

By the Committee on Education Pre-K - 12; and Senator Dean

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1 A bill to be entitled
2 An act relating to education; amending s. 985.03,
3 F.S.; providing a definition for the term "juvenile
4 justice education programs" for purposes of the act;
5 amending s. 985.46, F.S.; requiring that each juvenile
6 committed to a juvenile justice commitment program
7 have a transition plan upon release; requiring that
8 the transition plan include an education transition
9 plan component and information regarding delinquency
10 treatment and intervention services that are
11 accessible upon exiting the program; amending s.
12 985.618, F.S.; providing legislative intent regarding
13 juvenile justice education and workforce-related
14 programs; requiring that the Department of Juvenile
15 Justice, in collaboration with the Department of
16 Education, annually verify that each juvenile justice
17 education program meets specified minimum standards;
18 requiring that the department collaborate with certain
19 entities to adopt rules; amending s. 985.632, F.S.;
20 conforming provisions to changes made by the act;
21 requiring that the Department of Education rather than
22 the Department of Juvenile Justice ensure that there
23 is accurate cost accounting for certain education
24 programs; requiring that the Department of Education
25 submit annual cost data to the Department of Juvenile
26 Justice; requiring that the effectiveness of juvenile
27 justice education programs be determined by
28 implementing systematic data collection, data
29 analysis, and evaluations; requiring that the programs

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30 be evaluated based on student performance outcomes;
31 requiring that the Department of Juvenile Justice, in
32 collaboration with the Department of Education and in
33 consultation with other entities, prepare and submit
34 an annual report to the Governor and the Legislature
35 by a specified date; amending s. 985.721, F.S.;
36 conforming a cross-reference; amending s. 1001.42,
37 F.S.; conforming provisions to changes made by the
38 act; conforming a cross-reference; amending ss.
39 1002.20 and 1002.45, F.S.; conforming cross-
40 references; amending s. 1003.01, F.S.; revising the
41 term "juvenile justice education programs or schools"
42 to conform to changes made by the act; creating s.
43 1003.515, F.S.; providing a short title; providing a
44 legislative finding; providing purposes of the Florida
45 Juvenile Justice Education Act; providing a definition
46 for the term "juvenile justice education programs";
47 providing responsibilities for school districts and
48 private providers contracted by school districts to
49 offer education services to youth in juvenile justice
50 education programs; requiring that each juvenile
51 justice residential and nonresidential program involve
52 the regional workforce board or economic development
53 agency and local postsecondary institutions to
54 determine the occupational areas for the education and
55 workforce-related program; providing requirements for
56 education and workforce-related services in juvenile
57 justice programs; providing responsibilities for the
58 Department of Education; requiring that the department

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59 identify each juvenile justice residential and
60 nonresidential education program, excluding detention
61 programs, by performance ratings; providing criteria
62 for determining performance ratings; requiring that
63 the department make available a common student pre-
64 and post-assessment to measure the academic progress
65 in reading and mathematics of youth in juvenile
66 justice education programs; requiring that juvenile
67 justice residential and nonresidential education
68 programs, excluding detention centers, be held
69 accountable for student performance outcomes for a
70 specified period after youth are released from the
71 programs; providing for program accountability;
72 requiring that the department monitor the education
73 performance of youth, prohibit certain school district
74 or private providers, under specified circumstances,
75 from delivering education services, and verify that a
76 school district is operating or contracting to deliver
77 education services; providing for a school district's
78 responsibilities; requiring that a youth who exits the
79 program attain an industry certification, enroll in a
80 program to complete the industry certification, be
81 gainfully employed, or enroll in and continue his or
82 her education based on a transition plan; requiring
83 that an education transition plan component be
84 incorporated in a youth's transition plan; requiring
85 that each juvenile justice education program develop
86 the education transition plan component during the
87 course of the youth's stay in a juvenile justice

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88 residential or nonresidential program; providing
89 funding requirements for the juvenile justice
90 education programs; prohibiting a district school
91 board from being charged rent, maintenance, utilities,
92 or overhead on facilities; requiring that the
93 Department of Juvenile Justice provide maintenance,
94 repairs, and remodeling of existing facilities;
95 requiring that the State Board of Education
96 collaborate with the Department of Juvenile Justice,
97 the Department of Economic Opportunity, school
98 districts, and private providers to adopt rules;
99 repealing s. 1003.52, F.S., relating to educational
100 services in Department of Juvenile Justice programs;
101 amending s. 1009.25, F.S.; providing an exemption from
102 the payment of postsecondary education fees and
103 tuition for certain youth who are ordered by a court
104 to participate in a juvenile justice residential
105 program; amending s. 1010.20, F.S.; revising
106 provisions relating to expenditure requirements for
107 juvenile justice programs; amending s. 1011.62, F.S.;
108 extending dates relating to the funding of students
109 who are enrolled in juvenile justice education
110 programs or in education programs for juveniles placed
111 in secure facilities; conforming a cross-reference;
112 amending s. 1012.467, F.S.; requiring the Department
113 of Education to create a uniform, statewide
114 identification badge to be worn by noninstructional
115 contractors signifying that a contractor has met
116 specified requirements; requiring school districts to

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117 issue the identification badge to a qualified
118 contractor; providing that the identification badge
119 shall be recognized by all school districts; providing
120 that the identification badge is valid for 5 years;
121 establishing conditions for return of an
122 identification badge; requiring the department to
123 determine a uniform cost that a school district may
124 charge a contractor for receipt of the identification
125 badge, which shall be borne by the contractor;
126 providing an exception for certain contractors;
127 providing an effective date.

128

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

130

131 Section 1. Present subsections (30) through (57) of section
132 985.03, Florida Statutes, are redesignated as subsections (31)
133 through (58), respectively, and a new subsection (30) is added
134 to that section, to read:

135 985.03 Definitions.—As used in this chapter, the term:

136 (30) "Juvenile justice education programs" has the same
137 meaning as provided in s. 1003.01(11)(a).

138 Section 2. Subsection (6) is added to section 985.46,
139 Florida Statutes, to read:

140 985.46 Conditional release.—

141 (6) Each juvenile committed to a commitment program shall
142 have a transition plan upon release. Transition planning shall
143 begin for each juvenile upon placement in a commitment program
144 and shall result in an individual transition plan for each youth
145 before he or she is released. The transition plan shall be

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146 developed with the participation of the youth, representatives
147 of the commitment program, school district personnel, and
148 representatives of conditional release or postcommitment
149 probation programs, if appropriate. The transition plan shall
150 include an education transition plan component as provided in s.
151 1003.515(10), as well as information regarding pertinent
152 delinquency treatment and intervention services that are
153 accessible upon exiting the program.

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

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

162 (c) For a juvenile who participates in a nonresidential
163 program, the transition plan shall be explained to the youth and
164 provided upon release. For a juvenile who participates in a
165 nonresidential program and who is released on conditional
166 release or postcommitment probation status, the transition plan
167 shall be incorporated into the conditions of release.

168 Section 3. Section 985.618, Florida Statutes, is amended to
169 read:

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

172 985.618 Education and workforce-related programs.—

173 (1) The Legislature intends for youth in juvenile justice
174 programs to be provided a quality education that includes

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175 workforce-related skills that lead to continuing education or
176 meaningful employment, or both, and that results in reduced
177 rates of recidivism.

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

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

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

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

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

190 (e) Considers, before placement, the age, interests, prior
191 education, training, work experience, emotional and mental
192 abilities, treatment needs, and physical capabilities of the
193 youth and the duration of the term of placement imposed.

194 (f) Provides specialized instruction, related services,
195 accommodations, and modifications as are necessary to ensure the
196 provision of a free, appropriate public education for students
197 with disabilities.

198 (g) Expends funds in a manner that directly supports the
199 attainment of successful student outcomes as specified in s.
200 1003.515(7) and that allows youth to engage in real work
201 situations whenever possible.

202 (3) The department shall collaborate with the Department of
203 Education, the Department of Economic Opportunity, school

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204 districts, and private providers to adopt rules to administer
205 this section.

206 Section 4. Section 985.632, Florida Statutes, is amended to
207 read:

208 985.632 Quality assurance and cost-effectiveness.—

209 (1) It is the intent of the Legislature that the
210 department:

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

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

217 (c) Provide information to aid in developing related policy
218 issues and concerns.

219 (d) Provide information to the public about the
220 effectiveness of such programs in meeting established goals and
221 objectives.

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

225 (f) Improve service delivery to clients.

226 (g) Modify or eliminate activities that are not effective.

227 (2) As used in this section, the term:

228 (a) "Client" means any person who is being provided
229 treatment or services by the department or by a provider under
230 contract with the department.

231 (b) "Program component" means an aggregation of generally
232 related objectives which, because of their special character,

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233 related workload, and interrelated output, can logically be
234 considered an entity for purposes of organization, management,
235 accounting, reporting, and budgeting.

236 (c) "Program effectiveness" means the ability of the
237 program to achieve desired client outcomes, goals, and
238 objectives.

239 (3) The department shall annually collect and report cost
240 data for every program operated by the department or its
241 contracted provider ~~or contracted by the department~~. The cost
242 data shall conform to a format approved by the department and
243 the Legislature. Uniform cost data shall be reported and
244 collected for each education program operated by a school
245 district or private provider contracted by a school district
246 ~~state-operated and contracted programs~~ so that comparisons can
247 be made among programs. The Department of Education shall ensure
248 that there is accurate cost accounting for education programs
249 operated by school districts, including those programs operated
250 by private providers under contract with school districts ~~state-~~
251 ~~operated services including market equivalent rent and other~~
252 ~~shared cost. The cost of the educational program provided to a~~
253 ~~residential facility shall be reported and included in the cost~~
254 ~~of a program.~~ The Department of Education shall submit ~~an~~ annual
255 cost data report to the department ~~President of the Senate, the~~
256 ~~Speaker of the House of Representatives, the Minority Leader of~~
257 ~~each house of the Legislature, the appropriate substantive and~~
258 ~~fiscal committees of each house of the Legislature, and the~~
259 ~~Governor, no later than December 1 of each year.~~ The annual cost
260 data shall be included in the annual report required in
261 subsection (7). Cost-benefit analysis for juvenile justice

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262 education ~~educational~~ programs shall ~~will~~ be developed and
263 implemented in collaboration with and in cooperation with the
264 Department of Education, local providers, and local school
265 districts. ~~Cost data for the report shall include data collected~~
266 ~~by the Department of Education for the purposes of preparing the~~
267 ~~annual report required by s. 1003.52(19).~~

268 (4) (a) The department, in consultation with the Office of
269 Economic and Demographic Research and contract service
270 providers, shall develop a cost-effectiveness model and apply
271 the model to each commitment program. Program recidivism rates
272 shall be a component of the model. The cost-effectiveness model
273 shall compare program costs to client outcomes and program
274 outputs. It is the intent of the Legislature that continual
275 development efforts take place to improve the validity and
276 reliability of the cost-effectiveness model.

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

281 (c) Based on reports of the department on client outcomes
282 and program outputs and on the department's most recent cost-
283 effectiveness rankings, the department may terminate a program
284 operated by the department or a provider if the program has
285 failed to achieve a minimum threshold of program effectiveness.
286 This paragraph does not preclude the department from terminating
287 a contract as provided under this section or as otherwise
288 provided by law or contract, and does not limit the department's
289 authority to enter into or terminate a contract.

290 (d) In collaboration with the Office of Economic and

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291 Demographic Research, and contract service providers, the
292 department shall develop a work plan to refine the cost-
293 effectiveness model so that the model is consistent with the
294 performance-based program budgeting measures approved by the
295 Legislature to the extent the department deems appropriate. The
296 department shall notify the Office of Program Policy Analysis
297 and Government Accountability of any meetings to refine the
298 model.

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

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

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

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

311 4. Use the results of these evaluations in developing or
312 refining juvenile justice programs or program models, client
313 outcomes and program outputs, provider contracts, quality
314 assurance standards, and the cost-effectiveness model.

315 (5) (a) Program effectiveness shall be determined by
316 implementing systematic data collection, data analysis, and
317 education and workforce-related program evaluations pursuant to
318 this section and s. 1003.515.

319 (b) The evaluation of juvenile justice education and

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320 workforce-related programs shall be based on the performance
321 outcomes provided in s. 1003.515(7).

322 (6)~~(5)~~ The department shall:

323 (a) Establish a comprehensive quality assurance system for
324 each program operated by the department or its contracted
325 provider ~~operated by a provider under contract with the~~
326 ~~department~~. Each contract entered into by the department must
327 provide for quality assurance.

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

330 (c) Establish quality assurance goals and objectives for
331 each specific program component.

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

334 (e) Develop a quality assurance manual of specific,
335 standardized terminology and procedures to be followed by each
336 program.

337 (f) Evaluate each program operated by the department or its
338 contracted ~~a provider under a contract with the department~~ and
339 establish minimum thresholds for each program component. If a
340 provider fails to meet the established minimum thresholds, such
341 failure shall cause the department to cancel the provider's
342 contract unless the provider achieves compliance with minimum
343 thresholds within 6 months or unless there are documented
344 extenuating circumstances. In addition, the department may not
345 contract with the same provider for the canceled service for a
346 period of 12 months. If a department-operated program fails to
347 meet the established minimum thresholds, the department must
348 take necessary and sufficient steps to ensure and document

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349 program changes to achieve compliance with the established
350 minimum thresholds. If the department-operated program fails to
351 achieve compliance with the established minimum thresholds
352 within 6 months and if there are no documented extenuating
353 circumstances, the department must notify the Executive Office
354 of the Governor and the Legislature of the corrective action
355 taken. Appropriate corrective action may include, but is not
356 limited to:

- 357 1. Contracting out for the services provided in the
358 program;
- 359 2. Initiating appropriate disciplinary action against all
360 employees whose conduct or performance is deemed to have
361 materially contributed to the program's failure to meet
362 established minimum thresholds;
- 363 3. Redesigning the program; or
- 364 4. Realigning the program.

365
366 The department shall submit an annual report to the President of
367 the Senate, the Speaker of the House of Representatives, the
368 Minority Leader of each house of the Legislature, the
369 appropriate substantive and fiscal committees of each house of
370 the Legislature, and the Governor, no later than February 1 of
371 each year. The annual report must contain, at a minimum, for
372 each specific program component: a comprehensive description of
373 the population served by the program; a specific description of
374 the services provided by the program; cost; a comparison of
375 expenditures to federal and state funding; immediate and long-
376 range concerns; and recommendations to maintain, expand,
377 improve, modify, or eliminate each program component so that

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378 changes in services lead to enhancement in program quality. The
379 department shall ensure the reliability and validity of the
380 information contained in the report.

381 (7) The department, in collaboration with the Department of
382 Education and in consultation with the school districts and
383 private juvenile justice education program providers, shall
384 prepare an annual report containing the education performance
385 outcomes, based on the criteria in s. 1003.515(7), of youth in
386 juvenile justice education programs. The report shall delineate
387 the performance outcomes of youth in the state, in each school
388 district's juvenile justice education program, and for each
389 private provider's juvenile justice education program, including
390 the performance outcomes of all major student populations and
391 genders, as determined by the Department of Education. The
392 report shall address the use and successful completion of
393 virtual instruction courses and the successful implementation of
394 transition and reintegration plans. The report must include an
395 analysis of the performance of youth over time, including, but
396 not limited to, additional education attainment, employment,
397 earnings, industry certification, and rates of recidivism. The
398 report must also include recommendations for improving
399 performance outcomes and for additional cost savings and
400 efficiencies. The report shall be submitted to the Governor, the
401 President of the Senate, and the Speaker of the House of
402 Representatives by February 15, 2014, and each year thereafter.

403 (8)~~(6)~~ The department shall collect and analyze available
404 statistical data for the purpose of ongoing evaluation of all
405 programs. The department shall provide the Legislature with
406 necessary information and reports to enable the Legislature to

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407 make informed decisions regarding the effectiveness of, and any
408 needed changes in, services, programs, policies, and laws.

409 Section 5. Section 985.721, Florida Statutes, is amended to
410 read:

411 985.721 Escapes from secure detention or residential
412 commitment facility.—An escape from:

413 (1) Any secure detention facility maintained for the
414 temporary detention of children, pending adjudication,
415 disposition, or placement;

416 (2) Any residential commitment facility described in s.
417 985.03(46) ~~985.03(45)~~, maintained for the custody, treatment,
418 punishment, or rehabilitation of children found to have
419 committed delinquent acts or violations of law; or

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

422
423 constitutes escape within the intent and meaning of s. 944.40
424 and is a felony of the third degree, punishable as provided in
425 s. 775.082, s. 775.083, or s. 775.084.

426 Section 6. Paragraph (b) of subsection (18) of section
427 1001.42, Florida Statutes, is amended to read:

428 1001.42 Powers and duties of district school board.—The
429 district school board, acting as a board, shall exercise all
430 powers and perform all duties listed below:

431 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
432 Maintain a state system of school improvement and education
433 accountability as provided by statute and State Board of
434 Education rule. This system of school improvement and education
435 accountability shall be consistent with, and implemented

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436 through, the district's continuing system of planning and
437 budgeting required by this section and ss. 1008.385, 1010.01,
438 and 1011.01. This system of school improvement and education
439 accountability shall comply with the provisions of ss. 1008.33,
440 1008.34, 1008.345, and 1008.385 and include the following:

441 (b) *Public disclosure.*—The district school board shall
442 provide information regarding the performance of students in ~~and~~
443 education ~~educational~~ programs as required pursuant to ss.
444 1008.22 and 1008.385 and implement a system of school reports as
445 required by statute and State Board of Education rule which
446 shall include schools operating for the purpose of providing
447 education ~~educational~~ services to youth in Department of
448 Juvenile Justice residential and nonresidential programs, and
449 for those programs ~~schools~~, report on the data and education
450 outcomes ~~elements~~ specified in s. 1003.515(7) ~~1003.52(19)~~.
451 Annual public disclosure reports shall be in an easy-to-read
452 report card format and shall include the school's grade, high
453 school graduation rate calculated without GED tests,
454 disaggregated by student ethnicity, and performance data as
455 specified in state board rule.

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

458 1002.20 K-12 student and parent rights.—Parents of public
459 school students must receive accurate and timely information
460 regarding their child's academic progress and must be informed
461 of ways they can help their child to succeed in school. K-12
462 students and their parents are afforded numerous statutory
463 rights including, but not limited to, the following:

464 (20) JUVENILE JUSTICE PROGRAMS.—Students who are in

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465 juvenile justice programs have the right to receive educational
466 programs and services in accordance with the provisions of s.
467 1003.515 ~~1003.52~~.

468 Section 8. Paragraph (b) of subsection (1) of section
469 1002.45, Florida Statutes, is amended to read:

470 1002.45 Virtual instruction programs.—

471 (1) PROGRAM.—

472 (b) Each school district that is eligible for the sparsity
473 supplement pursuant to s. 1011.62(7) shall provide all enrolled
474 public school students within its boundaries the option of
475 participating in part-time and full-time virtual instruction
476 programs. Each school district that is not eligible for the
477 sparsity supplement shall provide at least three options for
478 part-time and full-time virtual instruction. All school
479 districts must provide parents with timely written notification
480 of an open enrollment period for full-time students of at least
481 90 days that ends no later than 30 days before ~~prior to~~ the
482 first day of the school year. The purpose of the program is to
483 make quality virtual instruction available to students using
484 online and distance learning technology in the nontraditional
485 classroom. A school district virtual instruction program shall
486 provide the following:

487 1. Full-time virtual instruction for students enrolled in
488 kindergarten through grade 12.

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

492 3. Full-time or part-time virtual instruction for students
493 enrolled in dropout prevention and academic intervention

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494 programs under s. 1003.53, Department of Juvenile Justice
495 education programs under s. 1003.515 ~~1003.52~~, core-curricula
496 courses to meet class size requirements under s. 1003.03, or
497 Florida College System institutions under this section.

498 Section 9. Paragraph (a) of subsection (11) of section
499 1003.01, Florida Statutes, is amended to read:

500 1003.01 Definitions.—As used in this chapter, the term:

501 (11) (a) "Juvenile justice education programs ~~or schools~~"
502 means programs ~~or schools~~ operating for the purpose of providing
503 educational services to youth in Department of Juvenile Justice
504 programs, for a school year comprised of 250 days of instruction
505 distributed over 12 months. At the request of the provider, a
506 district school board may decrease the minimum number of days of
507 instruction by up to 10 days for teacher planning for
508 residential programs and up to 20 days for teacher planning for
509 nonresidential programs, subject to the approval of the
510 Department of Juvenile Justice and the Department of Education.

511 Section 10. Section 1003.515, Florida Statutes, is created
512 to read:

513 1003.515 The Florida Juvenile Justice Education Act.—

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

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

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

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

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523 (b) Improve academic and workforce-related outcomes so that
524 adjudicated and at-risk youth may successfully complete the
525 transition to and reenter the academic and workforce
526 environments.

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

530 (5) SCHOOL DISTRICT AND CONTRACTED EDUCATION PROVIDER
531 RESPONSIBILITIES.—

532 (a) A school district or private provider contracted by a
533 school district to offer education services to youth in a
534 juvenile justice education program shall:

535 1. Provide rigorous and relevant academic and workforce-
536 related curricula that will lead to industry certifications or
537 occupational completion points in an occupational area
538 identified in the Industry Certification Funding list adopted by
539 the State Board of Education, or articulate to secondary or
540 postsecondary-level coursework, as appropriate.

541 2. Support state, local, and regional economic development
542 demands.

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

545 4. Reduce rates of recidivism for adjudicated youth.

546 5. Provide access to the appropriate courses and
547 instruction to prepare youth for a standard high school diploma,
548 a special diploma, or a high school equivalency diploma, as
549 appropriate.

550 6. Provide access to virtual education courses that are
551 appropriate to meet the requirements of academic or workforce-

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552 related programs and the requirements for continuing education
553 specified in the youth's transition and postrelease plans.

554 7. Provide opportunities for earning credits toward high
555 school graduation or credits that articulate to postsecondary
556 education institutions while the youth are in residential and
557 nonresidential juvenile justice facilities.

558 8. Ensure that the credits and partial credits earned by
559 the youth are transferred and included in the youth's records as
560 part of the transition plan.

561 9. Ensure that the education program consists of the
562 appropriate academic, workforce-related, or exceptional
563 education curricula and related services that directly support
564 performance outcomes, which must be specified in each youth's
565 education transition plan component as required by subsection
566 (10).

567 10. If the duration of a youth's stay in a program is less
568 than 40 days, ensure that the youth receives employability, life
569 skills, and academic remediation, as appropriate. In addition,
570 counseling and transition services must be provided which
571 mitigate the youth's identified risk factors and prepare the
572 youth for a successful reintegration into the school, community,
573 and home settings.

574 11. Maintain an academic record for each youth who is
575 enrolled in a juvenile justice facility, as required by s.
576 1003.51, and ensure that the coursework, credits, partial
577 credits, occupational completion points, and industry
578 certifications earned by the youth are transferred and included
579 in the youth's transition plan pursuant to s. 985.46.

580 (b) Each school district and private provider shall ensure

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581 that the following youth participate in the program:

582 1. Youth who are of compulsory school attendance age
583 pursuant to s. 1003.21.

584 2. Youth who are not of compulsory school attendance age
585 and who have not received a high school diploma or its
586 equivalent, if the youth is in a residential or nonresidential
587 juvenile justice program. Such youth must participate in the
588 education program and participate in a workforce-related
589 education program that leads to industry certification or
590 occupational completion points in an occupational area
591 identified in the Industry Certification Funding list adopted by
592 the State Board of Education. This subparagraph does not limit
593 the rights of students with disabilities, as defined under the
594 Individuals with Disabilities Education Act, who are not of
595 compulsory school attendance age and who have not received a
596 high school diploma to receive a free, appropriate public
597 education in accordance with their individualized needs.

598 3. Youth who have attained a high school diploma or its
599 equivalent and who are not employed. Such youth must participate
600 in a workforce-related education program that leads to
601 employment in an occupational area identified in the Industry
602 Certification Funding list adopted by the State Board of
603 Education. Such youth may enroll in a state postsecondary
604 institution to complete the workforce-related education program
605 and are exempt from the payment of tuition and fees pursuant to
606 s. 1009.25(1)(g).

607 (6) PROGRAM REQUIREMENTS.—In compliance with the strategic
608 5-year plan under s. 1003.491, each juvenile justice residential
609 and nonresidential education program shall, in collaboration

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610 with the regional workforce board or economic development agency
611 and local postsecondary institutions, determine the appropriate
612 occupational areas for the program. Juvenile justice education
613 programs must:

614 (a) Ensure that rigorous academic and workforce-related
615 coursework is offered and meets or exceeds appropriate state-
616 approved subject area standards, and results in the attainment
617 of industry certification and postsecondary credit, when
618 appropriate;

619 (b) Ensure instruction from individuals who hold state
620 certifications, school district certifications pursuant to ss.
621 1012.39 and 1012.55(1), or industry credentials in the
622 occupational areas in which they teach;

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

624 (d) Use strategies to maximize the delivery of virtual
625 instruction;

626 (e) Maximize instructional efficiency for youth in juvenile
627 justice facilities;

628 (f) Provide opportunities for youth to earn weighted or
629 dual enrollment credit for higher-level courses, when
630 appropriate;

631 (g) Promote credit recovery; and

632 (h) Provide instruction that results in competency,
633 certification, or credentials in workplace skills, including,
634 but not limited to, communication skills, interpersonal skills,
635 decisionmaking skills, work ethic, and the importance of
636 attendance and timeliness in the work environment.

637 (7) DEPARTMENT RESPONSIBILITIES.—

638 (a) The department shall identify each residential and

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639 nonresidential juvenile justice education program, excluding
640 detention programs, as having one of the following performance
641 ratings as defined by State Board of Education rule:

642 1. High performance.

643 2. Adequate performance.

644 3. Failing performance.

645 (b) The department shall consider the level of rigor
646 associated with the attainment of a particular outcome when
647 assigning weight to the outcome. The department shall evaluate
648 the following elements in determining a juvenile justice
649 education program's performance rating:

650 1. One or more of the following outcomes for a youth who is
651 14 years of age or younger:

652 a. Achieving academic progress in reading and mathematics,
653 as measured by the statewide common pre- and post-assessment
654 adopted by the department for use in juvenile justice education
655 programs.

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

658 c. Completing secondary coursework upon release from a
659 juvenile justice residential or nonresidential program.

660 d. Attaining occupational completion points in an
661 occupational area identified in the Industry Certification
662 Funding list adopted by the State Board of Education.

663 e. Attaining an industry certification in an occupational
664 area identified in the Industry Certification Funding list
665 adopted by the State Board of Education, if available and
666 appropriate.

667 2. One or more of the following outcomes for a youth who is

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668 15 years of age or older:

669 a. Achieving academic progress in reading and mathematics,
670 as measured by the statewide common pre- and post-assessment
671 adopted by the department for use in juvenile justice education
672 programs.

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

675 c. Earning secondary or postsecondary credit upon release
676 from a juvenile justice residential or nonresidential program.

677 d. Attaining a high school diploma or its equivalent upon
678 release from a juvenile justice residential or nonresidential
679 program.

680 e. Obtaining employment upon release from a juvenile
681 justice residential or nonresidential program.

682 f. Attaining an industry certification in an occupational
683 area identified in the Industry Certification Funding list
684 adopted by the State Board of Education.

685 g. Attaining occupational completion points in an
686 occupational area identified in the Industry Certification
687 Funding list adopted by the State Board of Education.

688 h. Participating in continuing education upon release from
689 a juvenile justice residential or nonresidential program in
690 order to complete the industry certification identified in the
691 Industry Certification Funding list adopted by the State Board
692 of Education.

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

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697
698 For purposes of performance ratings, juvenile justice
699 residential and nonresidential education programs, excluding
700 detention centers, shall be held accountable for the performance
701 outcomes of youth for no more than 6 months after the release of
702 youth from the residential or nonresidential program. This
703 subsection does not abrogate the provisions of s. 1002.22 which
704 relate to education records or the requirements of 20 U.S.C. s.
705 1232g, the Family Educational Rights and Privacy Act.

706 (8) PROGRAM ACCOUNTABILITY.—

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

709 1. Monitor the education performance of youth in juvenile
710 justice facilities.

711 2. Prohibit school districts or private providers that have
712 failing performance ratings from delivering the education
713 services.

714 3. Verify that a school district is operating or
715 contracting with a private provider to deliver education
716 services.

717 (b) If a school district's juvenile justice residential or
718 nonresidential education program earns two failing performance
719 ratings in any 3-year period, as provided in subsection (7), the
720 school district shall contract with a private provider that has
721 an adequate or higher performance rating or enter into an
722 agreement with a school district that has an adequate or higher
723 performance rating to deliver the education services to the
724 youth in the program.

725 (c) Except as provided in paragraph (b), the school

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726 district of the county in which the residential or
727 nonresidential facility is located shall deliver education
728 services to youth in Department of Juvenile Justice programs. A
729 school district may contract with a private provider to deliver
730 the education services in lieu of directly providing the
731 education services. The contract shall include performance
732 criteria as provided in subsection (7).

733 (d) When determining educational placement for youth who
734 enroll in a school district upon release, the school district
735 must adhere to the transition plan established under s.
736 985.46(6).

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

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

747 (g) Each school district must provide juvenile justice
748 education programs access to substitute classroom teachers used
749 by the school district.

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

751 (a) Attain an industry certification or occupational
752 completion points in an occupational area identified in the
753 Industry Certification Funding list adopted by the State Board
754 of Education;

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755 (b) Enroll in a program to complete the industry
756 certification;

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

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

760 (10) EDUCATION TRANSITION PLAN COMPONENT.—

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

763 (b) Each juvenile justice education program must develop an
764 education transition plan component during the course of a
765 youth's stay in a juvenile justice residential or nonresidential
766 program which coordinates academic and workforce services and
767 assists the youth in successful community reintegration upon the
768 youth's release.

769 (c) The development of the education transition plan
770 component shall begin upon a youth's placement in the program.
771 The education transition plan component must include the
772 academic and workforce services to be provided during the
773 program stay and the establishment of services to be implemented
774 upon release. The appropriate personnel in the juvenile justice
775 residential and nonresidential program, the members of the
776 community, the youth, and the youth's family, when appropriate,
777 shall collaborate to develop the education transition plan
778 component.

779 (d) Education planning for reintegration shall begin when
780 placement decisions are made and continue throughout the youth's
781 stay in order to provide for continuing education, job
782 placement, and other necessary services. Individuals who are
783 responsible for reintegration shall coordinate activities to

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784 ensure that the education transition plan component is
785 successfully implemented and a youth is provided access to
786 support services that will sustain the youth's success once he
787 or she is no longer under the supervision of the Department of
788 Juvenile Justice. The education transition plan component must
789 provide for continuing education, workforce development, or
790 meaningful job placement pursuant to the performance outcomes in
791 subsection (7). For purposes of this section, the term
792 "reintegration" means the process by which a youth returns to
793 the community following release from a juvenile justice program.

794 (11) FUNDING.—

795 (a) Youth who are participating in GED preparation programs
796 while under the supervision of the Department of Juvenile
797 Justice shall be funded at the basic program cost factor for
798 juvenile justice programs in the Florida Education Finance
799 Program (FEFP). Juvenile justice education programs shall be
800 funded in the appropriate FEFP program based on the education
801 services needed by the students in the programs pursuant to s.
802 1011.62.

803 (b) Juvenile justice education programs operated through a
804 contract with the Department of Juvenile Justice and under the
805 purview of the department's quality assurance standards and
806 performance outcomes shall receive the appropriate FEFP funding
807 for juvenile justice programs.

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

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

817 (e) The State Board of Education shall prescribe rules
818 relating to FTE count periods which must be the same for
819 juvenile justice programs and other public school programs. The
820 summer school period for students in juvenile justice programs
821 shall begin on the day immediately preceding the subsequent
822 regular school year. Students may be funded for no more than 25
823 hours per week of direct instruction; however, students shall be
824 provided access to virtual instruction in order to maximize the
825 most efficient use of time.

826 (12) FACILITIES.—The district school board may not be
827 charged any rent, maintenance, utilities, or overhead on the
828 facilities. Maintenance, repairs, and remodeling of existing
829 facilities shall be provided by the Department of Juvenile
830 Justice.

831 (13) RULEMAKING.—The State Board of Education shall
832 collaborate with the Department of Juvenile Justice, the
833 Department of Economic Opportunity, school districts, and
834 private providers to adopt rules pursuant to ss. 120.536(1) and
835 120.54 to administer this section which must include provisions
836 for uniform contracts and contract requirements between school
837 districts and private providers.

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

839 Section 12. Present paragraph (g) of subsection (1) of
840 section 1009.25, Florida Statutes, is redesignated as paragraph
841 (h), and a new paragraph (g) is added to that subsection, to

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842 read:

843 1009.25 Fee exemptions.-

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

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

852 Section 13. Paragraph (a) of subsection (3) of section
853 1010.20, Florida Statutes, is amended to read:

854 1010.20 Cost accounting and reporting for school
855 districts.-

856 (3) PROGRAM EXPENDITURE REQUIREMENTS.-

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

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

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

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

863 4. Programs for exceptional students, on an aggregate
864 program basis, 90 percent.

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

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

869 7. Juvenile justice programs, on an aggregate program
870 basis, 95 ~~90~~ percent.

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871 8. Any new program established and funded under s.
872 1011.62(1)(c), that is not included under subparagraphs 1.-7.,
873 on an aggregate basis as appropriate, 80 percent.

874 Section 14. Paragraph (f) of subsection (1) of section
875 1011.62, Florida Statutes, is amended to read:

876 1011.62 Funds for operation of schools.—If the annual
877 allocation from the Florida Education Finance Program to each
878 district for operation of schools is not determined in the
879 annual appropriations act or the substantive bill implementing
880 the annual appropriations act, it shall be determined as
881 follows:

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

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

887 1. There is created a categorical fund to provide
888 supplemental academic instruction to students in kindergarten
889 through grade 12. This paragraph may be cited as the
890 "Supplemental Academic Instruction Categorical Fund."

891 2. Categorical funds for supplemental academic instruction
892 shall be allocated annually to each school district in the
893 amount provided in the General Appropriations Act. These funds
894 shall be in addition to the funds appropriated on the basis of
895 FTE student membership in the Florida Education Finance Program
896 and shall be included in the total potential funds of each
897 district. These funds shall be used to provide supplemental
898 academic instruction to students enrolled in the K-12 program.
899 Supplemental instruction strategies may include, but are not

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900 limited to: modified curriculum, reading instruction, after-
901 school instruction, tutoring, mentoring, class size reduction,
902 extended school year, intensive skills development in summer
903 school, and other methods for improving student achievement.
904 Supplemental instruction may be provided to a student in any
905 manner and at any time during or beyond the regular 180-day term
906 identified by the school as being the most effective and
907 efficient way to best help that student progress from grade to
908 grade and to graduate.

909 3. Effective with the 2012-2013 ~~1999-2000~~ fiscal year,
910 funding on the basis of FTE membership beyond the 180-day
911 regular term shall be provided in the FEFP only for students
912 enrolled in juvenile justice education programs or in education
913 programs for juveniles placed in secure facilities or programs
914 under s. 985.19. Funding for instruction beyond the regular 180-
915 day school year for all other K-12 students shall be provided
916 through the supplemental academic instruction categorical fund
917 and other state, federal, and local fund sources with ample
918 flexibility for schools to provide supplemental instruction to
919 assist students in progressing from grade to grade and
920 graduating.

921 4. The Florida State University School, as a lab school, is
922 authorized to expend from its FEFP or Lottery Enhancement Trust
923 Fund allocation the cost to the student of remediation in
924 reading, writing, or mathematics for any graduate who requires
925 remediation at a postsecondary educational institution.

926 5. ~~Beginning in the 1999-2000 school year,~~ Dropout
927 prevention programs as defined in ss. 1003.515 ~~1003.52~~,
928 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in

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929 group 1 programs under subparagraph (d)3.

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

932 1012.467 Noninstructional contractors who are permitted
933 access to school grounds when students are present; background
934 screening requirements.—

935 (8) (a) The Department of Education shall create a uniform,
936 statewide identification badge to be worn by noninstructional
937 contractors signifying that a contractor has met the
938 requirements of this section. The school district shall issue an
939 identification badge to the contractor, which must bear a
940 photograph of the contractor. An identification badge shall be
941 issued if the contractor:

942 1. Is a resident and citizen of the United States or a
943 permanent resident alien of the United States as determined by
944 the United States Bureau of Citizenship and Immigration
945 Services;

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

947 3. Meets the background screening requirements under this
948 section.

949 (b) The uniform, statewide identification badge shall be
950 recognized by all school districts and must be visible at all
951 times a noninstructional contractor is on school grounds.

952 (c) The identification badge shall be valid for a period of
953 5 years. If a noninstructional contractor provides notification
954 pursuant to subsection (6), the contractor shall, within 48
955 hours, return the identification badge to the school district
956 that issued the badge.

957 (d) The Department of Education shall determine a uniform

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958 cost that a school district may charge a noninstructional
959 contractor for receipt of the identification badge, which shall
960 be borne by the recipient of the badge.

961 (e) This subsection does not apply to noninstructional
962 contractors who are exempt from background screening
963 requirements pursuant to s. 1012.468.

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