

1 A bill to be entitled

2 An act relating to juvenile justice; amending s. 985.02,
3 F.S.; requiring gender-specific programming within the
4 Department of Juvenile Justice for children in this state;
5 requiring the Office of Program Policy Analysis and
6 Government Accountability to conduct an analysis of
7 gender-specific programs in the Department of Juvenile
8 Justice; providing certain gender-specific information to
9 be included in the analysis; reenacting s. 985.3045(1) and
10 (3), F.S., relating to prevention service programs, for
11 the purpose of incorporating the amendment to s. 985.02,
12 F.S., in references thereto; amending s. 1003.51, F.S.;
13 increasing the percentage of Florida Education Finance
14 Program funding generated by students in juvenile justice
15 programs which must be spent on instructional costs;
16 amending s. 1003.52, F.S.; requiring school districts to
17 provide the GED exit option for juvenile justice programs;
18 requiring the Department of Education, by a specified
19 date, to select a student assessment instrument and
20 protocol for measuring student learning gains and student
21 progression in juvenile justice education programs;
22 requiring the instrument and protocol to be implemented
23 statewide by a specified date; requiring that students in
24 juvenile justice education programs have access to Florida
25 Virtual School courses; requiring the department and the
26 school districts to adopt policies ensuring such access;
27 providing that juvenile justice teachers are eligible for
28 all teacher recruitment and retention programs; providing
29 that juvenile justice education programs are eligible for

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30 all federal funds; deleting a reference to second chance
 31 schools; revising requirements for the plan for career and
 32 technical education; amending s. 1010.20, F.S.; increasing
 33 the percentage of the funds generated by juvenile justice
 34 programs which the school district must expend on those
 35 programs; requiring a workgroup to suggest strategies for
 36 meeting the requirements of the No Child Left Behind Act
 37 and for rewarding juvenile justice education programs for
 38 high performance; requiring the department to report the
 39 findings of the workgroup to legislative leaders by a
 40 specified date; amending ss. 985.412 and 1001.42, F.S., to
 41 conform; providing an effective date.

42

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

44

45 Section 1. Subsection (1) of section 985.02, Florida
 46 Statutes, is amended, and subsection (8) is added to said
 47 section, to read:

48 985.02 Legislative intent for the juvenile justice
 49 system.--

50 (1) GENERAL PROTECTIONS FOR CHILDREN.--It is a purpose of
 51 the Legislature that the children of this state be provided with
 52 the following protections:

53 (a) Protection from abuse, neglect, and exploitation.

54 (b) A permanent and stable home.

55 (c) A safe and nurturing environment which will preserve a
 56 sense of personal dignity and integrity.

57 (d) Adequate nutrition, shelter, and clothing.

58 (e) Effective treatment to address physical, social, and

59 emotional needs, regardless of geographical location.

60 (f) Equal opportunity and access to quality and effective
61 education, which will meet the individual needs of each child,
62 and to recreation and other community resources to develop
63 individual abilities.

64 (g) Access to preventive services.

65 (h) An independent, trained advocate when intervention is
66 necessary, and a skilled guardian or caretaker in a safe
67 environment when alternative placement is necessary.

68 (i) Gender-specific programming and gender-specific
69 program models and services that comprehensively address the
70 needs of a targeted gender group.

71 (8) GENDER-SPECIFIC PROGRAMMING.--

72 (a) The Legislature finds that the prevention, treatment,
73 and rehabilitation needs of youth served by the juvenile justice
74 system are gender-specific.

75 (b) Gender-specific programming refers to unique program
76 models and services that comprehensively address the needs of a
77 targeted gender group. Gender-specific services require the
78 adherence to the principle of equity to ensure that the
79 different interests of young women and men are recognized and
80 varying needs are met, with equality as the desired outcome.
81 Gender-specific programming focuses on the differences between
82 young females' and young males' roles and responsibilities,
83 positions in society, access to and use of resources, and social
84 codes governing behavior. Gender-specific programs increase the
85 effectiveness of programs by making interventions more
86 appropriate to the specific needs of young women and men and
87 ensuring that these programs do not unknowingly create,

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88 maintain, or reinforce gender roles or relations that may be
89 damaging.

90 (c) The Office of Program Policy Analysis and Government
91 Accountability shall conduct an analysis of programs for young
92 females within the Department of Juvenile Justice. The analysis
93 shall address the nature of young female offenders in this
94 state, the percentage of young females who are incarcerated in
95 the juvenile justice system for status offenses and violations
96 of probation, and whether these young females could be better
97 served in less costly community-based programs. In addition, the
98 review shall analyze whether existing juvenile justice programs
99 are designed to meet the gender-specific needs of young females
100 and an analysis of the true cost of providing gender-specific
101 services to young females.

102 Section 2. For the purpose of incorporating the amendment
103 to section 985.02, Florida Statutes, in references thereto,
104 subsections (1) and (3) of section 985.3045, Florida Statutes,
105 are reenacted to read:

106 985.3045 Prevention service program; monitoring; report;
107 uniform performance measures.--

108 (1) The department's prevention service program shall
109 monitor all state-funded programs, grants, appropriations, or
110 activities that are designed to prevent juvenile crime,
111 delinquency, gang membership, or status offense behaviors and
112 all state-funded programs, grants, appropriations, or activities
113 that are designed to prevent a child from becoming a "child in
114 need of services," as defined in chapter 984, in order to inform
115 the Governor and the Legislature concerning efforts designed to
116 further the policy of the state concerning juvenile justice and

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117 delinquency prevention, consistent with ss. 984.02 and 985.02.

118 (3) The department shall expend funds related to the
 119 prevention of juvenile delinquency in a manner consistent with
 120 the policies expressed in ss. 984.02 and 985.02. The department
 121 shall expend said funds in a manner that maximizes public
 122 accountability and ensures the documentation of outcomes.

123 (a) All entities that receive or use state moneys to fund
 124 juvenile delinquency prevention services through contracts or
 125 grants with the department shall design the programs providing
 126 such services to further one or more of the strategies specified
 127 in paragraphs (2)(a)-(d).

128 (b) The department shall develop an outcome measure for
 129 each program strategy specified in paragraphs (2)(a)-(d) that
 130 logically relates to the risk factor addressed by the strategy.

131 (c) All entities that receive or use state moneys to fund
 132 the juvenile delinquency prevention services through contracts
 133 or grants with the department shall, as a condition of receipt
 134 of state funds, provide the department with personal demographic
 135 information concerning all participants in the service
 136 sufficient to allow the department to verify criminal or
 137 delinquent history information, school attendance or academic
 138 information, employment information, or other requested
 139 performance information.

140 Section 3. Paragraph (g) of subsection (2) of section
 141 1003.51, Florida Statutes, is amended to read:

142 1003.51 Other public educational services.--

143 (2) The State Board of Education shall adopt and maintain
 144 an administrative rule articulating expectations for effective
 145 education programs for youth in Department of Juvenile Justice

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146 programs, including, but not limited to, education programs in
 147 juvenile justice commitment and detention facilities. The rule
 148 shall articulate policies and standards for education programs
 149 for youth in Department of Juvenile Justice programs and shall
 150 include the following:

151 (g) Funding requirements, which shall include the
 152 requirement that at least 90 ~~80~~ percent of the FEFP funds
 153 generated by students in Department of Juvenile Justice programs
 154 be spent on instructional costs for those students. One hundred
 155 percent of the formula-based categorical funds generated by
 156 students in Department of Juvenile Justice programs must be
 157 spent on appropriate categoricals such as instructional
 158 materials and public school technology for those students.

159 Section 4. Subsections (1), (2), (3), (4), (9), (10),
 160 (12), (19), (20), (21), (22), and (23) of section 1003.52,
 161 Florida Statutes, are amended to read:

162 1003.52 Educational services in Department of Juvenile
 163 Justice programs.--

164 (1) The Legislature finds that education is the single
 165 most important factor in the rehabilitation of adjudicated
 166 delinquent youth in the custody of ~~the~~ Department of Juvenile
 167 Justice programs ~~in detention or commitment facilities~~. It is
 168 the goal of the Legislature that youth in the juvenile justice
 169 system continue to be allowed the opportunity to obtain a high
 170 quality education. The Department of Education shall serve as
 171 the lead agency for juvenile justice education programs,
 172 curriculum, support services, and resources. To this end, the
 173 Department of Education and the Department of Juvenile Justice
 174 shall each designate a Coordinator for Juvenile Justice

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175 Education Programs to serve as the point of contact for
 176 resolving issues not addressed by district school boards and to
 177 provide each department's participation in the following
 178 activities:

179 (a) Training, collaborating, and coordinating with the
 180 Department of Juvenile Justice, district school boards,
 181 educational contract providers, and juvenile justice providers,
 182 whether state operated or contracted.

183 (b) Collecting information on the academic performance of
 184 students in juvenile justice ~~commitment and detention~~ programs
 185 and reporting on the results.

186 (c) Developing academic and career and technical protocols
 187 that provide guidance to district school boards and providers in
 188 all aspects of education programming, including records transfer
 189 and transition.

190 (d) Prescribing the roles of program personnel and
 191 interdepartmental district school board or provider
 192 collaboration strategies.

193
 194 Annually, a cooperative agreement and plan for juvenile justice
 195 education service enhancement shall be developed between the
 196 Department of Juvenile Justice and the Department of Education
 197 and submitted to the Secretary of Juvenile Justice and the
 198 Commissioner of Education by June 30.

199 (2) Students participating in Department of Juvenile
 200 Justice programs ~~a detention, commitment, or rehabilitation~~
 201 ~~program~~ pursuant to chapter 985 which are ~~is~~ sponsored by a
 202 community-based agency or are ~~is~~ operated or contracted for by
 203 the Department of Juvenile Justice shall receive educational

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204 programs according to rules of the State Board of Education.
205 These students shall be eligible for services afforded to
206 students enrolled in programs pursuant to s. 1003.53 and all
207 corresponding State Board of Education rules.

208 (3) The district school board of the county in which the
209 residential or nonresidential care facility or juvenile
210 assessment facility is located shall provide appropriate
211 educational assessments and an appropriate program of
212 instruction and special education services.

213 (a) The district school board shall make provisions for
214 each student to participate in basic, career and technical
215 education, and exceptional student programs as appropriate.
216 Students served in Department of Juvenile Justice programs shall
217 have access to the appropriate courses and instruction to
218 prepare them for the GED test. Students participating in GED
219 preparation programs shall be funded at the basic program cost
220 factor for Department of Juvenile Justice programs in the
221 Florida Education Finance Program. Each program shall be
222 conducted according to applicable law providing for the
223 operation of public schools and rules of the State Board of
224 Education. School districts shall provide the GED exit option
225 for all juvenile justice programs.

226 (b) By October 1, 2004, the Department of Education, with
227 the assistance of the school districts, shall select a common
228 student assessment instrument and protocol for measuring student
229 learning gains and student progression while a student is in a
230 juvenile justice education program. The assessment instrument
231 and protocol must be implemented in all juvenile justice
232 education programs in this state by January 1, 2005.

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233 (4) Educational services shall be provided at times of the
 234 day most appropriate for the juvenile justice program. School
 235 programming in juvenile justice detention, commitment, and
 236 rehabilitation programs shall be made available by the local
 237 school district during the juvenile justice school year, as
 238 defined in s. 1003.01(11)~~(12)~~. In addition, students in juvenile
 239 justice education programs shall have access to Florida Virtual
 240 School courses. The Department of Education and the school
 241 districts shall adopt policies necessary to ensure such access.

242 (9) The Department of Education shall ensure that all
 243 district school boards make provisions for high school level
 244 ~~committed~~ youth to earn credits toward high school graduation
 245 while in residential and nonresidential juvenile justice
 246 facilities. Provisions must be made for the transfer of credits
 247 and partial credits earned.

248 (10) The district school board shall recruit and train
 249 teachers who are interested, qualified, or experienced in
 250 educating students in juvenile justice programs. Students in
 251 juvenile justice programs shall be provided a wide range of
 252 educational programs and opportunities including textbooks,
 253 technology, instructional support, and other resources available
 254 to students in public schools. Teachers assigned to educational
 255 programs in juvenile justice settings in which the district
 256 school board operates the educational program shall be selected
 257 by the district school board in consultation with the director
 258 of the juvenile justice facility. Educational programs in
 259 juvenile justice facilities shall have access to the substitute
 260 teacher pool utilized by the district school board. Full-time
 261 teachers working in juvenile justice schools, whether employed

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262 by a district school board or a provider, shall be eligible for
 263 the critical teacher shortage tuition reimbursement program as
 264 defined by s. 1009.58 and other teacher recruitment and
 265 retention programs.

266 (12) The district school board shall fund the educational
 267 program in a Department of Juvenile Justice facility at the same
 268 or higher level of funding for equivalent students in the
 269 district school system based on the funds generated by state
 270 funding through the Florida Education Finance Program for such
 271 students. It is the intent of the Legislature that the school
 272 district maximize its available local, state, and federal
 273 funding to a juvenile justice program.

274 (a) Juvenile justice educational programs shall be funded
 275 in the appropriate FEFP program based on the educational
 276 services needed by the student for Department of Juvenile
 277 Justice programs in accordance with s. 1011.62.

278 (b) Juvenile justice educational programs to receive the
 279 appropriate FEFP funding for Department of Juvenile Justice
 280 programs shall include those operated through a contract with
 281 the Department of Juvenile Justice and which are under purview
 282 of the Department of Juvenile Justice quality assurance
 283 standards for education.

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

288 (d) FTE count periods shall be prescribed in rules of the
 289 State Board of Education and shall be the same for programs of
 290 the Department of Juvenile Justice as for other public school

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291 programs. The summer school period for students in Department of
 292 Juvenile Justice programs shall begin on the day immediately
 293 following the end of the regular school year and end on the day
 294 immediately preceding the subsequent regular school year.
 295 Students shall be funded for no more than 25 hours per week of
 296 direct instruction.

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

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

303 (19)~~(20)~~ The Department of Education and the Department of
 304 Juvenile Justice, after consultation with and assistance from
 305 local providers and district school boards, shall report
 306 annually to the Legislature by February 1 on the progress toward
 307 developing effective educational programs for juvenile
 308 delinquents, including the amount of funding provided by
 309 district school boards to juvenile justice programs, the amount
 310 retained for administration including documenting the purposes
 311 for such expenses, the status of the development of cooperative
 312 agreements, the results of the quality assurance reviews
 313 including recommendations for system improvement, and
 314 information on the identification of, and services provided to,
 315 exceptional students in juvenile justice commitment facilities
 316 to determine whether these students are properly reported for
 317 funding and are appropriately served.

318 (20)~~(21)~~ The educational programs at the Arthur Dozier
 319 School for Boys in Jackson County and the Florida School for

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320 Boys in Okeechobee shall be operated by the Department of
 321 Education, either directly or through grants or contractual
 322 agreements with other public or duly accredited education
 323 agencies approved by the Department of Education.

324 ~~(21)~~~~(22)~~ The State Board of Education may adopt any rules
 325 necessary to implement the provisions of this section, including
 326 uniform curriculum, funding, and second chance schools. Such
 327 rules must ~~shall~~ require the minimum amount of paperwork and
 328 reporting.

329 ~~(22)~~~~(23)~~ The Department of Juvenile Justice and the
 330 Department of Education ~~shall~~, in consultation with Workforce
 331 Florida, Inc., the statewide Workforce Development Youth
 332 Council, district school boards, community colleges, providers,
 333 and others, shall jointly develop a multiagency plan for career
 334 and technical education which describes the funding, curriculum,
 335 transfer of credits, goals, and outcome measures for career and
 336 technical education programming in juvenile commitment
 337 facilities, pursuant to s. 985.3155. The plan must be reviewed
 338 annually.

339 Section 5. Paragraph (a) of subsection (3) of section
 340 1010.20, Florida Statutes, is amended to read:

341 1010.20 Cost accounting and reporting for school
 342 districts.--

343 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

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

- 347 1. Kindergarten and grades 1, 2, and 3, 90 percent.
- 348 2. Grades 4, 5, 6, 7, and 8, 80 percent.

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349 3. Grades 9, 10, 11, and 12, 80 percent.

350 4. Programs for exceptional students, on an aggregate
351 program basis, 90 percent.

352 5. Grades 7 through 12 career and technical education
353 programs, on an aggregate program basis, 80 percent.

354 6. Students-at-risk programs, on an aggregate program
355 basis, 80 percent.

356 7. Juvenile justice programs, on an aggregate program
357 basis, 90 ~~80~~ percent.

358 8. Any new program established and funded under s.
359 1011.62(1)(c), that is not included under subparagraphs 1.-7.
360 ~~1.-6.~~, on an aggregate basis as appropriate, 80 percent.

361 Section 6. The Department of Education and the Department
362 of Juvenile Justice, in collaboration with the school districts,
363 juvenile justice education providers, and the Florida Juvenile
364 Justice Association, shall convene a workgroup to suggest
365 strategies for meeting the requirements of the federal No Child
366 Left Behind Act and for rewarding juvenile justice education
367 programs for high performance based on positive student
368 outcomes. The Department of Education shall report the findings
369 of the workgroup to the President of the Senate and the Speaker
370 of the House of Representatives by December 1, 2004.

371 Section 7. Subsection (3) of section 985.412, Florida
372 Statutes, is amended to read:

373 985.412 Quality assurance and cost-effectiveness.--

374 (3) The department shall annually collect and report cost
375 data for every program operated or contracted by the department.
376 The cost data shall conform to a format approved by the
377 department and the Legislature. Uniform cost data shall be

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378 reported and collected for state-operated and contracted
 379 programs so that comparisons can be made among programs. The
 380 department shall ensure that there is accurate cost accounting
 381 for state-operated services including market-equivalent rent and
 382 other shared cost. The cost of the educational program provided
 383 to a residential facility shall be reported and included in the
 384 cost of a program. The department shall submit an annual cost
 385 report to the President of the Senate, the Speaker of the House
 386 of Representatives, the Minority Leader of each house of the
 387 Legislature, the appropriate substantive and fiscal committees
 388 of each house of the Legislature, and the Governor, no later
 389 than December 1 of each year. Cost-benefit analysis for
 390 educational programs will be developed and implemented in
 391 collaboration with and in cooperation with the Department of
 392 Education, local providers, and local school districts. Cost
 393 data for the report shall include data collected by the
 394 Department of Education for the purposes of preparing the annual
 395 report required by s. 1003.52(19)+20).

396 Section 8. Paragraph (e) of subsection (16) of section
 397 1001.42, Florida Statutes, is amended to read:

398 1001.42 Powers and duties of district school board.--The
 399 district school board, acting as a board, shall exercise all
 400 powers and perform all duties listed below:

401 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
 402 ACCOUNTABILITY.--Maintain a system of school improvement and
 403 education accountability as provided by statute and State Board
 404 of Education rule. This system of school improvement and
 405 education accountability shall be consistent with, and
 406 implemented through, the district's continuing system of

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407 planning and budgeting required by this section and ss.
408 1008.385, 1010.01, and 1011.01. This system of school
409 improvement and education accountability shall include, but is
410 not limited to, the following:

411 (e) Public disclosure.--Provide information regarding
412 performance of students and educational programs as required
413 pursuant to ss. 1008.22 and 1008.385 and implement a system of
414 school reports as required by statute and State Board of
415 Education rule that shall include schools operating for the
416 purpose of providing educational services to youth in Department
417 of Juvenile Justice programs, and for those schools, report on
418 the elements specified in s. 1003.52(19)(~~20~~). Annual public
419 disclosure reports shall be in an easy-to-read report card
420 format and shall include the school's student and school
421 performance grade category designation and performance data as
422 specified in state board rule.

423 Section 9. This act shall take effect July 1, 2004.