

FOR CONSIDERATION By the Committee on Education Pre-K - 12

581-00516B-12

20127016

1 A bill to be entitled
2 An act relating to juvenile justice education and
3 workforce programs; amending s. 985.618, F.S.;
4 providing legislative intent regarding juvenile
5 justice education and workforce-related programs;
6 requiring that the Department of Juvenile Justice
7 ensure that each juvenile justice education program
8 meets specified minimum standards; requiring that the
9 programs be evaluated based on student performance
10 outcomes; requiring that the effectiveness of the
11 programs be determined by implementing systematic data
12 collection, data analysis, and evaluations; amending
13 ss. 985.632 and 1001.42, F.S; conforming provisions to
14 changes made by the act; conforming cross-references;
15 creating s. 1003.515, F.S.; providing a short title;
16 providing the purposes of the Florida Juvenile Justice
17 Education Act; requiring that each juvenile justice
18 education program involve the regional workforce board
19 or economic development agency and local postsecondary
20 institutions to determine the occupational areas for
21 the education and workforce-related program; providing
22 requirements for education and workforce-related
23 services in juvenile justice programs; requiring that
24 a youth who exits the program attain an industry
25 certification, enroll in a program to complete the
26 industry certification, or enroll in and continue his
27 or her education based on a transition plan; requiring
28 that certain youth be provided opportunities for
29 career exploration and enrollment in continuing

581-00516B-12

20127016

30 education upon release from a program; requiring that
31 a program meet certain passage rates on industry
32 certification examinations; providing that if a
33 program fails to meet the minimum passage rates, the
34 program must discontinue enrollment and redirect
35 students into a different industry certification area
36 of high demand; amending s. 1003.52, F.S.; providing a
37 legislative finding; providing for performance ratings
38 of school districts and private providers; prohibiting
39 a school district or private provider from receiving a
40 performance rating under certain circumstances;
41 providing certain criteria to be used in determining
42 the performance rating of a school district or private
43 provider; requiring that the Department of Juvenile
44 Justice hold the school districts and private
45 providers accountable for performance outcomes until
46 the youth are released from the department's
47 supervision; providing requirements and
48 responsibilities for school districts and private
49 providers participating in juvenile justice education
50 programs; requiring that each school district and
51 private provider develop a transition plan during the
52 course of the youth's stay in a juvenile justice
53 program; providing requirements for the transition and
54 reintegration plan process; providing responsibilities
55 for the Department of Juvenile Justice and the
56 Department of Education; requiring that the Department
57 of Education make available a common student
58 assessment to measure youth learning gains in reading

581-00516B-12

20127016

59 and mathematics; providing funding requirements for
60 the juvenile justice education programs; prohibiting a
61 district school board from being charged rent,
62 maintenance, utilities, or overhead on facilities;
63 requiring that the Department of Juvenile Justice
64 provide maintenance, repairs, and remodeling of
65 existing facilities; requiring that the Department of
66 Juvenile Justice, in collaboration with the Department
67 of Education and in consultation with participating
68 school districts and private providers, prepare an
69 annual report containing certain data; requiring that
70 the report identify school districts and private
71 providers by performance ratings; requiring that the
72 report be submitted to the Governor and the
73 Legislature by a specified date each year; requiring
74 that the Department of Juvenile Justice adopt rules;
75 providing an effective date.

76
77 Be It Enacted by the Legislature of the State of Florida:

78
79 Section 1. Section 985.618, Florida Statutes, is amended to
80 read:

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

83 985.618 Education and workforce-related programs.—

84 (1) The Legislature intends for youth in juvenile justice
85 programs to be provided with a quality education that includes
86 workforce-related skills that lead to continuing education or
87 meaningful employment, or both, and that result in reduced rates

581-00516B-12

20127016

88 of recidivism.

89 (2) The Department of Juvenile Justice shall ensure that
90 each juvenile justice education program, at a minimum:

91 (a) Uses virtual course offerings that maximize learning
92 opportunities for adjudicated youth.

93 (b) Provides instruction from individuals who hold industry
94 credentials in the occupational area in which they teach.

95 (c) Provides instructors who are available to teach
96 evenings and weekends.

97 (d) Considers, before placement, the age, interests, prior
98 education, training, work experience, emotional and mental
99 abilities, and physical capabilities of the youth and the
100 duration of the term of placement imposed.

101 (e) Expends funds in a manner that directly supports the
102 attainment of successful student outcomes as specified in s.
103 1003.52(3) and that allows youth to engage in real work
104 situations whenever possible.

105 (3)(a) The evaluation of juvenile justice education and
106 workforce-related programs shall be based on the performance
107 outcomes provided in s. 1003.52(3).

108 (b) Program effectiveness shall be determined by
109 implementing systematic data collection, data analysis, and
110 education and workforce-related program evaluations pursuant to
111 ss. 985.632 and 1003.52.

112 Section 2. Subsection (3) of section 985.632, Florida
113 Statutes, is amended to read:

114 985.632 Quality assurance and cost-effectiveness.—

115 (3) The department shall annually collect and report cost
116 data for every program operated or contracted by the department.

581-00516B-12

20127016__

117 The cost data shall conform to a format approved by the
118 department and the Legislature. Uniform cost data shall be
119 reported and collected for state-operated and contracted
120 programs so that comparisons can be made among programs. The
121 department shall ensure that there is accurate cost accounting
122 for state-operated services including market-equivalent rent and
123 other shared cost. The cost of the education ~~educational~~ program
124 provided to a residential facility shall be reported and
125 included in the cost of a program. The department shall submit
126 an annual cost report to the President of the Senate, the
127 Speaker of the House of Representatives, the Minority Leader of
128 each house of the Legislature, the appropriate substantive and
129 fiscal committees of each house of the Legislature, and the
130 Governor, no later than December 1 of each year. Cost-benefit
131 analysis for education ~~educational~~ programs shall ~~will~~ be
132 developed and implemented in collaboration with and in
133 cooperation with the Department of Education, local providers,
134 and local school districts. Cost data for the report shall
135 include the data and education program analyses provided
136 ~~collected~~ by the Department of Juvenile Justice, in
137 collaboration with the Department of Education, for the purposes
138 of preparing the annual report required in ~~by~~ s. 1003.52(10)
139 ~~1003.52(19)~~.

140 Section 3. Paragraph (b) of subsection (18) of section
141 1001.42, Florida Statutes, is amended to read:

142 1001.42 Powers and duties of district school board.—The
143 district school board, acting as a board, shall exercise all
144 powers and perform all duties listed below:

145 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—

581-00516B-12

20127016

146 Maintain a state system of school improvement and education
147 accountability as provided by statute and State Board of
148 Education rule. This system of school improvement and education
149 accountability shall be consistent with, and implemented
150 through, the district's continuing system of planning and
151 budgeting required by this section and ss. 1008.385, 1010.01,
152 and 1011.01. This system of school improvement and education
153 accountability shall comply with the provisions of ss. 1008.33,
154 1008.34, 1008.345, and 1008.385 and include the following:

155 (b) *Public disclosure.*—The district school board shall
156 provide information regarding the performance of students and
157 education ~~educational~~ programs as required pursuant to ss.
158 1008.22 and 1008.385 and implement a system of school reports as
159 required by statute and State Board of Education rule which
160 shall include schools operating for the purpose of providing
161 education ~~educational~~ services to youth in Department of
162 Juvenile Justice programs, and for those schools, report on the
163 data and education program analyses ~~elements~~ specified in s.
164 1003.52(10) ~~1003.52(19)~~. Annual public disclosure reports shall
165 be in an easy-to-read report card format and shall include the
166 school's grade, high school graduation rate calculated without
167 GED tests, disaggregated by student ethnicity, and performance
168 data as specified in state board rule.

169 Section 4. Section 1003.515, Florida Statutes, is created
170 to read:

171 1003.515 The Florida Juvenile Justice Education Act.—

172 (1) This section may be cited as the "Florida Juvenile
173 Justice Education Act."

174 (2) The purposes of this section are to:

581-00516B-12

20127016__

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

177 (b) Improve academic and workforce-related outcomes so that
178 adjudicated and at-risk youth may successfully complete the
179 transition to and reenter the academic and workforce
180 environments;

181 (c) Provide rigorous and relevant workforce-related
182 curricula that will lead to industry certifications in high-
183 demand occupations or articulation to secondary or
184 postsecondary-level coursework, as appropriate;

185 (d) Directly support and respond to state, local, and
186 regional economic development demands;

187 (e) Make high-wage and high-demand careers more accessible
188 to adjudicated and at-risk youth; and

189 (f) Reduce rates of recidivism for adjudicated youth.

190 (3) In compliance with the strategic 5-year plan under s.
191 1003.491, each juvenile justice education program shall, in
192 collaboration with the regional workforce board or economic
193 development agency and local postsecondary institutions,
194 determine the occupational areas for the program. Juvenile
195 justice education program services must:

196 (a) Maximize the use of private sector personnel;

197 (b) Ensure instruction by industry-certified faculty;

198 (c) Ensure that academically rigorous workforce-related
199 coursework is offered and meets or exceeds appropriate state-
200 approved subject area standards, results in the attainment of
201 industry certification, and when appropriate, results in
202 postsecondary credit;

203 (d) Use strategies to maximize the delivery of virtual

581-00516B-12

20127016__

204 instruction;

205 (e) Maximize instructional efficiency for youth in juvenile
206 justice facilities;

207 (f) Provide opportunities for youth to earn weighted or
208 dual enrollment credit for higher-level courses;

209 (g) Promote credit recovery; and

210 (h) Provide instruction that results in competency,
211 certification, or credentials in workplace skills, including,
212 but not limited to, communication skills, interpersonal skills,
213 decisionmaking skills, work ethic, and the importance of
214 attendance and timeliness in the work environment.

215 (4) Upon exiting a program, a youth must:

216 (a) Attain an industry certification, enroll in a program
217 to complete the industry certification, or enroll in and
218 continue his or her education based on the transition and
219 postrelease plan provided in s. 958.12; or

220 (b) Be provided opportunities for career exploration and
221 enrollment in continuing education if the youth is of middle
222 school age.

223 (5) If the passage rate on an industry certification
224 examination that is associated with a juvenile justice education
225 program falls below 50 percent, the program shall be given 1
226 calendar year to meet a 50 percent passage rate. If, after 1
227 year, the program fails to meet the minimum passage rate, it
228 must discontinue enrollment and redirect students into a
229 different industry certification area in high demand.

230 Section 5. Section 1003.52, Florida Statutes, is amended to
231 read:

232 (Substantial rewording of section. See

581-00516B-12

20127016__

- 233 s. 1003.52, F.S., for present text.)
234 1003.52 Education services in Department of Juvenile
235 Justice programs.-
- 236 (1) LEGISLATIVE FINDING.-The Legislature finds that an
237 education is the single most important factor in the
238 rehabilitation of adjudicated youth who are in Department of
239 Juvenile Justice programs.
- 240 (2) PERFORMANCE RATINGS.-
- 241 (a) The annual report required in subsection (10) shall
242 identify school districts and private providers as having one of
243 the following performance ratings as defined by rule of the
244 Department of Juvenile Justice:
- 245 1. High performance.
246 2. Adequate performance.
247 3. Failing performance.
- 248 (b) A school district or private provider may not receive a
249 performance rating if the number of students is fewer than the
250 number necessary to prevent the unlawful release of personally
251 identifiable student data under s. 1002.22 or 20 U.S.C. s.
252 1232g. The Department of Juvenile Justice shall report
253 information regarding student achievement to the education
254 program in which the student is placed upon release, if
255 appropriate, and to the student's parent.
- 256 (3) DESIGNATION OF PERFORMANCE RATINGS.-The following
257 criteria shall be used in determining a school district's or
258 private provider's performance rating:
- 259 (a) For a youth who is middle school age or younger:
- 260 1. Attaining an industry certification in an occupational
261 area of high demand identified in the Industry Certification

581-00516B-12

20127016

262 Funding list adopted by the State Board of Education, if
263 available and appropriate.

264 2. Earning secondary or postsecondary credit upon release
265 from a juvenile justice facility and participating in continuing
266 education.

267 3. Completing the comprehensive career awareness and
268 exploration course described in s. 1003.4156(1)(a)5. and
269 participating in continuing education.

270 4. Achieving learning gains in reading and mathematics
271 while the youth is in a juvenile justice education program if a
272 valid assessment instrument is used, as determined by the
273 Department of Education, and participating in continuing
274 education.

275 (b) For a youth who is high school age:

276 1. Attaining a high school diploma or its equivalent and
277 earning postsecondary credit.

278 2. Attaining an industry certification in an occupational
279 area of high demand indentified in the Industry Certification
280 Funding list adopted by the State Board of Education.

281 3. Obtaining job placement or self-employment in a position
282 for which the student attained an industry certification as
283 provided in subparagraph 2.

284 4. Achieving a level of performance in an acceleration
285 mechanism which would earn the youth postsecondary credit.

286
287 When determining performance ratings, the Department of Juvenile
288 Justice shall hold the school districts and private providers
289 accountable for the performance outcomes of youth until they are
290 released from supervision by the Department of Juvenile Justice.

581-00516B-12

20127016

291 (4) PROGRAM PARTICIPATION.—

292 (a) If a school district or private provider earns two
293 consecutive failing performance ratings or two failing
294 performance ratings in any 3-year period, as provided in
295 subsection (2), the Department of Juvenile Justice shall enter
296 into a contract with a school district or private provider that
297 has a high performance rating to deliver the education services
298 to the youth in the program. The Department of Juvenile Justice
299 may use its statutory authority to sanction or prohibit a
300 private provider from delivering education services to youth
301 under the department's supervision due to noneducation reasons.

302 (b) Except as provided in paragraph (a), the school
303 district of the county in which the residential or
304 nonresidential care facility or juvenile assessment facility is
305 located shall deliver education services to youth in Department
306 of Juvenile Justice programs. A school district may enter into a
307 contract with a private provider to deliver the education
308 services in lieu of directly providing the education services.
309 The contract shall include the performance criteria provided in
310 subsection (3).

311 (c) A school district may not place a youth who enrolls in
312 the school district upon release from a juvenile justice
313 facility in an alternative school under s. 1003.53, unless
314 approved by the program director of the juvenile justice program
315 to which the youth was last assigned.

316 (d) A school district may not require a private provider to
317 use the school district's personnel or require qualifications of
318 private provider personnel beyond that which is necessary to
319 protect the health, safety, and welfare of the students, as

581-00516B-12

20127016__

320 determined by the Department of Juvenile Justice.

321 (e) Each school district must provide juvenile justice
322 education programs access to substitute classroom teachers used
323 by the school district.

324 (5) SCHOOL DISTRICT AND PRIVATE PROVIDER RESPONSIBILITIES.-

325 (a) Each school district and private provider that offers
326 education services to youth in juvenile justice education
327 programs shall:

328 1. Provide access to the appropriate courses and
329 instruction to prepare youth for a standard high school diploma
330 or the GED examination, as appropriate.

331 2. Provide access to virtual education courses that are
332 appropriate to meet the requirements of academic or workforce-
333 related programs and the requirements for continuing education
334 specified in the youth's transition and postrelease plans.
335 Virtual education providers do not have to comply with the
336 requirements in s. 1002.45 in order to offer courses under this
337 section.

338 3. Provide opportunities for earning credits toward high
339 school graduation or credits that articulate to postsecondary
340 education institutions while the youth are in residential and
341 nonresidential juvenile justice facilities.

342 4. Ensure that the credits and partial credits earned by
343 youth are transferred and included in the youth's records as
344 part of the transition plan.

345 5. Ensure that the education program consists of the
346 appropriate academic, workforce-related, or exceptional
347 education curricula and related services that directly support
348 performance outcomes, which must be specified in each youth's

581-00516B-12

20127016

349 transition plan as required by subsection (6).

350 6. If the duration of a youth's stay in a program is less
351 than 40 days, ensure that the youth continues his or her
352 education or workforce-related training that leads to industry
353 certification in an occupational area of high demand.

354 7. Maintain an academic record for each youth who is
355 enrolled in a juvenile justice facility, as required by s.
356 1003.51, which reflects the coursework and industry
357 certifications completed by the youth. The academic record must
358 be up to date and included in the transition plan when the youth
359 exits the facility.

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

362 1. Youth who are of compulsory school attendance age
363 pursuant to s. 1003.21.

364 2. Youth who are not of compulsory school attendance age
365 and who have not received a high school diploma or its
366 equivalent, if the youth is in a juvenile justice facility.

367 3. Youth who have attained a high school diploma or its
368 equivalent and who are not employed. Such youth must participate
369 in a workforce-related education program that leads to industry
370 certification in an occupational area of high demand.

371 (6) TRANSITION PLANS.—

372 (a) Each school district and private provider must develop
373 a transition plan during the course of a youth's stay in a
374 juvenile justice program to coordinate academic, workforce, and
375 social services and assist the youth in successful community
376 reintegration upon the youth's release.

377 (b) Transition planning shall begin upon a youth's

581-00516B-12

20127016

378 placement in the program. The transition plan must include:

379 1. Incorporation of services and interventions that match
380 the youth's risks and needs.

381 2. Services to be provided during the program stay and
382 establishment of services to be implemented upon release. The
383 appropriate personnel in the juvenile justice education program,
384 members of the community, the youth, and the youth's family,
385 when appropriate, shall collaborate to develop the transition
386 plan.

387 3. Directed services and educational and workforce-related
388 activities to be implemented before and after release. Juvenile
389 justice education program personnel shall direct the youth to
390 the appropriate, coordinated, and comprehensive supervision and
391 support services in the community which are established by the
392 Department of Juvenile Justice for effective reintegration. For
393 purposes of this section, the term "transition plan" includes
394 the decisions, planning, activities, and services employed to
395 successfully return the youth to the community.

396 (c) Planning for reintegration begins when placement
397 decisions are made and continue throughout the youth's stay in
398 order to provide for continuing education, job placement, and
399 other necessary services. Individuals who are responsible for
400 reintegration shall coordinate activities to ensure that the
401 transition plan is successfully implemented and a youth is
402 provided access to support services that will sustain the
403 youth's success once he or she is no longer under the
404 supervision of the Department of Juvenile Justice. The youth's
405 transition plan must govern decisions relating to transition and
406 reintegration. A transition plan must provide for continuing

581-00516B-12

20127016

407 education, workforce development, or meaningful job placement
408 pursuant to the performance outcomes in subsection (4). For
409 purposes of this section, the term "reintegration" means the
410 process by which a youth returns to the community following
411 release from a juvenile justice program.

412 (7) DEPARTMENT RESPONSIBILITIES.—

413 (a) The Department of Juvenile Justice shall:

414 1. Enter into a contract with school districts or private
415 providers to provide education services pursuant to subsection
416 (4).

417 2. Determine the performance ratings of school districts
418 and private providers using the criteria described in subsection
419 (3).

420 3. Monitor the education performance of youth in juvenile
421 justice facilities.

422 4. Prohibit school districts or private providers from
423 delivering the education services pursuant to subsection (4).

424 5. Assign a high performing provider for delivery of
425 education services pursuant to subsection (4).

426 (b) By September 1, 2012, the Department of Education shall
427 make available a common student assessment to measure the
428 learning gains in reading and mathematics of youth who are
429 assigned to juvenile justice education programs.

430 (8) FUNDING.—

431 (a) Youth who are participating in GED preparation programs
432 while under the supervision of the Department of Juvenile
433 Justice shall be funded at the basic program cost factor for
434 juvenile justice programs in the Florida Education Finance
435 Program (FEFP). Juvenile justice education programs shall be

581-00516B-12

20127016

436 funded in the appropriate FEFP program based on the education
437 services needed by the students in the programs pursuant to s.
438 1011.62.

439 (b) Juvenile justice education programs operated through a
440 contract with the Department of Juvenile Justice and under the
441 purview of the department's quality assurance standards and
442 performance outcomes shall receive the appropriate FEFP funding
443 for juvenile justice programs.

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

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

453 (e) The State Board of Education shall prescribe rules
454 relating to FTE count periods which must be the same for
455 juvenile justice programs and other public school programs. The
456 summer school period for students in juvenile justice programs
457 shall begin on the day immediately preceding the subsequent
458 regular school year. Students may be funded for no more than 25
459 hours per week of direct instruction; however, students shall be
460 provided access to virtual instruction in order to maximize the
461 most efficient use of time.

462 (9) FACILITIES.—The district school board may not be
463 charged any rent, maintenance, utilities, or overhead on the
464 facilities. Maintenance, repairs, and remodeling of existing

581-00516B-12

20127016

465 facilities shall be provided by the Department of Juvenile
466 Justice.

467 (10) ANNUAL REPORT.—The Department of Juvenile Justice, in
468 collaboration with the Department of Education and in
469 consultation with the school districts and private juvenile
470 justice education program providers, shall prepare an annual
471 report containing the education performance outcomes, based on
472 the criteria in subsection (3), of youth in juvenile justice
473 programs. The report shall delineate the performance outcomes of
474 youth in the state, in each school district, and by each private
475 provider, including the performance outcomes of all major
476 student populations and genders, as determined by the Department
477 of Juvenile Justice. The report shall address the use and
478 successful completion of virtual instruction courses and the
479 successful implementation of transition and reintegration plans.
480 The report must include an analysis of the performance of youth
481 over time, including, but not limited to, additional education
482 attainment, employment, earnings, industry certification, and
483 rates of recidivism. The report must also include
484 recommendations for improving performance outcomes and for
485 additional cost savings and efficiencies. The report shall be
486 submitted to the Governor, the President of the Senate, and the
487 Speaker of the House of Representatives by December 31, 2013,
488 and each year thereafter.

489 (11) RULEMAKING.—The Department of Juvenile Justice shall
490 adopt rules to administer this section.

491 Section 6. This act shall take effect upon becoming a law.