

By Senator Bennett

21-813A-04

See HB

1 A bill to be entitled
2 An act relating to juvenile justice education;
3 amending s. 1003.51, F.S.; increasing the
4 percentage of Florida Education Finance Program
5 funding generated by students in juvenile
6 justice programs which must be spent on
7 instructional costs; providing that all
8 formula-based categorical funds must be spent
9 on juvenile justice students; amending s.
10 1003.52, F.S.; requiring the Department of
11 Education, by a specified date, to select a
12 student assessment instrument and protocol for
13 measuring student learning gains and student
14 progression in juvenile justice education
15 programs; requiring the instrument and protocol
16 to be implemented statewide by a specified
17 date; requiring that students in juvenile
18 justice education programs have access to
19 Florida Virtual School courses; requiring the
20 department and the school districts to adopt
21 policies ensuring such access; providing that
22 juvenile justice teachers are eligible for all
23 teacher recruitment and retention programs;
24 providing that juvenile justice education
25 programs are eligible for all federal funds;
26 deleting a reference to second chance schools;
27 amending requirements for the plan for career
28 and technical education; amending s. 1010.20,
29 F.S.; increasing the percentage of the funds
30 generated by juvenile justice programs which
31 the school district must expend on those

1 programs; amending s. 1011.62, F.S.; creating a
2 separate cost factor to be used in calculating
3 the annual allocation from the Florida
4 Education Finance Program for juvenile justice
5 students; requiring a workgroup to suggest
6 strategies for meeting the requirements of the
7 No Child Left Behind Act and for rewarding
8 juvenile justice education programs for high
9 performance; requiring the department to report
10 the findings of the workgroup to legislative
11 leaders by a specified date; amending ss.
12 985.412 and 1001.42, F.S., to conform;
13 providing an effective date.
14

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

17 Section 1. Paragraph (g) of subsection (2) of section
18 1003.51, Florida Statutes, is amended to read:

19 1003.51 Other public educational services.--

20 (2) The State Board of Education shall adopt and
21 maintain an administrative rule articulating expectations for
22 effective education programs for youth in Department of
23 Juvenile Justice programs, including, but not limited to,
24 education programs in juvenile justice commitment and
25 detention facilities. The rule shall articulate policies and
26 standards for education programs for youth in Department of
27 Juvenile Justice programs and shall include the following:

28 (g) Funding requirements, which shall include the
29 requirement that at least 90 ~~80~~ percent of the FEFP funds
30 generated by students in Department of Juvenile Justice
31 programs be spent on instructional costs for those students.

1 One hundred percent of all ~~the~~ formula-based categorical funds
2 generated by students in Department of Juvenile Justice
3 programs must be spent on ~~appropriate categoricals such as~~
4 ~~instructional materials and public school technology~~ for those
5 students.

6 Section 2. Subsections (1), (2), (3), (4), (9), (10),
7 (12), (19), (20), (21), (22), and (23) of section 1003.52,
8 Florida Statutes, are amended to read:

9 1003.52 Educational services in Department of Juvenile
10 Justice programs.--

11 (1) The Legislature finds that education is the single
12 most important factor in the rehabilitation of adjudicated
13 delinquent youth in the custody of ~~the~~ Department of Juvenile
14 Justice programs ~~in detention or commitment facilities~~. It is
15 the goal of the Legislature that youth in the juvenile justice
16 system continue to be allowed the opportunity to obtain a high
17 quality education. The Department of Education shall serve as
18 the lead agency for juvenile justice education programs,
19 curriculum, support services, and resources. To this end, the
20 Department of Education and the Department of Juvenile Justice
21 shall each designate a Coordinator for Juvenile Justice
22 Education Programs to serve as the point of contact for
23 resolving issues not addressed by district school boards and
24 to provide each department's participation in the following
25 activities:

26 (a) Training, collaborating, and coordinating with the
27 Department of Juvenile Justice, district school boards,
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 career and technical
5 protocols that provide guidance to district school boards and
6 providers in all aspects of education programming, including
7 records transfer and transition.

8 (d) Prescribing the roles of program personnel and
9 interdepartmental district school board 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 (2) Students participating in Department of Juvenile
18 Justice programs ~~a detention, commitment, or rehabilitation~~
19 ~~program~~ pursuant to chapter 985 which are ~~is~~ sponsored by a
20 community-based agency or are ~~is~~ operated or contracted for by
21 the Department of Juvenile Justice shall receive educational
22 programs according to rules of the State Board of Education.
23 These students shall be eligible for services afforded to
24 students enrolled in programs pursuant to s. 1003.53 and all
25 corresponding State Board of Education rules.

26 (3) The district school board of the county in which
27 the residential or nonresidential care facility or juvenile
28 assessment facility is located shall provide appropriate
29 educational assessments and an appropriate program of
30 instruction and special education services.

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1 (a) The district school board shall make provisions
2 for each student to participate in basic, career and technical
3 education, and exceptional student programs as appropriate.
4 Students served in Department of Juvenile Justice programs
5 shall have access to the appropriate courses and instruction
6 to prepare them for the GED test. Students participating in
7 GED preparation programs shall be funded at the juvenile
8 justice basic program cost factor for Department of Juvenile
9 Justice programs in the Florida Education Finance Program.
10 Each program shall be conducted according to applicable law
11 providing for the operation of public schools and rules of the
12 State Board of Education.

13 (b) By October 1, 2004, the Department of Education,
14 with the assistance of the school districts, shall select a
15 common student assessment instrument and protocol for
16 measuring student learning gains and student progression while
17 a student is in a juvenile justice education program. The
18 assessment instrument and protocol must be implemented in all
19 juvenile justice education programs in this state by January
20 1, 2005.

21 (4) Educational services shall be provided at times of
22 the day most appropriate for the juvenile justice program.
23 School programming in juvenile justice detention, commitment,
24 and rehabilitation programs shall be made available by the
25 local school district during the juvenile justice school year,
26 as defined in s. 1003.01(11)~~(12)~~. In addition, students in
27 juvenile justice education programs shall have access to
28 Florida Virtual School courses. The Department of Education
29 and the school districts shall adopt policies necessary to
30 ensure such access.

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1 (9) The Department of Education shall ensure that all
2 district school boards make provisions for high school level
3 ~~committed~~ youth to earn credits toward high school graduation
4 while in residential and nonresidential juvenile justice
5 facilities. Provisions must be made for the transfer of
6 credits and partial credits earned.

7 (10) The district school board shall recruit and train
8 teachers who are interested, qualified, or experienced in
9 educating students in juvenile justice programs. Students in
10 juvenile justice programs shall be provided a wide range of
11 educational programs and opportunities including textbooks,
12 technology, instructional support, and other resources
13 available to students in public schools. Teachers assigned to
14 educational programs in juvenile justice settings in which the
15 district school board operates the educational program shall
16 be selected by the district school board in consultation with
17 the director of the juvenile justice facility. Educational
18 programs in juvenile justice facilities shall have access to
19 the substitute teacher pool utilized by the district school
20 board. Full-time teachers working in juvenile justice schools,
21 whether employed by a district school board or a provider,
22 shall be eligible for the critical teacher shortage tuition
23 reimbursement program as defined by s. 1009.58 and other
24 teacher recruitment and retention programs.

25 (12) The district school board shall fund the
26 educational program in a Department of Juvenile Justice
27 facility at the same or higher level of funding for equivalent
28 students in the district school system based on the funds
29 generated by state funding through the Florida Education
30 Finance Program for such students. It is the intent of the
31 Legislature that the school district maximize its available

1 local, state, and federal funding to a juvenile justice
2 program.

3 (a) Juvenile justice educational programs shall be
4 funded in the appropriate FEFP program based on the
5 educational services needed by the student for Department of
6 Juvenile Justice programs in accordance with s. 1011.62.

7 (b) Juvenile justice educational programs to receive
8 the appropriate FEFP funding for Department of Juvenile
9 Justice programs shall include those operated through a
10 contract with the Department of Juvenile Justice and which are
11 under purview of the Department of Juvenile Justice quality
12 assurance standards for education.

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

17 (d) FTE count periods shall be prescribed in rules of
18 the State Board of Education and shall be the same for
19 programs of the Department of Juvenile Justice as for other
20 public school programs. The summer school period for students
21 in Department of Juvenile Justice programs shall begin on the
22 day immediately following the end of the regular school year
23 and end on the day immediately preceding the subsequent
24 regular school year. Students shall be funded for no more than
25 25 hours per week of direct instruction.

26 (e) If the district school board is providing programs
27 or services to students which are funded by federal funds, any
28 eligible student enrolled in a juvenile justice education
29 program in the school district shall be provided federal funds
30 at the same level of service that is provided to students in
31 the schools operated by the district school board. Each

1 juvenile justice education program must receive all federal
2 funds for which the program is otherwise eligible.

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

7 (19)~~(20)~~ The Department of Education and the
8 Department of Juvenile Justice, after consultation with and
9 assistance from local providers and district school boards,
10 shall report annually to the Legislature by February 1 on the
11 progress toward developing effective educational programs for
12 juvenile delinquents, including the amount of funding provided
13 by district school boards to juvenile justice programs, the
14 amount retained for administration including documenting the
15 purposes for such expenses, the status of the development of
16 cooperative agreements, the results of the quality assurance
17 reviews including recommendations for system improvement, and
18 information on the identification of, and services provided
19 to, exceptional students in juvenile justice commitment
20 facilities to determine whether these students are properly
21 reported for funding and are appropriately served.

22 (20)~~(21)~~ The educational programs at the Arthur Dozier
23 School for Boys in Jackson County and the Florida School for
24 Boys in Okeechobee shall be operated by the Department of
25 Education, either directly or through grants or contractual
26 agreements with other public or duly accredited education
27 agencies approved by the Department of Education.

28 (21)~~(22)~~ The State Board of Education may adopt any
29 rules necessary to implement the provisions of this section,
30 including uniform curriculum, funding, and second chance
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1 schools. Such rules must ~~shall~~ require the minimum amount of
2 paperwork and reporting.

3 ~~(22)(23)~~ The Department of Juvenile Justice and the
4 Department of Education ~~shall~~, in consultation with Workforce
5 Florida, Inc., the statewide Workforce Development Youth
6 Council, district school boards, community colleges,
7 providers, and others, shall jointly develop a multiagency
8 plan for career and technical education which describes the
9 funding, curriculum, transfer of credits, goals, and outcome
10 measures for career and technical education programming in
11 juvenile commitment facilities, pursuant to s. 985.3155. The
12 plan must be reviewed annually.

13 Section 3. Paragraph (a) of subsection (3) of section
14 1010.20, Florida Statutes, is amended to read:

15 1010.20 Cost accounting and reporting for school
16 districts.--

17 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

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

21 1. Kindergarten and grades 1, 2, and 3, 90 percent.

22 2. Grades 4, 5, 6, 7, and 8, 80 percent.

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

24 4. Programs for exceptional students, on an aggregate
25 program basis, 90 percent.

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

28 6. Students-at-risk programs, on an aggregate program
29 basis, 80 percent.

30 7. Juvenile justice programs, on an aggregate program
31 basis, 90 ~~80~~ percent.

1 8. Any new program established and funded under s.
2 1011.62(1)(c), that is not included under subparagraphs 1.-7.
3 ~~1.-6.~~, on an aggregate basis as appropriate, 80 percent.

4 Section 4. Paragraph (c) of subsection (1) of section
5 1011.62, Florida Statutes, is amended to read:

6 1011.62 Funds for operation of schools.--If the annual
7 allocation from the Florida Education Finance Program to each
8 district for operation of schools is not determined in the
9 annual appropriations act or the substantive bill implementing
10 the annual appropriations act, it shall be determined as
11 follows:

12 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
13 OPERATION.--The following procedure shall be followed in
14 determining the annual allocation to each district for
15 operation:

16 (c) Determination of programs.--Cost factors based on
17 desired relative cost differences between the following
18 programs shall be established in the annual General
19 Appropriations Act. The Commissioner of Education shall
20 specify a matrix of services and intensity levels to be used
21 by districts in the determination of the two weighted cost
22 factors for exceptional students with the highest levels of
23 need. For these students, the funding support level shall fund
24 the exceptional students' education program, with the
25 exception of extended school year services for students with
26 disabilities.

- 27 1. Basic programs.--
28 a. Kindergarten and grades 1, 2, and 3.
29 b. Grades 4, 5, 6, 7, and 8.
30 c. Grades 9, 10, 11, and 12.
31 2. Programs for exceptional students.--

- 1 a. Support Level IV.
2 b. Support Level V.
3 3. Secondary career and technical education
4 programs.--
5 4. English for Speakers of Other Languages.--
6 5. Programs for juvenile justice students.--
7 Section 5. The Department of Education and the
8 Department of Juvenile Justice, in collaboration with the
9 school districts, juvenile justice education providers, and
10 the Florida Juvenile Justice Association, shall convene a
11 workgroup to suggest strategies for meeting the requirements
12 of the federal No Child Left Behind Act and for rewarding
13 juvenile justice education programs for high performance based
14 on positive student outcomes. The Department of Education
15 shall report the findings of the workgroup to the President of
16 the Senate and the Speaker of the House of Representatives by
17 December 1, 2004.
18 Section 6. Subsection (3) of section 985.412, Florida
19 Statutes, is amended to read:
20 985.412 Quality assurance and cost-effectiveness.--
21 (3) The department shall annually collect and report
22 cost data for every program operated or contracted by the
23 department. The cost data shall conform to a format approved
24 by the department and the Legislature. Uniform cost data shall
25 be reported and collected for state-operated and contracted
26 programs so that comparisons can be made among programs. The
27 department shall ensure that there is accurate cost accounting
28 for state-operated services including market-equivalent rent
29 and other shared cost. The cost of the educational program
30 provided to a residential facility shall be reported and
31 included in the cost of a program. The department shall submit

1 an annual cost report to the President of the Senate, the
2 Speaker of the House of Representatives, the Minority Leader
3 of each house of the Legislature, the appropriate substantive
4 and fiscal committees of each house of the Legislature, and
5 the Governor, no later than December 1 of each year.
6 Cost-benefit analysis for educational programs will be
7 developed and implemented in collaboration with and in
8 cooperation with the Department of Education, local providers,
9 and local school districts. Cost data for the report shall
10 include data collected by the Department of Education for the
11 purposes of preparing the annual report required by s.
12 1003.52(19)~~(20)~~.

13 Section 7. Paragraph (e) of subsection (16) of section
14 1001.42, Florida Statutes, is amended to read:

15 1001.42 Powers and duties of district school
16 board.--The district school board, acting as a board, shall
17 exercise all powers and perform all duties listed below:

18 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
19 ACCOUNTABILITY.--Maintain a system of school improvement and
20 education accountability as provided by statute and State
21 Board of Education rule. This system of school improvement and
22 education accountability shall be consistent with, and
23 implemented through, the district's continuing system of
24 planning and budgeting required by this section and ss.
25 1008.385, 1010.01, and 1011.01. This system of school
26 improvement and education accountability shall include, but is
27 not limited to, the following:

28 (e) Public disclosure.--Provide information regarding
29 performance of students and educational programs as required
30 pursuant to ss. 1008.22 and 1008.385 and implement a system of
31 school reports as required by statute and State Board of

1 Education rule that shall include schools operating for the
2 purpose of providing educational services to youth in
3 Department of Juvenile Justice programs, and for those
4 schools, report on the elements specified in s.
5 1003.52(19)~~(20)~~. Annual public disclosure reports shall be in
6 an easy-to-read report card format and shall include the
7 school's student and school performance grade category
8 designation and performance data as specified in state board
9 rule.

10 Section 8. This act shall take effect July 1, 2004.
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