

By the Committee on Education; and Senator Bennett

304-2457-04

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 program funds must be
9 spent on juvenile justice students; amending s.
10 1003.52, F.S.; requiring each school district
11 to make the GED exit-option available to
12 students in a juvenile justice program;
13 requiring the Department of Education, by a
14 specified date, to select an assessment
15 instrument for use in juvenile justice
16 education programs; requiring the instrument
17 and protocol to be implemented statewide by a
18 specified date; requiring that students in
19 juvenile justice education programs have access
20 to Florida Virtual School courses; requiring
21 the department and the school districts to
22 adopt policies ensuring such access; providing
23 that juvenile justice teachers are eligible for
24 all teacher recruitment and retention programs;
25 directing district school boards to provide
26 juvenile justice education programs an
27 equitable allocation of federal funds; deleting
28 a reference to second chance schools; amending
29 requirements for the plan for career and
30 technical education; amending s. 1010.20, F.S.;
31 increasing the percentage of the funds

1 generated by juvenile justice programs which
2 the school district must expend on those
3 programs; requiring a workgroup to suggest
4 strategies for meeting the requirements of the
5 No Child Left Behind Act and for rewarding
6 juvenile justice education programs for high
7 performance; requiring the department to report
8 the findings of the workgroup to legislative
9 leaders by a specified date; amending ss.
10 985.412 and 1001.42, F.S., to conform;
11 providing an effective date.

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

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15 Section 1. Paragraph (g) of subsection (2) of section
16 1003.51, Florida Statutes, is amended to read:

17 1003.51 Other public educational services.--

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

26 (g) Funding requirements, which shall include the
27 requirement that at least 90 ~~80~~ percent of the FEFP funds
28 generated by students in Department of Juvenile Justice
29 programs be spent on instructional costs for those students.
30 One hundred percent of all ~~the~~ formula-based categorical
31 program funds for which juvenile justice students are

1 ~~eligible, generated by students in Department of Juvenile~~
2 ~~Justice programs~~ must be spent on the educational programs
3 ~~appropriate categoricals such as instructional materials and~~
4 ~~public school technology~~ for those students.

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

8 1003.52 Educational services in Department of Juvenile
9 Justice programs.--

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

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

29 (b) Collecting information on the academic performance
30 of students in juvenile justice ~~commitment and detention~~
31 programs and reporting on the results.

1 (c) Developing academic and career and technical
2 protocols that provide guidance to district school boards and
3 providers in all aspects of education programming, including
4 records transfer and transition.

5 (d) Prescribing the roles of program personnel and
6 interdepartmental district school board or provider
7 collaboration strategies.

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

14 (2) Students participating in Department of Juvenile
15 Justice programs ~~a detention, commitment, or rehabilitation~~
16 ~~program~~ pursuant to chapter 985 which are ~~is~~ sponsored by a
17 community-based agency or are ~~is~~ operated or contracted for by
18 the Department of Juvenile Justice shall receive educational
19 programs according to rules of the State Board of Education.
20 These students shall be eligible for services afforded to
21 students enrolled in programs pursuant to s. 1003.53 and all
22 corresponding State Board of Education rules.

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

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

1 programs shall have access to the appropriate courses and
2 instruction to prepare them for the GED test. Students
3 participating in GED preparation programs shall be funded at
4 the basic program cost factor for Department of Juvenile
5 Justice programs in the Florida Education Finance Program. A
6 school district shall make the GED exit option available to
7 any student in a juvenile justice program. Each program shall
8 be conducted according to applicable law providing for the
9 operation of public schools and rules of the State Board of
10 Education.

11 (b) The Department of Education shall take the
12 necessary steps to identify and select a uniform entry and
13 exit assessment instrument or instruments to use in juvenile
14 justice education programs during the 2005-2006 school year.

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

25 (9) The Department of Education shall ensure that all
26 district school boards make provisions for high school level
27 ~~committed~~ youth to earn credits toward high school graduation
28 while in residential and nonresidential juvenile justice
29 facilities. Provisions must be made for the transfer of
30 credits and partial credits earned.

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

19 (12) The district school board shall fund the
20 educational program in a Department of Juvenile Justice
21 facility at the same or higher level of funding for equivalent
22 students in the district school system based on the funds
23 generated by state funding through the Florida Education
24 Finance Program for such students. It is the intent of the
25 Legislature that the school district maximize its available
26 local, state, and federal funding to a juvenile justice
27 program.

28 (a) Juvenile justice educational programs shall be
29 funded in the appropriate FEFP program based on the
30 educational services needed by the student for Department of
31 Juvenile Justice programs in accordance with s. 1011.62.

1 (b) Juvenile justice educational programs to receive
2 the appropriate FEFP funding for Department of Juvenile
3 Justice programs shall include those operated through a
4 contract with the Department of Juvenile Justice and which are
5 under purview of the Department of Juvenile Justice quality
6 assurance standards for education.

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

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

20 (e) When establishing priorities for the allocation of
21 federal funds, the district school board must ensure that
22 eligible students enrolled in juvenile justice education
23 programs receive an equitable allocation of those funds.

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

28 (19)(20) The Department of Education and the
29 Department of Juvenile Justice, after consultation with and
30 assistance from local providers and district school boards,
31 shall report annually to the Legislature by February 1 on the

1 progress toward developing effective educational programs for
2 juvenile delinquents, including the amount of funding provided
3 by district school boards to juvenile justice programs, the
4 amount retained for administration including documenting the
5 purposes for such expenses, the status of the development of
6 cooperative agreements, the results of the quality assurance
7 reviews including recommendations for system improvement, and
8 information on the identification of, and services provided
9 to, exceptional students in juvenile justice commitment
10 facilities to determine whether these students are properly
11 reported for funding and are appropriately served.

12 ~~(20)(21)~~ The educational programs at the Arthur Dozier
13 School for Boys in Jackson County and the Florida School for
14 Boys in Okeechobee shall be operated by the Department of
15 Education, either directly or through grants or contractual
16 agreements with other public or duly accredited education
17 agencies approved by the Department of Education.

18 ~~(21)(22)~~ The State Board of Education may adopt any
19 rules necessary to implement the provisions of this section,
20 including uniform curriculum, funding, and second chance
21 schools. Such rules must ~~shall~~ require the minimum amount of
22 paperwork and reporting.

23 ~~(22)(23)~~ The Department of Juvenile Justice and the
24 Department of Education ~~shall~~, in consultation with Workforce
25 Florida, Inc., the statewide Workforce Development Youth
26 Council, district school boards, community colleges,
27 providers, and others, shall jointly develop a multiagency
28 plan for career and technical education which describes the
29 funding, curriculum, transfer of credits, goals, and outcome
30 measures for career and technical education programming in
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1 juvenile commitment facilities, pursuant to s. 985.3155. The
2 plan must be reviewed annually.

3 Section 3. Paragraph (a) of subsection (3) of section
4 1010.20, Florida Statutes, is amended to read:

5 1010.20 Cost accounting and reporting for school
6 districts.--

7 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

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

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

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

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

14 4. Programs for exceptional students, on an aggregate
15 program basis, 90 percent.

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

18 6. Students-at-risk programs, on an aggregate program
19 basis, 80 percent.

20 7. Juvenile justice programs, on an aggregate program
21 basis, 90 ~~80~~ percent.

22 8. Any new program established and funded under s.
23 1011.62(1)(c), that is not included under subparagraphs 1.-7.
24 ~~1.-6.~~, on an aggregate basis as appropriate, 80 percent.

25 Section 4. The Department of Education and the
26 Department of Juvenile Justice, in collaboration with the
27 school districts, juvenile justice education providers, and
28 the Florida Juvenile Justice Association, shall convene a
29 workgroup to suggest strategies for meeting the requirements
30 of the federal No Child Left Behind Act and for rewarding
31 juvenile justice education programs for high performance based

1 on positive student outcomes. The Department of Education
2 shall report the findings of the workgroup to the President of
3 the Senate and the Speaker of the House of Representatives by
4 December 1, 2004.

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

7 985.412 Quality assurance and cost-effectiveness.--

8 (3) The department shall annually collect and report
9 cost data for every program operated or contracted by the
10 department. The cost data shall conform to a format approved
11 by the department and the Legislature. Uniform cost data shall
12 be reported and collected for state-operated and contracted
13 programs so that comparisons can be made among programs. The
14 department shall ensure that there is accurate cost accounting
15 for state-operated services including market-equivalent rent
16 and other shared cost. The cost of the educational program
17 provided to a residential facility shall be reported and
18 included in the cost of a program. The department shall submit
19 an annual cost report to the President of the Senate, the
20 Speaker of the House of Representatives, the Minority Leader
21 of each house of the Legislature, the appropriate substantive
22 and fiscal committees of each house of the Legislature, and
23 the Governor, no later than December 1 of each year.

24 Cost-benefit analysis for educational programs will be
25 developed and implemented in collaboration with and in
26 cooperation with the Department of Education, local providers,
27 and local school districts. Cost data for the report shall
28 include data collected by the Department of Education for the
29 purposes of preparing the annual report required by s.

30 1003.52(19)(20).

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1 Section 6. Paragraph (e) of subsection (16) of section
2 1001.42, Florida Statutes, is amended to read:

3 1001.42 Powers and duties of district school
4 board.--The district school board, acting as a board, shall
5 exercise all powers and perform all duties listed below:

6 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
7 ACCOUNTABILITY.--Maintain a system of school improvement and
8 education accountability as provided by statute and State
9 Board of Education rule. This system of school improvement and
10 education accountability shall be consistent with, and
11 implemented through, the district's continuing system of
12 planning and budgeting required by this section and ss.
13 1008.385, 1010.01, and 1011.01. This system of school
14 improvement and education accountability shall include, but is
15 not limited to, the following:

16 (e) Public disclosure.--Provide information regarding
17 performance of students and educational programs as required
18 pursuant to ss. 1008.22 and 1008.385 and implement a system of
19 school reports as required by statute and State Board of
20 Education rule that shall include schools operating for the
21 purpose of providing educational services to youth in
22 Department of Juvenile Justice programs, and for those
23 schools, report on the elements specified in s.
24 1003.52~~(19)~~(20). Annual public disclosure reports shall be in
25 an easy-to-read report card format and shall include the
26 school's student and school performance grade category
27 designation and performance data as specified in state board
28 rule.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 2326

The committee substitute:

Removes the proposed Juvenile Justice cost factor from the bill.

Requires the expenditure of all formula based categorical program funds on the education of eligible juvenile justice students.

Requires school districts to make the GED exit option available to any student in a juvenile justice program.

Requires the Department of Education to identify and select a uniform entry and exit assessment instrument for use in juvenile justice education programs during the 2005-2006 school year.

Provides for ensuring that eligible juvenile justice students receive an equitable amount of federal funds.