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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2012	.	
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The Committee on Criminal Justice (Hays) 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 student access to instruction during evenings
62 and weekends.

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

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



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

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

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

81 985.632 Quality assurance and cost-effectiveness.-

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

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

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

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

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

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

98 (f) Improve service delivery to clients.

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



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100 (2) As used in this section, the term:
101 (a) "Client" means any person who is being provided
102 treatment or services by the department or by a provider under
103 contract with the department.
104 (b) "Program component" means an aggregation of generally
105 related objectives which, because of their special character,
106 related workload, and interrelated output, can logically be
107 considered an entity for purposes of organization, management,
108 accounting, reporting, and budgeting.
109 (c) "Program effectiveness" means the ability of the
110 program to achieve desired client outcomes, goals, and
111 objectives.
112 (3) The department shall annually collect and report cost
113 data for every program operated by the department or its
114 contracted provider ~~or contracted by the department~~. The cost
115 data shall conform to a format approved by the department and
116 the Legislature. Uniform cost data shall be reported and
117 collected for each education program operated by a school
118 district or private provider contracted by a school district
119 ~~state-operated and contracted programs~~ so that comparisons can
120 be made among programs. The Department of Education shall ensure
121 that there is accurate cost accounting for education programs
122 operated by school districts, including those programs operated
123 by private providers under contract with school districts ~~state-~~
124 ~~operated services including market equivalent rent and other~~
125 ~~shared cost. The cost of the educational program provided to a~~
126 ~~residential facility shall be reported and included in the cost~~
127 ~~of a program.~~ The Department of Education shall submit ~~an~~ annual
128 cost data report to the department ~~President of the Senate, the~~



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

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

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

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



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

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

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

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

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

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

184 4. Use the results of these evaluations in developing or
185 refining juvenile justice programs or program models, client
186 outcomes and program outputs, provider contracts, quality



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187 assurance standards, and the cost-effectiveness model.

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

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

195 (6) (5) The department shall:

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

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

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

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

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

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



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

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

238
239 The department shall submit an annual report to the President of
240 the Senate, the Speaker of the House of Representatives, the
241 Minority Leader of each house of the Legislature, the
242 appropriate substantive and fiscal committees of each house of
243 the Legislature, and the Governor, no later than February 1 of
244 each year. The annual report must contain, at a minimum, for



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

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



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274 President of the Senate, and the Speaker of the House of
275 Representatives by December 31, 2013, and each year thereafter.

276 (8)~~(6)~~ The department shall collect and analyze available
277 statistical data for the purpose of ongoing evaluation of all
278 programs. The department shall provide the Legislature with
279 necessary information and reports to enable the Legislature to
280 make informed decisions regarding the effectiveness of, and any
281 needed changes in, services, programs, policies, and laws.

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

284 985.721 Escapes from secure detention or residential
285 commitment facility.—An escape from:

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

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

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

295
296 constitutes escape within the intent and meaning of s. 944.40
297 and is a felony of the third degree, punishable as provided in
298 s. 775.082, s. 775.083, or s. 775.084.

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

301 1001.42 Powers and duties of district school board.—The
302 district school board, acting as a board, shall exercise all



303 powers and perform all duties listed below:

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

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

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

331 1002.20 K-12 student and parent rights.—Parents of public



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

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

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

343 1002.45 Virtual instruction programs.—

344 (1) PROGRAM.—

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

360 1. Full-time virtual instruction for students enrolled in



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361 kindergarten through grade 12.

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

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

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

373 1003.01 Definitions.—As used in this chapter, the term:

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

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

386 1003.515 The Florida Juvenile Justice Education Act.—

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

389 (2) LEGISLATIVE FINDING.—The Legislature finds that an



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390 education is the single most important factor in the
391 rehabilitation of adjudicated youth who are in Department of
392 Juvenile Justice residential and nonresidential programs.

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

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

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

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

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

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

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

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

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

418 4. Reduce rates of recidivism for adjudicated youth.



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

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

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

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

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

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

447 11. Maintain an academic record for each youth who is



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

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

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

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

469 3. Youth who have attained a high school diploma or its
470 equivalent and who are not employed. Such youth must participate
471 in a workforce-related education program that leads to
472 employment in an occupational area of high demand. Such youth
473 may enroll in a state postsecondary institution to complete the
474 workforce-related education program and are exempt from the
475 payment of tuition and fees pursuant to s. 1009.25(1)(g).

476 (6) PROGRAM REQUIREMENTS.—In compliance with the strategic



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477 5-year plan under s. 1003.491, each juvenile justice residential
478 and nonresidential education program shall, in collaboration
479 with the regional workforce board or economic development agency
480 and local postsecondary institutions, determine the appropriate
481 occupational areas for the program. Juvenile justice education
482 programs must:

483 (a) Ensure that rigorous academic and workforce-related
484 coursework is offered and meets or exceeds appropriate state-
485 approved subject area standards, and results in the attainment
486 of industry certification and postsecondary credit, when
487 appropriate;

488 (b) Ensure instruction from individuals who hold industry
489 credentials in the occupational areas in which they teach;

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

491 (d) Use strategies to maximize the delivery of virtual
492 instruction;

493 (e) Maximize instructional efficiency for youth in juvenile
494 justice facilities;

495 (f) Provide opportunities for youth to earn weighted or
496 dual enrollment credit for higher-level courses, when
497 appropriate;

498 (g) Promote credit recovery; and

499 (h) Provide instruction that results in competency,
500 certification, or credentials in workplace skills, including,
501 but not limited to, communication skills, interpersonal skills,
502 decisionmaking skills, work ethic, and the importance of
503 attendance and timeliness in the work environment.

504 (7) DEPARTMENT RESPONSIBILITIES.-

505 (a) The department shall identify each residential and



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

- 509 1. High performance.
510 2. Adequate performance.
511 3. Failing performance.

512 (b) The department shall consider the level of rigor
513 associated with the attainment of a particular outcome when
514 assigning weight to the outcome. The department shall evaluate
515 the following elements in determining a juvenile justice
516 education program's performance rating:

517 1. One or more of the following outcomes for a youth who is
518 14 years of age or younger:

519 a. Achieving academic progress in reading and mathematics,
520 as measured by the statewide common pre- and post-assessment
521 adopted by the department for use in juvenile justice education
522 programs, and participating in continuing education upon release
523 from a juvenile justice residential or nonresidential program.

524 b. Completing secondary coursework and participating in
525 continuing education upon release from a juvenile justice
526 residential or nonresidential program.

527 c. Attaining occupational completion points in an
528 occupational area of high demand identified in the Industry
529 Certification Funding list adopted by the State Board of
530 Education and participating in continuing education upon release
531 from a juvenile justice residential or nonresidential program.

532 d. Attaining an industry certification in an occupational
533 area of high demand identified in the Industry Certification
534 Funding list adopted by the State Board of Education, if



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535 available and appropriate, and participating in continuing
536 education upon release from a juvenile justice residential or
537 nonresidential program.

538 2. One or more of the following outcomes for a youth who is
539 15 years of age or older:

540 a. Achieving academic progress in reading and mathematics,
541 as measured by the statewide common pre- and post-assessment
542 adopted by the department for use in juvenile justice education
543 programs, and participating in continuing education upon release
544 from a juvenile justice residential or nonresidential program.

545 b. Earning secondary or postsecondary credit upon release
546 from a juvenile justice facility and participating in continuing
547 education upon release from a juvenile justice residential or
548 nonresidential program.

549 c. Attaining a high school diploma or its equivalent and
550 participating in continuing education at the postsecondary level
551 upon release from a juvenile justice residential or
552 nonresidential program.

553 d. Attaining a high school diploma or its equivalent and
554 obtaining employment.

555 e. Attaining an industry certification in an occupational
556 area of high demand identified in the Industry Certification
557 Funding list adopted by the State Board of Education and
558 obtaining employment.

559 f. Attaining occupational completion points in an
560 occupational area of high demand and obtaining employment.

561 g. Attaining occupational completion points in an
562 occupational area of high demand identified in the Industry
563 Certification Funding list adopted by the State Board of



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564 Education and, upon release from a juvenile justice residential
565 or nonresidential program, participating in continuing education
566 in order to complete the industry certification in that
567 occupation.

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

572
573 For purposes of performance ratings, juvenile justice
574 residential and nonresidential education programs, excluding
575 detention centers, shall be held accountable for the performance
576 outcomes of youth for no more than 6 months after the release of
577 youth from the residential or nonresidential program. This
578 subsection does not abrogate the provisions of s. 1002.22 which
579 relate to education records or the requirements of 20 U.S.C. s.
580 1232g, the Family Educational Rights and Privacy Act.

581 (8) PROGRAM ACCOUNTABILITY.—

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

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

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

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

592 (b) If a school district's juvenile justice residential or



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

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

608 (d) When determining educational placement for youth who
609 enroll in a school district upon release, the school district
610 must adhere to the transition plan established under s.
611 985.46(6).

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

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



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622 (g) Each school district must provide juvenile justice
623 education programs access to substitute classroom teachers used
624 by the school district.

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

626 (a) Attain an industry certification in an occupational
627 area of high demand identified in the Industry Certification
628 Funding list adopted by the State Board 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.

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

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

715 1009.25 Fee exemptions.—

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

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

724 Section 13. Paragraph (f) of subsection (1) of section
725 1011.62, Florida Statutes, is amended to read:

726 1011.62 Funds for operation of schools.—If the annual
727 allocation from the Florida Education Finance Program to each
728 district for operation of schools is not determined in the
729 annual appropriations act or the substantive bill implementing
730 the annual appropriations act, it shall be determined as
731 follows:

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

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

737 1. There is created a categorical fund to provide



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738 supplemental academic instruction to students in kindergarten
739 through grade 12. This paragraph may be cited as the
740 "Supplemental Academic Instruction Categorical Fund."

741 2. Categorical funds for supplemental academic instruction
742 shall be allocated annually to each school district in the
743 amount provided in the General Appropriations Act. These funds
744 shall be in addition to the funds appropriated on the basis of
745 FTE student membership in the Florida Education Finance Program
746 and shall be included in the total potential funds of each
747 district. These funds shall be used to provide supplemental
748 academic instruction to students enrolled in the K-12 program.
749 Supplemental instruction strategies may include, but are not
750 limited to: modified curriculum, reading instruction, after-
751 school instruction, tutoring, mentoring, class size reduction,
752 extended school year, intensive skills development in summer
753 school, and other methods for improving student achievement.
754 Supplemental instruction may be provided to a student in any
755 manner and at any time during or beyond the regular 180-day term
756 identified by the school as being the most effective and
757 efficient way to best help that student progress from grade to
758 grade and to graduate.

759 3. Effective with the 2012-2013 ~~1999-2000~~ fiscal year,
760 funding on the basis of FTE membership beyond the 180-day
761 regular term shall be provided in the FEFP only for students
762 enrolled in juvenile justice education programs or in education
763 programs for juveniles placed in secure facilities or programs
764 under s. 985.19. Funding for instruction beyond the regular 180-
765 day school year for all other K-12 students shall be provided
766 through the supplemental academic instruction categorical fund



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767 and other state, federal, and local fund sources with ample
768 flexibility for schools to provide supplemental instruction to
769 assist students in progressing from grade to grade and
770 graduating.

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

776 5. ~~Beginning in the 1999-2000 school year,~~ Dropout
777 prevention programs as defined in ss. 1003.515 ~~1003.52~~,
778 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in
779 group 1 programs under subparagraph (d)3.

780 Section 14. This act shall take effect upon becoming a law.

781
782 ===== T I T L E A M E N D M E N T =====

783 And the title is amended as follows:

784 Delete everything before the enacting clause
785 and insert:

786 A bill to be entitled
787 An act relating to juvenile justice education and
788 workforce programs; amending s. 985.03, F.S.;
789 providing a definition for the term "juvenile justice
790 education programs" for purposes of the act; amending
791 s. 985.46, F.S.; requiring that each juvenile
792 committed to a juvenile justice commitment program
793 have a transition plan upon release; requiring that
794 the transition plan include an education transition
795 plan component and information regarding delinquency



796 treatment and intervention services that are
797 accessible upon exiting the program; amending s.
798 985.618, F.S.; providing legislative intent regarding
799 juvenile justice education and workforce-related
800 programs; requiring that the Department of Juvenile
801 Justice, in collaboration with the Department of
802 Education, annually verify that each juvenile justice
803 education program meets specified minimum standards;
804 requiring that the department collaborate with certain
805 entities to adopt rules; amending s. 985.632, F.S.;
806 conforming provisions to changes made by the act;
807 requiring that the Department of Education rather than
808 the Department of Juvenile Justice ensure that there
809 is accurate cost accounting for certain education
810 programs; requiring that the Department of Education
811 submit annual cost data to the department; requiring
812 that the effectiveness of juvenile justice education
813 programs be determined by implementing systematic data
814 collection, data analysis, and evaluations; requiring
815 that the programs be evaluated based on student
816 performance outcomes; requiring that the Department of
817 Juvenile Justice, in collaboration with the Department
818 of Education and in consultation with other entities,
819 prepare and submit an annual report to the Governor
820 and the Legislature by a specified date; amending s.
821 985.721, F.S.; conforming a cross-reference; amending
822 s. 1001.42, F.S.; conforming provisions to changes
823 made by the act; conforming a cross-reference;
824 amending ss. 1002.20 and 1002.45, F.S.; conforming



825 cross-references; amending s. 1003.01, F.S.; revising
826 the term "juvenile justice education programs or
827 schools" to conform to changes made by the act;
828 creating s. 1003.515, F.S.; providing a short title;
829 providing a legislative finding; providing purposes of
830 the Florida Juvenile Justice Education Act; providing
831 a definition for the term "juvenile justice education
832 programs"; providing responsibilities for school
833 districts and private providers contracted by school
834 districts to offer education services to youth in
835 juvenile justice education programs; requiring that
836 each juvenile justice residential and nonresidential
837 program involve the regional workforce board or
838 economic development agency and local postsecondary
839 institutions to determine the occupational areas for
840 the education and workforce-related program; providing
841 requirements for education and workforce-related
842 services in juvenile justice programs; providing
843 responsibilities for the Department of Education;
844 requiring that the department identify each juvenile
845 justice residential and nonresidential education
846 program, excluding detention programs, by performance
847 ratings; providing criteria for determining
848 performance ratings; requiring that the department
849 make available a common student pre- and post-
850 assessment to measure the academic progress in reading
851 and mathematics of youth in juvenile justice education
852 programs; requiring that juvenile justice residential
853 and nonresidential education programs, excluding



854 detention centers, be held accountable for student
855 performance outcomes for a specified period after
856 youth are released from the programs; providing for
857 program accountability; requiring that the department
858 monitor the education performance of youth, prohibit
859 certain school district or private providers, under
860 specified circumstances, from delivering education
861 services, and verify that a school district is
862 operating or contracting to deliver education
863 services; providing for a school district's
864 responsibilities; requiring that a youth who exits the
865 program attain an industry certification, enroll in a
866 program to complete the industry certification, be
867 gainfully employed, or enroll in and continue his or
868 her education based on a transition plan; requiring
869 that an education transition plan component be
870 incorporated in a youth's transition plan; requiring
871 that each juvenile justice education program develop
872 the education transition plan component during the
873 course of the youth's stay in a juvenile justice
874 residential or nonresidential program; providing
875 funding requirements for the juvenile justice
876 education programs; prohibiting a district school
877 board from being charged rent, maintenance, utilities,
878 or overhead on facilities; requiring that the
879 Department of Juvenile Justice provide maintenance,
880 repairs, and remodeling of existing facilities;
881 requiring that the State Board of Education
882 collaborate with the Department of Juvenile Justice,



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883 the Department of Economic Opportunity, school
884 districts, and private providers to adopt rules;
885 repealing s. 1003.52, F.S., relating to educational
886 services in Department of Juvenile Justice programs;
887 amending s. 1009.25, F.S.; providing an exemption from
888 the payment of postsecondary education fees and
889 tuition for certain youth who are ordered by a court
890 to participate in a juvenile justice residential
891 program; amending s. 1011.62, F.S.; extending dates
892 relating to the funding of students who are enrolled
893 in juvenile justice education programs or in education
894 programs for juveniles placed in secure facilities;
895 conforming a cross-reference; providing an effective
896 date.