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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/15/2012	.	
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The Committee on Education Pre-K - 12 (Wise) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (30) through (57) of section 985.03, Florida Statutes, are redesignated as subsections (31) through (58), respectively, and a new subsection (30) is added to that section, to read:

985.03 Definitions.—As used in this chapter, the term:
(30) "Juvenile justice education programs" has the same meaning as provided in s. 1003.01(11)(a).

Section 2. Subsection (6) is added to section 985.46,



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13 Florida Statutes, to read:

14 985.46 Conditional release.—

15 (6) Each juvenile committed to a commitment program shall
16 have a transition plan upon release. Transition planning shall
17 begin for each juvenile upon placement in a commitment program
18 and shall result in an individual transition plan for each youth
19 before he or she is released. The transition plan shall be
20 developed with the participation of the youth, representatives
21 of the commitment program, school district personnel, and
22 representatives of conditional release or postcommitment
23 probation programs, if appropriate. The transition plan shall
24 include an education transition plan component as provided in s.
25 1003.515(10), as well as information regarding pertinent
26 delinquency treatment and intervention services that are
27 accessible upon exiting the program.

28 (a) For a juvenile who is released on conditional release
29 or postcommitment probation status, the transition plan shall be
30 incorporated into the conditions of release.

31 (b) For a juvenile who is not released on conditional
32 release or postcommitment probation status, the transition plan
33 shall be explained to the youth and provided upon release, with
34 all necessary referrals having been made at least 30 days before
35 the youth exits the program.

36 (c) For a juvenile who participates in a nonresidential
37 program, the transition plan shall be explained to the youth and
38 provided upon release. For a juvenile who participates in a
39 nonresidential program and who is released on conditional
40 release or postcommitment probation status, the transition plan
41 shall be incorporated into the conditions of release.



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42 Section 3. Section 985.618, Florida Statutes, is amended to
43 read:

44 (Substantial rewording of section. See
45 s. 985.618, F.S., for present text.)

46 985.618 Education and workforce-related programs.-

47 (1) The Legislature intends for youth in juvenile justice
48 programs to be provided a quality education that includes
49 workforce-related skills that lead to continuing education or
50 meaningful employment, or both, and that results in reduced
51 rates of recidivism.

52 (2) The department, in collaboration with the Department of
53 Education, shall annually verify that each juvenile justice
54 education program, at a minimum:

55 (a) Provides access to virtual course offerings that
56 maximize learning opportunities for youth.

57 (b) Encourages access to virtual counseling to address the
58 educational and workforce needs of adjudicated youth.

59 (c) Provides instruction from individuals who hold industry
60 credentials in the occupational areas in which they teach.

61 (d) Ensures students in juvenile justice residential
62 education programs have access to virtual instruction or
63 instruction offered by volunteers during evenings and weekends.

64 (e) Considers, before placement, the age, interests, prior
65 education, training, work experience, emotional and mental
66 abilities, treatment needs, and physical capabilities of the
67 youth and the duration of the term of placement imposed.

68 (f) Provides specialized instruction, related services,
69 accommodations, and modifications as are necessary to ensure the
70 provision of a free, appropriate public education for students



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71 with disabilities.

72 (g) Expends funds in a manner that directly supports the
73 attainment of successful student outcomes as specified in s.
74 1003.515(7) and that allows youth to engage in real work
75 situations whenever possible.

76 (3) The department shall collaborate with the Department of
77 Education, the Department of Economic Opportunity, school
78 districts, and private providers to adopt rules to administer
79 this section.

80 Section 4. Section 985.632, Florida Statutes, is amended to
81 read:

82 985.632 Quality assurance and cost-effectiveness.—

83 (1) It is the intent of the Legislature that the
84 department:

85 (a) Ensure that information be provided to decisionmakers
86 in a timely manner so that resources are allocated to programs
87 of the department which achieve desired performance levels.

88 (b) Provide information about the cost of such programs and
89 their differential effectiveness so that the quality of such
90 programs can be compared and improvements made continually.

91 (c) Provide information to aid in developing related policy
92 issues and concerns.

93 (d) Provide information to the public about the
94 effectiveness of such programs in meeting established goals and
95 objectives.

96 (e) Provide a basis for a system of accountability so that
97 each client is afforded the best programs to meet his or her
98 needs.

99 (f) Improve service delivery to clients.



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100 (g) Modify or eliminate activities that are not effective.
101 (2) As used in this section, the term:
102 (a) "Client" means any person who is being provided
103 treatment or services by the department or by a provider under
104 contract with the department.
105 (b) "Program component" means an aggregation of generally
106 related objectives which, because of their special character,
107 related workload, and interrelated output, can logically be
108 considered an entity for purposes of organization, management,
109 accounting, reporting, and budgeting.
110 (c) "Program effectiveness" means the ability of the
111 program to achieve desired client outcomes, goals, and
112 objectives.
113 (3) The department shall annually collect and report cost
114 data for every program operated by the department or its
115 contracted provider ~~or contracted by the department~~. The cost
116 data shall conform to a format approved by the department and
117 the Legislature. Uniform cost data shall be reported and
118 collected for each education program operated by a school
119 district or private provider contracted by a school district
120 ~~state-operated and contracted programs~~ so that comparisons can
121 be made among programs. The Department of Education shall ensure
122 that there is accurate cost accounting for education programs
123 operated by school districts, including those programs operated
124 by private providers under contract with school districts ~~state-~~
125 ~~operated services including market-equivalent rent and other~~
126 ~~shared cost. The cost of the educational program provided to a~~
127 ~~residential facility shall be reported and included in the cost~~
128 ~~of a program.~~ The Department of Education shall submit ~~an~~ annual



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129 ~~cost data report to the department President of the Senate, the~~
130 ~~Speaker of the House of Representatives, the Minority Leader of~~
131 ~~each house of the Legislature, the appropriate substantive and~~
132 ~~fiscal committees of each house of the Legislature, and the~~
133 ~~Governor, no later than December 1 of each year. The annual cost~~
134 ~~data shall be included in the annual report required in~~
135 ~~subsection (7). Cost-benefit analysis for juvenile justice~~
136 ~~education ~~educational~~ programs shall ~~will~~ be developed and~~
137 ~~implemented in collaboration with and in cooperation with the~~
138 ~~Department of Education, local providers, and local school~~
139 ~~districts. ~~Cost data for the report shall include data collected~~~~
140 ~~~~by the Department of Education for the purposes of preparing the~~~~
141 ~~annual report required by s. 1003.52(19).~~

142 (4) (a) The department, in consultation with the Office of
143 Economic and Demographic Research and contract service
144 providers, shall develop a cost-effectiveness model and apply
145 the model to each commitment program. Program recidivism rates
146 shall be a component of the model. The cost-effectiveness model
147 shall compare program costs to client outcomes and program
148 outputs. It is the intent of the Legislature that continual
149 development efforts take place to improve the validity and
150 reliability of the cost-effectiveness model.

151 (b) The department shall rank commitment programs based on
152 the cost-effectiveness model and shall submit a report to the
153 appropriate substantive and fiscal committees of each house of
154 the Legislature by December 31 of each year.

155 (c) Based on reports of the department on client outcomes
156 and program outputs and on the department's most recent cost-
157 effectiveness rankings, the department may terminate a program



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158 operated by the department or a provider if the program has
159 failed to achieve a minimum threshold of program effectiveness.
160 This paragraph does not preclude the department from terminating
161 a contract as provided under this section or as otherwise
162 provided by law or contract, and does not limit the department's
163 authority to enter into or terminate a contract.

164 (d) In collaboration with the Office of Economic and
165 Demographic Research, and contract service providers, the
166 department shall develop a work plan to refine the cost-
167 effectiveness model so that the model is consistent with the
168 performance-based program budgeting measures approved by the
169 Legislature to the extent the department deems appropriate. The
170 department shall notify the Office of Program Policy Analysis
171 and Government Accountability of any meetings to refine the
172 model.

173 (e) Contingent upon specific appropriation, the department,
174 in consultation with the Office of Economic and Demographic
175 Research, and contract service providers, shall:

176 1. Construct a profile of each commitment program that uses
177 the results of the quality assurance report required by this
178 section, the cost-effectiveness report required in this
179 subsection, and other reports available to the department.

180 2. Target, for a more comprehensive evaluation, any
181 commitment program that has achieved consistently high, low, or
182 disparate ratings in the reports required under subparagraph 1.

183 3. Identify the essential factors that contribute to the
184 high, low, or disparate program ratings.

185 4. Use the results of these evaluations in developing or
186 refining juvenile justice programs or program models, client



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187 outcomes and program outputs, provider contracts, quality
188 assurance standards, and the cost-effectiveness model.

189 (5) (a) Program effectiveness shall be determined by
190 implementing systematic data collection, data analysis, and
191 education and workforce-related program evaluations pursuant to
192 this section and s. 1003.515.

193 (b) The evaluation of juvenile justice education and
194 workforce-related programs shall be based on the performance
195 outcomes provided in s. 1003.515(7).

196 (6) (5) The department shall:

197 (a) Establish a comprehensive quality assurance system for
198 each program operated by the department or its contracted
199 provider ~~operated by a provider under contract with the~~
200 ~~department~~. Each contract entered into by the department must
201 provide for quality assurance.

202 (b) Provide operational definitions of and criteria for
203 quality assurance for each specific program component.

204 (c) Establish quality assurance goals and objectives for
205 each specific program component.

206 (d) Establish the information and specific data elements
207 required for the quality assurance program.

208 (e) Develop a quality assurance manual of specific,
209 standardized terminology and procedures to be followed by each
210 program.

211 (f) Evaluate each program operated by the department or its
212 contracted ~~a provider under a contract with the department~~ and
213 establish minimum thresholds for each program component. If a
214 provider fails to meet the established minimum thresholds, such
215 failure shall cause the department to cancel the provider's



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216 contract unless the provider achieves compliance with minimum
217 thresholds within 6 months or unless there are documented
218 extenuating circumstances. In addition, the department may not
219 contract with the same provider for the canceled service for a
220 period of 12 months. If a department-operated program fails to
221 meet the established minimum thresholds, the department must
222 take necessary and sufficient steps to ensure and document
223 program changes to achieve compliance with the established
224 minimum thresholds. If the department-operated program fails to
225 achieve compliance with the established minimum thresholds
226 within 6 months and if there are no documented extenuating
227 circumstances, the department must notify the Executive Office
228 of the Governor and the Legislature of the corrective action
229 taken. Appropriate corrective action may include, but is not
230 limited to:

- 231 1. Contracting out for the services provided in the
232 program;
- 233 2. Initiating appropriate disciplinary action against all
234 employees whose conduct or performance is deemed to have
235 materially contributed to the program's failure to meet
236 established minimum thresholds;
- 237 3. Redesigning the program; or
- 238 4. Realigning the program.

239
240 The department shall submit an annual report to the President of
241 the Senate, the Speaker of the House of Representatives, the
242 Minority Leader of each house of the Legislature, the
243 appropriate substantive and fiscal committees of each house of
244 the Legislature, and the Governor, no later than February 1 of



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245 each year. The annual report must contain, at a minimum, for
246 each specific program component: a comprehensive description of
247 the population served by the program; a specific description of
248 the services provided by the program; cost; a comparison of
249 expenditures to federal and state funding; immediate and long-
250 range concerns; and recommendations to maintain, expand,
251 improve, modify, or eliminate each program component so that
252 changes in services lead to enhancement in program quality. The
253 department shall ensure the reliability and validity of the
254 information contained in the report.

255 (7) The department, in collaboration with the Department of
256 Education and in consultation with the school districts and
257 private juvenile justice education program providers, shall
258 prepare an annual report containing the education performance
259 outcomes, based on the criteria in s. 1003.515(7), of youth in
260 juvenile justice education programs. The report shall delineate
261 the performance outcomes of youth in the state, in each school
262 district's juvenile justice education program, and for each
263 private provider's juvenile justice education program, including
264 the performance outcomes of all major student populations and
265 genders, as determined by the Department of Education. The
266 report shall address the use and successful completion of
267 virtual instruction courses and the successful implementation of
268 transition and reintegration plans. The report must include an
269 analysis of the performance of youth over time, including, but
270 not limited to, additional education attainment, employment,
271 earnings, industry certification, and rates of recidivism. The
272 report must also include recommendations for improving
273 performance outcomes and for additional cost savings and



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274 efficiencies. The report shall be submitted to the Governor, the
275 President of the Senate, and the Speaker of the House of
276 Representatives by February 15, 2014, and each year thereafter.

277 (8)(6) The department shall collect and analyze available
278 statistical data for the purpose of ongoing evaluation of all
279 programs. The department shall provide the Legislature with
280 necessary information and reports to enable the Legislature to
281 make informed decisions regarding the effectiveness of, and any
282 needed changes in, services, programs, policies, and laws.

283 Section 5. Section 985.721, Florida Statutes, is amended to
284 read:

285 985.721 Escapes from secure detention or residential
286 commitment facility.—An escape from:

287 (1) Any secure detention facility maintained for the
288 temporary detention of children, pending adjudication,
289 disposition, or placement;

290 (2) Any residential commitment facility described in s.
291 985.03(46) ~~985.03(45)~~, maintained for the custody, treatment,
292 punishment, or rehabilitation of children found to have
293 committed delinquent acts or violations of law; or

294 (3) Lawful transportation to or from any such secure
295 detention facility or residential commitment facility,

296
297 constitutes escape within the intent and meaning of s. 944.40
298 and is a felony of the third degree, punishable as provided in
299 s. 775.082, s. 775.083, or s. 775.084.

300 Section 6. Paragraph (b) of subsection (18) of section
301 1001.42, Florida Statutes, is amended to read:

302 1001.42 Powers and duties of district school board.—The



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303 district school board, acting as a board, shall exercise all
304 powers and perform all duties listed below:

305 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
306 Maintain a state system of school improvement and education
307 accountability as provided by statute and State Board of
308 Education rule. This system of school improvement and education
309 accountability shall be consistent with, and implemented
310 through, the district's continuing system of planning and
311 budgeting required by this section and ss. 1008.385, 1010.01,
312 and 1011.01. This system of school improvement and education
313 accountability shall comply with the provisions of ss. 1008.33,
314 1008.34, 1008.345, and 1008.385 and include the following:

315 (b) *Public disclosure.*—The district school board shall
316 provide information regarding the performance of students in ~~and~~
317 education ~~educational~~ programs as required pursuant to ss.
318 1008.22 and 1008.385 and implement a system of school reports as
319 required by statute and State Board of Education rule which
320 shall include schools operating for the purpose of providing
321 education ~~educational~~ services to youth in Department of
322 Juvenile Justice residential and nonresidential programs, and
323 for those programs ~~schools~~, report on the data and education
324 outcomes ~~elements~~ specified in s. 1003.515(7) ~~1003.52(19)~~.
325 Annual public disclosure reports shall be in an easy-to-read
326 report card format and shall include the school's grade, high
327 school graduation rate calculated without GED tests,
328 disaggregated by student ethnicity, and performance data as
329 specified in state board rule.

330 Section 7. Subsection (20) of section 1002.20, Florida
331 Statutes, is amended to read:



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332 1002.20 K-12 student and parent rights.—Parents of public
333 school students must receive accurate and timely information
334 regarding their child’s academic progress and must be informed
335 of ways they can help their child to succeed in school. K-12
336 students and their parents are afforded numerous statutory
337 rights including, but not limited to, the following:

338 (20) JUVENILE JUSTICE PROGRAMS.—Students who are in
339 juvenile justice programs have the right to receive educational
340 programs and services in accordance with the provisions of s.
341 1003.515 ~~1003.52~~.

342 Section 8. Paragraph (b) of subsection (1) of section
343 1002.45, Florida Statutes, is amended to read:

344 1002.45 Virtual instruction programs.—

345 (1) PROGRAM.—

346 (b) Each school district that is eligible for the sparsity
347 supplement pursuant to s. 1011.62(7) shall provide all enrolled
348 public school students within its boundaries the option of
349 participating in part-time and full-time virtual instruction
350 programs. Each school district that is not eligible for the
351 sparsity supplement shall provide at least three options for
352 part-time and full-time virtual instruction. All school
353 districts must provide parents with timely written notification
354 of an open enrollment period for full-time students of at least
355 90 days that ends no later than 30 days before ~~prior to~~ the
356 first day of the school year. The purpose of the program is to
357 make quality virtual instruction available to students using
358 online and distance learning technology in the nontraditional
359 classroom. A school district virtual instruction program shall
360 provide the following:



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361 1. Full-time virtual instruction for students enrolled in
362 kindergarten through grade 12.

363 2. Part-time virtual instruction for students enrolled in
364 grades 9 through 12 courses that are measured pursuant to
365 subparagraph (8) (a)2.

366 3. Full-time or part-time virtual instruction for students
367 enrolled in dropout prevention and academic intervention
368 programs under s. 1003.53, Department of Juvenile Justice
369 education programs under s. 1003.515 ~~1003.52~~, core-curricula
370 courses to meet class size requirements under s. 1003.03, or
371 Florida College System institutions under this section.

372 Section 9. Paragraph (a) of subsection (11) of section
373 1003.01, Florida Statutes, is amended to read:

374 1003.01 Definitions.—As used in this chapter, the term:

375 (11) (a) "Juvenile justice education programs ~~or schools~~"
376 means programs ~~or schools~~ operating for the purpose of providing
377 educational services to youth in Department of Juvenile Justice
378 programs, for a school year comprised of 250 days of instruction
379 distributed over 12 months. At the request of the provider, a
380 district school board may decrease the minimum number of days of
381 instruction by up to 10 days for teacher planning for
382 residential programs and up to 20 days for teacher planning for
383 nonresidential programs, subject to the approval of the
384 Department of Juvenile Justice and the Department of Education.

385 Section 10. Section 1003.515, Florida Statutes, is created
386 to read:

387 1003.515 The Florida Juvenile Justice Education Act.—

388 (1) SHORT TITLE.—This section may be cited as the "Florida
389 Juvenile Justice Education Act."



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390 (2) LEGISLATIVE FINDING.—The Legislature finds that an
391 education is the single most important factor in the
392 rehabilitation of adjudicated youth who are in Department of
393 Juvenile Justice residential and nonresidential programs.

394 (3) PURPOSES.—The purposes of this section are to:

395 (a) Provide performance-based outcome measures and
396 accountability for juvenile justice education programs; and

397 (b) Improve academic and workforce-related outcomes so that
398 adjudicated and at-risk youth may successfully complete the
399 transition to and reenter the academic and workforce
400 environments.

401 (4) DEFINITION.—For purposes of this section, the term
402 “juvenile justice education programs” has the same meaning as in
403 s. 1003.01(11)(a).

404 (5) SCHOOL DISTRICT AND CONTRACTED EDUCATION PROVIDER
405 RESPONSIBILITIES.—

406 (a) A school district or private provider contracted by a
407 school district to offer education services to youth in a
408 juvenile justice education program shall:

409 1. Provide rigorous and relevant academic and workforce-
410 related curricula that will lead to industry certifications or
411 occupational completion points in an occupational area
412 identified in the Industry Certification Funding list adopted by
413 the State Board of Education, or articulate to secondary or
414 postsecondary-level coursework, as appropriate.

415 2. Support state, local, and regional economic development
416 demands.

417 3. Make high-wage and high-demand careers more accessible
418 to adjudicated and at-risk youth.



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419 4. Reduce rates of recidivism for adjudicated youth.

420 5. Provide access to the appropriate courses and
421 instruction to prepare youth for a standard high school diploma,
422 a special diploma, or a high school equivalency diploma, as
423 appropriate.

424 6. Provide access to virtual education courses that are
425 appropriate to meet the requirements of academic or workforce-
426 related programs and the requirements for continuing education
427 specified in the youth's transition and postrelease plans.

428 7. Provide opportunities for earning credits toward high
429 school graduation or credits that articulate to postsecondary
430 education institutions while the youth are in residential and
431 nonresidential juvenile justice facilities.

432 8. Ensure that the credits and partial credits earned by
433 the youth are transferred and included in the youth's records as
434 part of the transition plan.

435 9. Ensure that the education program consists of the
436 appropriate academic, workforce-related, or exceptional
437 education curricula and related services that directly support
438 performance outcomes, which must be specified in each youth's
439 education transition plan component as required by subsection
440 (10).

441 10. If the duration of a youth's stay in a program is less
442 than 40 days, ensure that the youth receives employability, life
443 skills, and academic remediation, as appropriate. In addition,
444 counseling and transition services must be provided which
445 mitigate the youth's identified risk factors and prepare the
446 youth for a successful reintegration into the school, community,
447 and home settings.



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448 11. Maintain an academic record for each youth who is
449 enrolled in a juvenile justice facility, as required by s.
450 1003.51, and ensure that the coursework, credits, partial
451 credits, occupational completion points, and industry
452 certifications earned by the youth are transferred and included
453 in the youth's transition plan pursuant to s. 985.46.

454 (b) Each school district and private provider shall ensure
455 that the following youth participate in the program:

456 1. Youth who are of compulsory school attendance age
457 pursuant to s. 1003.21.

458 2. Youth who are not of compulsory school attendance age
459 and who have not received a high school diploma or its
460 equivalent, if the youth is in a residential or nonresidential
461 juvenile justice program. Such youth must participate in the
462 education program and participate in a workforce-related
463 education program that leads to industry certification or
464 occupational completion points in an occupational area
465 identified in the Industry Certification Funding list adopted by
466 the State Board of Education. This subparagraph does not limit
467 the rights of students with disabilities, as defined under the
468 Individuals with Disabilities Education Act, who are not of
469 compulsory school attendance age and who have not received a
470 high school diploma to receive a free, appropriate public
471 education in accordance with their individualized needs.

472 3. Youth who have attained a high school diploma or its
473 equivalent and who are not employed. Such youth must participate
474 in a workforce-related education program that leads to
475 employment in an occupational area identified in the Industry
476 Certification Funding list adopted by the State Board of



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477 Education. Such youth may enroll in a state postsecondary
478 institution to complete the workforce-related education program
479 and are exempt from the payment of tuition and fees pursuant to
480 s. 1009.25(1)(g).

481 (6) PROGRAM REQUIREMENTS.—In compliance with the strategic
482 5-year plan under s. 1003.491, each juvenile justice residential
483 and nonresidential education program shall, in collaboration
484 with the regional workforce board or economic development agency
485 and local postsecondary institutions, determine the appropriate
486 occupational areas for the program. Juvenile justice education
487 programs must:

488 (a) Ensure that rigorous academic and workforce-related
489 coursework is offered and meets or exceeds appropriate state-
490 approved subject area standards, and results in the attainment
491 of industry certification and postsecondary credit, when
492 appropriate;

493 (b) Ensure instruction from individuals who hold state
494 certifications, school district certifications pursuant to ss.
495 1012.39 and 1012.55(1), or industry credentials in the
496 occupational areas in which they teach;

497 (c) Maximize the use of private sector personnel;

498 (d) Use strategies to maximize the delivery of virtual
499 instruction;

500 (e) Maximize instructional efficiency for youth in juvenile
501 justice facilities;

502 (f) Provide opportunities for youth to earn weighted or
503 dual enrollment credit for higher-level courses, when
504 appropriate;

505 (g) Promote credit recovery; and



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506 (h) Provide instruction that results in competency,
507 certification, or credentials in workplace skills, including,
508 but not limited to, communication skills, interpersonal skills,
509 decisionmaking skills, work ethic, and the importance of
510 attendance and timeliness in the work environment.

511 (7) DEPARTMENT RESPONSIBILITIES.-

512 (a) The department shall identify each residential and
513 nonresidential juvenile justice education program, excluding
514 detention programs, as having one of the following performance
515 ratings as defined by State Board of Education rule:

516 1. High performance.

517 2. Adequate performance.

518 3. Failing performance.

519 (b) The department shall consider the level of rigor
520 associated with the attainment of a particular outcome when
521 assigning weight to the outcome. The department shall evaluate
522 the following elements in determining a juvenile justice
523 education program's performance rating:

524 1. One or more of the following outcomes for a youth who is
525 14 years of age or younger:

526 a. Achieving academic progress in reading and mathematics,
527 as measured by the statewide common pre- and post-assessment
528 adopted by the department for use in juvenile justice education
529 programs.

530 b. Participating in continuing education upon release from
531 a juvenile justice residential or nonresidential program.

532 c. Completing secondary coursework upon release from a
533 juvenile justice residential or nonresidential program.

534 d. Attaining occupational completion points in an



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535 occupational area identified in the Industry Certification
536 Funding list adopted by the State Board of Education.
537 e. Attaining an industry certification in an occupational
538 area identified in the Industry Certification Funding list
539 adopted by the State Board of Education, if available and
540 appropriate.
541 2. One or more of the following outcomes for a youth who is
542 15 years of age or older:
543 a. Achieving academic progress in reading and mathematics,
544 as measured by the statewide common pre- and post-assessment
545 adopted by the department for use in juvenile justice education
546 programs.
547 b. Participating in continuing education upon release from
548 a juvenile justice residential or nonresidential program.
549 c. Earning secondary or postsecondary credit upon release
550 from a juvenile justice residential or nonresidential program.
551 d. Attaining a high school diploma or its equivalent upon
552 release from a juvenile justice residential or nonresidential
553 program.
554 e. Obtaining employment upon release from a juvenile
555 justice residential or nonresidential program.
556 f. Attaining an industry certification in an occupational
557 area identified in the Industry Certification Funding list
558 adopted by the State Board of Education.
559 g. Attaining occupational completion points in an
560 occupational area identified in the Industry Certification
561 Funding list adopted by the State Board of Education.
562 h. Participating in continuing education upon release from
563 a juvenile justice residential or nonresidential program in



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564 order to complete the industry certification identified in the
565 Industry Certification Funding list adopted by the State Board
566 of Education.

567 (c) By September 1, 2012, the department shall make
568 available a common student pre- and post-assessment to measure
569 the academic progress in reading and mathematics of youth who
570 are assigned to juvenile justice education programs.

571
572 For purposes of performance ratings, juvenile justice
573 residential and nonresidential education programs, excluding
574 detention centers, shall be held accountable for the performance
575 outcomes of youth for no more than 6 months after the release of
576 youth from the residential or nonresidential program. This
577 subsection does not abrogate the provisions of s. 1002.22 which
578 relate to education records or the requirements of 20 U.S.C. s.
579 1232g, the Family Educational Rights and Privacy Act.

580 (8) PROGRAM ACCOUNTABILITY.-

581 (a) The department shall, in collaboration with the
582 Department of Juvenile Justice:

583 1. Monitor the education performance of youth in juvenile
584 justice facilities.

585 2. Prohibit school districts or private providers that have
586 failing performance ratings from delivering the education
587 services.

588 3. Verify that a school district is operating or
589 contracting with a private provider to deliver education
590 services.

591 (b) If a school district's juvenile justice residential or
592 nonresidential education program earns two failing performance



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593 ratings in any 3-year period, as provided in subsection (7), the
594 school district shall contract with a private provider that has
595 an adequate or higher performance rating or enter into an
596 agreement with a school district that has an adequate or higher
597 performance rating to deliver the education services to the
598 youth in the program.

599 (c) Except as provided in paragraph (b), the school
600 district of the county in which the residential or
601 nonresidential facility is located shall deliver education
602 services to youth in Department of Juvenile Justice programs. A
603 school district may contract with a private provider to deliver
604 the education services in lieu of directly providing the
605 education services. The contract shall include performance
606 criteria as provided in subsection (7).

607 (d) When determining educational placement for youth who
608 enroll in a school district upon release, the school district
609 must adhere to the transition plan established under s.
610 985.46(6).

611 (e) If a private provider under contract with a school
612 district maintains an adequate or high-performance rating
613 pursuant to subsection (7), the school district may not require
614 a private provider to use the school district's personnel.

615 (f) Academic instructional personnel must be certified by
616 the Department of Education; however, a nondegreed teacher of
617 career education may be certified by a local school district
618 under s. 1012.39 and may be designated as teaching out-of-field.
619 An instructor who is deemed to be an expert in a specific field
620 may be employed under s. 1012.55(1).

621 (g) Each school district must provide juvenile justice



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622 education programs access to substitute classroom teachers used
623 by the school district.

624 (9) EXITING PROGRAM.—Upon exiting a program, a youth must:

625 (a) Attain an industry certification or occupational
626 completion points in an occupational area identified in the
627 Industry Certification Funding list adopted by the State Board
628 of Education;

629 (b) Enroll in a program to complete the industry
630 certification;

631 (c) Be gainfully employed and earning full-time wages; or

632 (d) Enroll in and continue his or her education based on
633 the transition and postrelease plan provided in s. 958.46.

634 (10) EDUCATION TRANSITION PLAN COMPONENT.—

635 (a) The education transition plan component shall be
636 incorporated in the transition plan pursuant to s. 985.46(6).

637 (b) Each juvenile justice education program must develop an
638 education transition plan component during the course of a
639 youth's stay in a juvenile justice residential or nonresidential
640 program which coordinates academic and workforce services and
641 assists the youth in successful community reintegration upon the
642 youth's release.

643 (c) The development of the education transition plan
644 component shall begin upon a youth's placement in the program.
645 The education transition plan component must include the
646 academic and workforce services to be provided during the
647 program stay and the establishment of services to be implemented
648 upon release. The appropriate personnel in the juvenile justice
649 residential and nonresidential program, the members of the
650 community, the youth, and the youth's family, when appropriate,



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651 shall collaborate to develop the education transition plan
652 component.

653 (d) Education planning for reintegration shall begin when
654 placement decisions are made and continue throughout the youth's
655 stay in order to provide for continuing education, job
656 placement, and other necessary services. Individuals who are
657 responsible for reintegration shall coordinate activities to
658 ensure that the education transition plan component is
659 successfully implemented and a youth is provided access to
660 support services that will sustain the youth's success once he
661 or she is no longer under the supervision of the Department of
662 Juvenile Justice. The education transition plan component must
663 provide for continuing education, workforce development, or
664 meaningful job placement pursuant to the performance outcomes in
665 subsection (7). For purposes of this section, the term
666 "reintegration" means the process by which a youth returns to
667 the community following release from a juvenile justice program.

668 (11) FUNDING.—

669 (a) Youth who are participating in GED preparation programs
670 while under the supervision of the Department of Juvenile
671 Justice shall be funded at the basic program cost factor for
672 juvenile justice programs in the Florida Education Finance
673 Program (FEFP). Juvenile justice education programs shall be
674 funded in the appropriate FEFP program based on the education
675 services needed by the students in the programs pursuant to s.
676 1011.62.

677 (b) Juvenile justice education programs operated through a
678 contract with the Department of Juvenile Justice and under the
679 purview of the department's quality assurance standards and



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680 performance outcomes shall receive the appropriate FEFP funding
681 for juvenile justice programs.

682 (c) A district school board shall fund the education
683 program in a juvenile justice facility at the same or higher
684 level of funding for equivalent students in the district school
685 system based on the funds generated through the FEFP and funds
686 allocated from federal programs.

687 (d) Consistent with the rules of the State Board of
688 Education, district school boards shall request an alternative
689 full-time equivalent (FTE) survey for juvenile justice programs
690 experiencing fluctuations in student enrollment.

691 (e) The State Board of Education shall prescribe rules
692 relating to FTE count periods which must be the same for
693 juvenile justice programs and other public school programs. The
694 summer school period for students in juvenile justice programs
695 shall begin on the day immediately preceding the subsequent
696 regular school year. Students may be funded for no more than 25
697 hours per week of direct instruction; however, students shall be
698 provided access to virtual instruction in order to maximize the
699 most efficient use of time.

700 (12) FACILITIES.—The district school board may not be
701 charged any rent, maintenance, utilities, or overhead on the
702 facilities. Maintenance, repairs, and remodeling of existing
703 facilities shall be provided by the Department of Juvenile
704 Justice.

705 (13) RULEMAKING.—The State Board of Education shall
706 collaborate with the Department of Juvenile Justice, the
707 Department of Economic Opportunity, school districts, and
708 private providers to adopt rules pursuant to ss. 120.536(1) and



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709 120.54 to administer this section which must include provisions
710 for uniform contracts and contract requirements between school
711 districts and private providers.

712 Section 11. Section 1003.52, Florida Statutes, is repealed.

713 Section 12. Present paragraph (g) of subsection (1) of
714 section 1009.25, Florida Statutes, is redesignated as paragraph
715 (h), and a new paragraph (g) is added to that subsection, to
716 read:

717 1009.25 Fee exemptions.—

718 (1) The following students are exempt from the payment of
719 tuition and fees, including lab fees, at a school district that
720 provides postsecondary career programs, Florida College System
721 institution, or state university:

722 (g) For purposes of completing coursework initiated while
723 in the temporary custody of the state, youth who are eligible
724 under s. 1003.515(5)(b)3. and who are ordered by a court to
725 participate in a juvenile justice residential program.

726 Section 13. Paragraph (a) of subsection (3) of section
727 1010.20, Florida Statutes, is amended to read:

728 1010.20 Cost accounting and reporting for school
729 districts.—

730 (3) PROGRAM EXPENDITURE REQUIREMENTS.—

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

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

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

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

737 4. Programs for exceptional students, on an aggregate



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738 program basis, 90 percent.

739 5. Grades 7 through 12 career education programs, on an
740 aggregate program basis, 80 percent.

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

743 7. Juvenile justice programs, on an aggregate program
744 basis, 95 ~~90~~ percent.

745 8. Any new program established and funded under s.
746 1011.62(1)(c), that is not included under subparagraphs 1.-7.,
747 on an aggregate basis as appropriate, 80 percent.

748 Section 14. Paragraph (f) of subsection (1) of section
749 1011.62, Florida Statutes, is amended to read:

750 1011.62 Funds for operation of schools.—If the annual
751 allocation from the Florida Education Finance Program to each
752 district for operation of schools is not determined in the
753 annual appropriations act or the substantive bill implementing
754 the annual appropriations act, it shall be determined as
755 follows:

756 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
757 OPERATION.—The following procedure shall be followed in
758 determining the annual allocation to each district for
759 operation:

760 (f) *Supplemental academic instruction; categorical fund.*—

761 1. There is created a categorical fund to provide
762 supplemental academic instruction to students in kindergarten
763 through grade 12. This paragraph may be cited as the
764 “Supplemental Academic Instruction Categorical Fund.”

765 2. Categorical funds for supplemental academic instruction
766 shall be allocated annually to each school district in the



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767 amount provided in the General Appropriations Act. These funds
768 shall be in addition to the funds appropriated on the basis of
769 FTE student membership in the Florida Education Finance Program
770 and shall be included in the total potential funds of each
771 district. These funds shall be used to provide supplemental
772 academic instruction to students enrolled in the K-12 program.
773 Supplemental instruction strategies may include, but are not
774 limited to: modified curriculum, reading instruction, after-
775 school instruction, tutoring, mentoring, class size reduction,
776 extended school year, intensive skills development in summer
777 school, and other methods for improving student achievement.
778 Supplemental instruction may be provided to a student in any
779 manner and at any time during or beyond the regular 180-day term
780 identified by the school as being the most effective and
781 efficient way to best help that student progress from grade to
782 grade and to graduate.

783 3. Effective with the 2012-2013 ~~1999-2000~~ fiscal year,
784 funding on the basis of FTE membership beyond the 180-day
785 regular term shall be provided in the FEFP only for students
786 enrolled in juvenile justice education programs or in education
787 programs for juveniles placed in secure facilities or programs
788 under s. 985.19. Funding for instruction beyond the regular 180-
789 day school year for all other K-12 students shall be provided
790 through the supplemental academic instruction categorical fund
791 and other state, federal, and local fund sources with ample
792 flexibility for schools to provide supplemental instruction to
793 assist students in progressing from grade to grade and
794 graduating.

795 4. The Florida State University School, as a lab school, is



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796 authorized to expend from its FEFP or Lottery Enhancement Trust
797 Fund allocation the cost to the student of remediation in
798 reading, writing, or mathematics for any graduate who requires
799 remediation at a postsecondary educational institution.

800 5. ~~Beginning in the 1999-2000 school year,~~ Dropout
801 prevention programs as defined in ss. 1003.515 ~~1003.52,~~
802 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in
803 group 1 programs under subparagraph (d)3.

804 Section 15. Subsection (8) is added to section 1012.467,
805 Florida Statutes, to read:

806 1012.467 Noninstructional contractors who are permitted
807 access to school grounds when students are present; background
808 screening requirements.—

809 (8)(a) The Department of Education shall create a uniform,
810 statewide identification badge to be worn by noninstructional
811 contractors signifying that a contractor has met the
812 requirements of this section. The school district shall issue an
813 identification badge to the contractor, which must bear a
814 photograph of the contractor. An identification badge shall be
815 issued if the contractor:

816 1. Is a resident and citizen of the United States or a
817 permanent resident alien of the United States as determined by
818 the United States Bureau of Citizenship and Immigration
819 Services;

820 2. Is 18 years of age or older; and

821 3. Meets the background screening requirements under this
822 section.

823 (b) The uniform, statewide identification badge shall be
824 recognized by all school districts and must be visible at all



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825 times a noninstructional contractor is on school grounds.

826 (c) The identification badge shall be valid for a period of
827 5 years. If a noninstructional contractor provides notification
828 pursuant to subsection (6), the contractor shall, within 48
829 hours, return the identification badge to the school district
830 that issued the badge.

831 (d) The Department of Education shall determine a uniform
832 cost that a school district may charge a noninstructional
833 contractor for receipt of the identification badge, which shall
834 be borne by the recipient of the badge.

835 (e) This subsection does not apply to noninstructional
836 contractors who are exempt from background screening
837 requirements pursuant to s. 1012.468.

838 Section 16. This act shall take effect upon becoming a law.

839
840 ===== T I T L E A M E N D M E N T =====

841 And the title is amended as follows:

842 Delete everything before the enacting clause
843 and insert:

844 A bill to be entitled
845 An act relating to education; amending s. 985.03,
846 F.S.; providing a definition for the term "juvenile
847 justice education programs" for purposes of the act;
848 amending s. 985.46, F.S.; requiring that each juvenile
849 committed to a juvenile justice commitment program
850 have a transition plan upon release; requiring that
851 the transition plan include an education transition
852 plan component and information regarding delinquency
853 treatment and intervention services that are



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854 accessible upon exiting the program; amending s.
855 985.618, F.S.; providing legislative intent regarding
856 juvenile justice education and workforce-related
857 programs; requiring that the Department of Juvenile
858 Justice, in collaboration with the Department of
859 Education, annually verify that each juvenile justice
860 education program meets specified minimum standards;
861 requiring that the department collaborate with certain
862 entities to adopt rules; amending s. 985.632, F.S.;
863 conforming provisions to changes made by the act;
864 requiring that the Department of Education rather than
865 the Department of Juvenile Justice ensure that there
866 is accurate cost accounting for certain education
867 programs; requiring that the Department of Education
868 submit annual cost data to the department; requiring
869 that the effectiveness of juvenile justice education
870 programs be determined by implementing systematic data
871 collection, data analysis, and evaluations; requiring
872 that the programs be evaluated based on student
873 performance outcomes; requiring that the Department of
874 Juvenile Justice, in collaboration with the Department
875 of Education and in consultation with other entities,
876 prepare and submit an annual report to the Governor
877 and the Legislature by a specified date; amending s.
878 985.721, F.S.; conforming a cross-reference; amending
879 s. 1001.42, F.S.; conforming provisions to changes
880 made by the act; conforming a cross-reference;
881 amending ss. 1002.20 and 1002.45, F.S.; conforming
882 cross-references; amending s. 1003.01, F.S.; revising



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883 the term "juvenile justice education programs or
884 schools" to conform to changes made by the act;
885 creating s. 1003.515, F.S.; providing a short title;
886 providing a legislative finding; providing purposes of
887 the Florida Juvenile Justice Education Act; providing
888 a definition for the term "juvenile justice education
889 programs"; providing responsibilities for school
890 districts and private providers contracted by school
891 districts to offer education services to youth in
892 juvenile justice education programs; requiring that
893 each juvenile justice residential and nonresidential
894 program involve the regional workforce board or
895 economic development agency and local postsecondary
896 institutions to determine the occupational areas for
897 the education and workforce-related program; providing
898 requirements for education and workforce-related
899 services in juvenile justice programs; providing
900 responsibilities for the Department of Education;
901 requiring that the department identify each juvenile
902 justice residential and nonresidential education
903 program, excluding detention programs, by performance
904 ratings; providing criteria for determining
905 performance ratings; requiring that the department
906 make available a common student pre- and post-
907 assessment to measure the academic progress in reading
908 and mathematics of youth in juvenile justice education
909 programs; requiring that juvenile justice residential
910 and nonresidential education programs, excluding
911 detention centers, be held accountable for student



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912 performance outcomes for a specified period after
913 youth are released from the programs; providing for
914 program accountability; requiring that the department
915 monitor the education performance of youth, prohibit
916 certain school district or private providers, under
917 specified circumstances, from delivering education
918 services, and verify that a school district is
919 operating or contracting to deliver education
920 services; providing for a school district's
921 responsibilities; requiring that a youth who exits the
922 program attain an industry certification, enroll in a
923 program to complete the industry certification, be
924 gainfully employed, or enroll in and continue his or
925 her education based on a transition plan; requiring
926 that an education transition plan component be
927 incorporated in a youth's transition plan; requiring
928 that each juvenile justice education program develop
929 the education transition plan component during the
930 course of the youth's stay in a juvenile justice
931 residential or nonresidential program; providing
932 funding requirements for the juvenile justice
933 education programs; prohibiting a district school
934 board from being charged rent, maintenance, utilities,
935 or overhead on facilities; requiring that the
936 Department of Juvenile Justice provide maintenance,
937 repairs, and remodeling of existing facilities;
938 requiring that the State Board of Education
939 collaborate with the Department of Juvenile Justice,
940 the Department of Economic Opportunity, school



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941 districts, and private providers to adopt rules;
942 repealing s. 1003.52, F.S., relating to educational
943 services in Department of Juvenile Justice programs;
944 amending s. 1009.25, F.S.; providing an exemption from
945 the payment of postsecondary education fees and
946 tuition for certain youth who are ordered by a court
947 to participate in a juvenile justice residential
948 program; amending s. 1010.20, F.S.; revising
949 provisions relating to expenditure requirements for
950 juvenile justice programs; amending s. 1011.62, F.S.;;
951 extending dates relating to the funding of students
952 who are enrolled in juvenile justice education
953 programs or in education programs for juveniles placed
954 in secure facilities; conforming a cross-reference;
955 amending s. 1012.467, F.S.; requiring the Department
956 of Education to create a uniform, statewide
957 identification badge to be worn by noninstructional
958 contractors signifying that a contractor has met
959 specified requirements; requiring school districts to
960 issue the identification badge to a qualified
961 contractor; providing that the identification badge
962 shall be recognized by all school districts; providing
963 that the identification badge is valid for 5 years;
964 establishing conditions for return of an
965 identification badge; requiring the department to
966 determine a uniform cost that a school district may
967 charge a contractor for receipt of the identification
968 badge, which shall be borne by the contractor;
969 providing an exception for certain contractors;



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providing an effective date.