

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

1 adopt policies ensuring such access; providing
2 that juvenile justice teachers are eligible for
3 all teacher recruitment and retention programs;
4 directing district school boards to provide
5 juvenile justice education programs an
6 equitable allocation of federal funds; deleting
7 a reference to second chance schools; amending
8 requirements for the plan for career and
9 technical education; amending s. 1010.20, F.S.;
10 increasing the percentage of the funds
11 generated by juvenile justice programs which
12 the school district must expend on those
13 programs; requiring a workgroup to suggest
14 strategies for meeting the requirements of the
15 No Child Left Behind Act and for rewarding
16 juvenile justice education programs for high
17 performance; requiring the department to report
18 the findings of the workgroup to legislative
19 leaders by a specified date; amending ss.
20 985.412 and 1001.42, F.S., to conform;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Subsection (1) of section 985.02, Florida
26 Statutes, is amended, and subsection (8) is added to said
27 section, to read:

28 985.02 Legislative intent for the juvenile justice
29 system.--
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1 (1) GENERAL PROTECTIONS FOR CHILDREN.--It is a purpose
2 of the Legislature that the children of this state be provided
3 with the following protections:

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

5 (b) A permanent and stable home.

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

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

9 (e) Effective treatment to address physical, social,
10 and emotional needs, regardless of geographical location.

11 (f) Equal opportunity and access to quality and
12 effective education, which will meet the individual needs of
13 each child, and to recreation and other community resources to
14 develop individual abilities.

15 (g) Access to preventive services.

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

19 (i) Gender-specific programming and gender-specific
20 program models and services that comprehensively address the
21 needs of a targeted gender group.

22 (8) GENDER-SPECIFIC PROGRAMMING.--

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

26 (b) Gender-specific programming refers to unique
27 program models and services that comprehensively address the
28 needs of a targeted gender group. Gender-specific services
29 require the adherence to the principle of equity to ensure
30 that the different interests of young women and men are
31 recognized and varying needs are met, with equality as the

1 desired outcome. Gender-specific programming focuses on the
2 differences between young females' and young males' roles and
3 responsibilities, positions in society, access to and use of
4 resources, and social codes governing behavior.

5 Gender-specific programs increase the effectiveness of
6 programs by making interventions more appropriate to the
7 specific needs of young women and men and ensuring that these
8 programs do not unknowingly create, maintain, or reinforce
9 gender roles or relations that may be damaging.

10 (c) The Office of Program Policy Analysis and
11 Government Accountability shall conduct an analysis of
12 programs for young females within the Department of Juvenile
13 Justice. The analysis shall address the nature of young female
14 offenders in this state, the percentage of young females who
15 are incarcerated in the juvenile justice system for status
16 offenses and violations of probation, and whether these young
17 females could be better served in less costly community-based
18 programs. In addition, the review shall analyze whether
19 existing juvenile justice programs are designed to meet the
20 gender-specific needs of young females and an analysis of the
21 true cost of providing gender-specific services to young
22 females.

23 Section 2. For the purpose of incorporating the
24 amendment to section 985.02, Florida Statutes, in references
25 thereto, subsections (1) and (3) of section 985.3045, Florida
26 Statutes, are reenacted to read:

27 985.3045 Prevention service program; monitoring;
28 report; uniform performance measures.--

29 (1) The department's prevention service program shall
30 monitor all state-funded programs, grants, appropriations, or
31 activities that are designed to prevent juvenile crime,

1 delinquency, gang membership, or status offense behaviors and
2 all state-funded programs, grants, appropriations, or
3 activities that are designed to prevent a child from becoming
4 a "child in need of services," as defined in chapter 984, in
5 order to inform the Governor and the Legislature concerning
6 efforts designed to further the policy of the state concerning
7 juvenile justice and delinquency prevention, consistent with
8 ss. 984.02 and 985.02.

9 (3) The department shall expend funds related to the
10 prevention of juvenile delinquency in a manner consistent with
11 the policies expressed in ss. 984.02 and 985.02. The
12 department shall expend said funds in a manner that maximizes
13 public accountability and ensures the documentation of
14 outcomes.

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

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

24 (c) All entities that receive or use state moneys to
25 fund the juvenile delinquency prevention services through
26 contracts or grants with the department shall, as a condition
27 of receipt of state funds, provide the department with
28 personal demographic information concerning all participants
29 in the service sufficient to allow the department to verify
30 criminal or delinquent history information, school attendance
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1 or academic information, employment information, or other
2 requested performance information.

3 Section 3. Paragraph (g) of subsection (2) of section
4 1003.51, Florida Statutes, is amended to read:

5 1003.51 Other public educational services.--

6 (2) The State Board of Education shall adopt and
7 maintain an administrative rule articulating expectations for
8 effective education programs for youth in Department of
9 Juvenile Justice programs, including, but not limited to,
10 education programs in juvenile justice commitment and
11 detention facilities. The rule shall articulate policies and
12 standards for education programs for youth in Department of
13 Juvenile Justice programs and shall include the following:

14 (g) Funding requirements, which shall include the
15 requirement that at least 90 ~~80~~ percent of the FEFP funds
16 generated by students in Department of Juvenile Justice
17 programs be spent on instructional costs for those students.
18 One hundred percent of the formula-based categorical funds
19 generated by students in Department of Juvenile Justice
20 programs must be spent on appropriate categoricals such as
21 instructional materials and public school technology for those
22 students.

23 Section 4. Subsections (1), (2), (3), (4), (9), (10),
24 (12), (19), (20), (21), (22), and (23) of section 1003.52,
25 Florida Statutes, are amended to read:

26 1003.52 Educational services in Department of Juvenile
27 Justice programs.--

28 (1) The Legislature finds that education is the single
29 most important factor in the rehabilitation of adjudicated
30 delinquent youth in the custody of ~~the~~ Department of Juvenile
31 Justice programs ~~in detention or commitment facilities~~. It is

1 | the goal of the Legislature that youth in the juvenile justice
2 | system continue to be allowed the opportunity to obtain a high
3 | quality education. The Department of Education shall serve as
4 | the lead agency for juvenile justice education programs,
5 | curriculum, support services, and resources. To this end, the
6 | Department of Education and the Department of Juvenile Justice
7 | shall each designate a Coordinator for Juvenile Justice
8 | Education Programs to serve as the point of contact for
9 | resolving issues not addressed by district school boards and
10 | to provide each department's participation in the following
11 | activities:

12 | (a) Training, collaborating, and coordinating with the
13 | Department of Juvenile Justice, district school boards,
14 | educational contract providers, and juvenile justice
15 | providers, whether state operated or contracted.

16 | (b) Collecting information on the academic performance
17 | of students in juvenile justice ~~commitment and detention~~
18 | programs and reporting on the results.

19 | (c) Developing academic and career and technical
20 | protocols that provide guidance to district school boards and
21 | providers in all aspects of education programming, including
22 | records transfer and transition.

23 | (d) Prescribing the roles of program personnel and
24 | interdepartmental district school board or provider
25 | collaboration strategies.

26 |
27 | Annually, a cooperative agreement and plan for juvenile
28 | justice education service enhancement shall be developed
29 | between the Department of Juvenile Justice and the Department
30 | of Education and submitted to the Secretary of Juvenile
31 | Justice and the Commissioner of Education by June 30.

1 (2) Students participating in Department of Juvenile
2 Justice programs ~~a detention, commitment, or rehabilitation~~
3 ~~program~~ pursuant to chapter 985 which are ~~is~~ sponsored by a
4 community-based agency or are ~~is~~ operated or contracted for by
5 the Department of Juvenile Justice shall receive educational
6 programs according to rules of the State Board of Education.
7 These students shall be eligible for services afforded to
8 students enrolled in programs pursuant to s. 1003.53 and all
9 corresponding State Board of Education rules.

10 (3) The district school board of the county in which
11 the residential or nonresidential care facility or juvenile
12 assessment facility is located shall provide appropriate
13 educational assessments and an appropriate program of
14 instruction and special education services.

15 (a) The district school board shall make provisions
16 for each student to participate in basic, career and technical
17 education, and exceptional student education programs as
18 appropriate. Students served in Department of Juvenile Justice
19 programs shall have access to the appropriate courses and
20 instruction to prepare them for the GED test. Students
21 participating in GED preparation programs shall be funded at
22 the basic program cost factor for Department of Juvenile
23 Justice programs in the Florida Education Finance Program. A
24 school district shall make the GED exit option available to
25 any student in a juvenile justice program. Each program shall
26 be conducted according to applicable law providing for the
27 operation of public schools and rules of the State Board of
28 Education.

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

3 (4) Educational services shall be provided at times of
4 the day most appropriate for the juvenile justice program.
5 School programming in juvenile justice detention, commitment,
6 and rehabilitation programs shall be made available by the
7 local school district during the juvenile justice school year,
8 as defined in s. 1003.01(11)(12). In addition, students in
9 juvenile justice education programs shall have access to
10 Florida Virtual School courses. The Department of Education
11 and the school districts shall adopt policies necessary to
12 ensure such access.

13 (9) The Department of Education shall ensure that all
14 district school boards make provisions for high school level
15 ~~committed~~ youth to earn credits toward high school graduation
16 while in residential and nonresidential juvenile justice
17 facilities. Provisions must be made for the transfer of
18 credits and partial credits earned.

19 (10) The district school board shall recruit and train
20 teachers who are interested, qualified, or experienced in
21 educating students in juvenile justice programs. Students in
22 juvenile justice programs shall be provided a wide range of
23 educational programs and opportunities including textbooks,
24 technology, instructional support, and other resources
25 available to students in public schools. Teachers assigned to
26 educational programs in juvenile justice settings in which the
27 district school board operates the educational program shall
28 be selected by the district school board in consultation with
29 the director of the juvenile justice facility. Educational
30 programs in juvenile justice facilities shall have access to
31 the substitute teacher pool utilized by the district school

1 board. Full-time teachers working in juvenile justice schools,
2 whether employed by a district school board or a provider,
3 shall be eligible for the critical teacher shortage tuition
4 reimbursement program as defined by s. 1009.58 and other
5 teacher recruitment and retention programs.

6 (12) The district school board shall fund the
7 educational program in a Department of Juvenile Justice
8 facility at the same or higher level of funding for equivalent
9 students in the district school system based on the funds
10 generated by state funding through the Florida Education
11 Finance Program for such students. It is the intent of the
12 Legislature that the school district maximize its available
13 local, state, and federal funding to a juvenile justice
14 program.

15 (a) Juvenile justice educational programs shall be
16 funded in the appropriate FEFP program based on the
17 educational services needed by the student for Department of
18 Juvenile Justice programs in accordance with s. 1011.62.

19 (b) Juvenile justice educational programs to receive
20 the appropriate FEFP funding for Department of Juvenile
21 Justice programs shall include those operated through a
22 contract with the Department of Juvenile Justice and which are
23 under purview of the Department of Juvenile Justice quality
24 assurance standards for education.

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

29 (d) FTE count periods shall be prescribed in rules of
30 the State Board of Education and shall be the same for
31 programs of the Department of Juvenile Justice as for other

1 public school programs. The summer school period for students
2 in Department of Juvenile Justice programs shall begin on the
3 day immediately following the end of the regular school year
4 and end on the day immediately preceding the subsequent
5 regular school year. Students shall be funded for no more than
6 25 hours per week of direct instruction.

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

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

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

30 ~~(20)(21)~~ The educational programs at the Arthur Dozier
31 School for Boys in Jackson County and the Florida School for

1 Boys in Okeechobee shall be operated by the Department of
 2 Education, either directly or through grants or contractual
 3 agreements with other public or duly accredited education
 4 agencies approved by the Department of Education.

5 ~~(21)(22)~~ The State Board of Education may adopt any
 6 rules necessary to implement the provisions of this section,
 7 including uniform curriculum, funding, and second chance
 8 schools. Such rules must ~~shall~~ require the minimum amount of
 9 paperwork and reporting.

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

20 Section 5. Paragraph (a) of subsection (3) of section
 21 1010.20, Florida Statutes, is amended to read:

22 1010.20 Cost accounting and reporting for school
 23 districts.--

24 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

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

- 28 1. Kindergarten and grades 1, 2, and 3, 90 percent.
- 29 2. Grades 4, 5, 6, 7, and 8, 80 percent.
- 30 3. Grades 9, 10, 11, and 12, 80 percent.

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1 4. Programs for exceptional students, on an aggregate
2 program basis, 90 percent.

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

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

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

9 8. Any new program established and funded under s.
10 1011.62(1)(c), that is not included under subparagraphs 1.-7.
11 ~~1.-6.~~, on an aggregate basis as appropriate, 80 percent.

12 Section 6. The Department of Education and the
13 Department of Juvenile Justice, in collaboration with the
14 school districts, juvenile justice education providers, and
15 the Florida Juvenile Justice Association, shall convene a
16 workgroup to suggest strategies for meeting the requirements
17 of the federal No Child Left Behind Act and for rewarding
18 juvenile justice education programs for high performance based
19 on positive student outcomes. The Department of Education
20 shall report the findings of the workgroup to the President of
21 the Senate and the Speaker of the House of Representatives by
22 December 1, 2004.

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

25 985.412 Quality assurance and cost-effectiveness.--

26 (3) The department shall annually collect and report
27 cost data for every program operated or contracted by the
28 department. The cost data shall conform to a format approved
29 by the department and the Legislature. Uniform cost data shall
30 be reported and collected for state-operated and contracted
31 programs so that comparisons can be made among programs. The

1 department shall ensure that there is accurate cost accounting
 2 for state-operated services including market-equivalent rent
 3 and other shared cost. The cost of the educational program
 4 provided to a residential facility shall be reported and
 5 included in the cost of a program. The department shall submit
 6 an annual cost report to the President of the Senate, the
 7 Speaker of the House of Representatives, the Minority Leader
 8 of each house of the Legislature, the appropriate substantive
 9 and fiscal committees of each house of the Legislature, and
 10 the Governor, no later than December 1 of each year.
 11 Cost-benefit analysis for educational programs will be
 12 developed and implemented in collaboration with and in
 13 cooperation with the Department of Education, local providers,
 14 and local school districts. Cost data for the report shall
 15 include data collected by the Department of Education for the
 16 purposes of preparing the annual report required by s.
 17 1003.52(19)~~(20)~~.

18 Section 8. Paragraph (e) of subsection (16) of section
 19 1001.42, Florida Statutes, is amended to read:

20 1001.42 Powers and duties of district school
 21 board.--The district school board, acting as a board, shall
 22 exercise all powers and perform all duties listed below:

23 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
 24 ACCOUNTABILITY.--Maintain a system of school improvement and
 25 education accountability as provided by statute and State
 26 Board of Education rule. This system of school improvement and
 27 education accountability shall be consistent with, and
 28 implemented through, the district's continuing system of
 29 planning and budgeting required by this section and ss.
 30 1008.385, 1010.01, and 1011.01. This system of school
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1 improvement and education accountability shall include, but is
2 not limited to, the following:

3 (e) Public disclosure.--Provide information regarding
4 performance of students and educational programs as required
5 pursuant to ss. 1008.22 and 1008.385 and implement a system of
6 school reports as required by statute and State Board of
7 Education rule that shall include schools operating for the
8 purpose of providing educational services to youth in
9 Department of Juvenile Justice programs, and for those
10 schools, report on the elements specified in s.
11 1003.52(19)(~~20~~). Annual public disclosure reports shall be in
12 an easy-to-read report card format and shall include the
13 school's student and school performance grade category
14 designation and performance data as specified in state board
15 rule.

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