Florida Statutes, is amended to read:

239 1010.20 Cost accounting and reporting for school  
 240 districts.--

241 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

242 (a) Each district shall expend at least the percent of the  
 243 funds generated by each of the programs listed in this section  
 244 on the aggregate total school costs for such programs:

- 245 1. Kindergarten and grades 1, 2, and 3, 90 percent.
- 246 2. Grades 4, 5, 6, 7, and 8, 80 percent.
- 247 3. Grades 9, 10, 11, and 12, 80 percent.
- 248 4. Programs for exceptional students, on an aggregate  
 249 program basis, 90 percent.
- 250 5. Grades 7 through 12 career and technical education  
 251 programs, on an aggregate program basis, 80 percent.
- 252 6. Students-at-risk programs, on an aggregate program  
 253 basis, 80 percent.
- 254 7. Juvenile justice programs, on an aggregate program  
 255 basis, 90 ~~80~~ percent.
- 256 8. Any new program established and funded under s.  
 257 1011.62(1)(c), that is not included under subparagraphs 1.-7.  
 258 ~~1.-6.~~, on an aggregate basis as appropriate, 80 percent.

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259           Section 4. The Department of Education and the Department  
 260 of Juvenile Justice, in collaboration with the school districts,  
 261 juvenile justice education providers, and the Florida Juvenile  
 262 Justice Association, shall convene a workgroup to suggest  
 263 strategies for meeting the requirements of the federal No Child  
 264 Left Behind Act and for rewarding juvenile justice education  
 265 programs for high performance based on positive student  
 266 outcomes. The Department of Education shall report the findings  
 267 of the workgroup to the President of the Senate and the Speaker  
 268 of the House of Representatives by December 1, 2004.

269           Section 5. Subsection (3) of section 985.412, Florida  
 270 Statutes, is amended to read:

271           985.412 Quality assurance and cost-effectiveness.--

272           (3) The department shall annually collect and report cost  
 273 data for every program operated or contracted by the department.  
 274 The cost data shall conform to a format approved by the  
 275 department and the Legislature. Uniform cost data shall be  
 276 reported and collected for state-operated and contracted  
 277 programs so that comparisons can be made among programs. The  
 278 department shall ensure that there is accurate cost accounting  
 279 for state-operated services including market-equivalent rent and  
 280 other shared cost. The cost of the educational program provided  
 281 to a residential facility shall be reported and included in the  
 282 cost of a program. The department shall submit an annual cost  
 283 report to the President of the Senate, the Speaker of the House  
 284 of Representatives, the Minority Leader of each house of the  
 285 Legislature, the appropriate substantive and fiscal committees  
 286 of each house of the Legislature, and the Governor, no later  
 287 than December 1 of each year. Cost-benefit analysis for

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288 educational programs will be developed and implemented in  
 289 collaboration with and in cooperation with the Department of  
 290 Education, local providers, and local school districts. Cost  
 291 data for the report shall include data collected by the  
 292 Department of Education for the purposes of preparing the annual  
 293 report required by s. 1003.52(19)+~~(20)~~.

294 Section 6. Paragraph (e) of subsection (16) of section  
 295 1001.42, Florida Statutes, is amended to read:

296 1001.42 Powers and duties of district school board.--The  
 297 district school board, acting as a board, shall exercise all  
 298 powers and perform all duties listed below:

299 (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
 300 ACCOUNTABILITY.--Maintain a system of school improvement and  
 301 education accountability as provided by statute and State Board  
 302 of Education rule. This system of school improvement and  
 303 education accountability shall be consistent with, and  
 304 implemented through, the district's continuing system of  
 305 planning and budgeting required by this section and ss.  
 306 1008.385, 1010.01, and 1011.01. This system of school  
 307 improvement and education accountability shall include, but is  
 308 not limited to, the following:

309 (e) Public disclosure.--Provide information regarding  
 310 performance of students and educational programs as required  
 311 pursuant to ss. 1008.22 and 1008.385 and implement a system of  
 312 school reports as required by statute and State Board of  
 313 Education rule that shall include schools operating for the  
 314 purpose of providing educational services to youth in Department  
 315 of Juvenile Justice programs, and for those schools, report on  
 316 the elements specified in s. 1003.52(19)+~~(20)~~. Annual public

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317 disclosure reports shall be in an easy-to-read report card  
318 format and shall include the school's student and school  
319 performance grade category designation and performance data as  
320 specified in state board rule.

321       Section 7. This act shall take effect July 1, 2004.