

By the Committees on Criminal Justice; Education Pre-K - 12; and
Education Pre-K - 12

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

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

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

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88 course of the youth's stay in a juvenile justice
89 residential or nonresidential program; providing
90 funding requirements for the juvenile justice
91 education programs; prohibiting a district school
92 board from being charged rent, maintenance, utilities,
93 or overhead on facilities; requiring that the
94 Department of Juvenile Justice provide maintenance,
95 repairs, and remodeling of existing facilities;
96 requiring that the State Board of Education
97 collaborate with the Department of Juvenile Justice,
98 the Department of Economic Opportunity, school
99 districts, and private providers to adopt rules;
100 repealing s. 1003.52, F.S., relating to educational
101 services in Department of Juvenile Justice programs;
102 amending s. 1009.25, F.S.; providing an exemption from
103 the payment of postsecondary education fees and
104 tuition for certain youth who are ordered by a court
105 to participate in a juvenile justice residential
106 program; amending s. 1011.62, F.S.; extending dates
107 relating to the funding of students who are enrolled
108 in juvenile justice education programs or in education
109 programs for juveniles placed in secure facilities;
110 conforming a cross-reference; providing an effective
111 date.

112
113 Be It Enacted by the Legislature of the State of Florida:

114
115 Section 1. Present subsections (30) through (57) of section
116 985.03, Florida Statutes, are redesignated as subsections (31)

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117 through (58), respectively, and a new subsection (30) is added
118 to that section, to read:

119 985.03 Definitions.—As used in this chapter, the term:

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

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

124 985.46 Conditional release.—

125 (6) Each juvenile committed to a commitment program shall
126 have a transition plan upon release. Transition planning shall
127 begin for each juvenile upon placement in a commitment program
128 and shall result in an individual transition plan for each youth
129 before he or she is released. The transition plan shall be
130 developed with the participation of the youth, representatives
131 of the commitment program, school district personnel, and
132 representatives of conditional release or postcommitment
133 probation programs, if appropriate. The transition plan shall
134 include an education transition plan component as provided in s.
135 1003.515(10), as well as information regarding pertinent
136 delinquency treatment and intervention services that are
137 accessible upon exiting the program.

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

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

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146 (c) For a juvenile who participates in a nonresidential
147 program, the transition plan shall be explained to the youth and
148 provided upon release. For a juvenile who participates in a
149 nonresidential program and who is released on conditional
150 release or postcommitment probation status, the transition plan
151 shall be incorporated into the conditions of release.

152 Section 3. Section 985.618, Florida Statutes, is amended to
153 read:

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

156 985.618 Education and workforce-related programs.-

157 (1) The Legislature intends for youth in juvenile justice
158 programs to be provided a quality education that includes
159 workforce-related skills that lead to continuing education or
160 meaningful employment, or both, and that results in reduced
161 rates of recidivism.

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

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

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

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

171 (d) Ensures student access to instruction during evenings
172 and weekends.

173 (e) Considers, before placement, the age, interests, prior
174 education, training, work experience, emotional and mental

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175 abilities, treatment needs, and physical capabilities of the
176 youth and the duration of the term of placement imposed.

177 (f) Provides specialized instruction, related services,
178 accommodations, and modifications as are necessary to ensure the
179 provision of a free, appropriate public education for students
180 with disabilities.

181 (g) Expends funds in a manner that directly supports the
182 attainment of successful student outcomes as specified in s.
183 1003.515(7) and that allows youth to engage in real work
184 situations whenever possible.

185 (3) The department shall collaborate with the Department of
186 Education, the Department of Economic Opportunity, school
187 districts, and private providers to adopt rules to administer
188 this section.

189 Section 4. Section 985.632, Florida Statutes, is amended to
190 read:

191 985.632 Quality assurance and cost-effectiveness.—

192 (1) It is the intent of the Legislature that the
193 department:

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

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

200 (c) Provide information to aid in developing related policy
201 issues and concerns.

202 (d) Provide information to the public about the
203 effectiveness of such programs in meeting established goals and

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204 objectives.

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

208 (f) Improve service delivery to clients.

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

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

211 (a) "Client" means any person who is being provided
212 treatment or services by the department or by a provider under
213 contract with the department.

214 (b) "Program component" means an aggregation of generally
215 related objectives which, because of their special character,
216 related workload, and interrelated output, can logically be
217 considered an entity for purposes of organization, management,
218 accounting, reporting, and budgeting.

219 (c) "Program effectiveness" means the ability of the
220 program to achieve desired client outcomes, goals, and
221 objectives.

222 (3) The department shall annually collect and report cost
223 data for every program operated by the department or its
224 contracted provider ~~or contracted by the department~~. The cost
225 data shall conform to a format approved by the department and
226 the Legislature. Uniform cost data shall be reported and
227 collected for each education program operated by a school
228 district or private provider contracted by a school district
229 ~~state-operated and contracted programs~~ so that comparisons can
230 be made among programs. The Department of Education shall ensure
231 that there is accurate cost accounting for education programs
232 operated by school districts, including those programs operated

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233 ~~by private providers under contract with school districts state-~~
234 ~~operated services including market-equivalent rent and other~~
235 ~~shared cost. The cost of the educational program provided to a~~
236 ~~residential facility shall be reported and included in the cost~~
237 ~~of a program. The Department of Education shall submit an annual~~
238 ~~cost data report to the department President of the Senate, the~~
239 ~~Speaker of the House of Representatives, the Minority Leader of~~
240 ~~each house of the Legislature, the appropriate substantive and~~
241 ~~fiscal committees of each house of the Legislature, and the~~
242 ~~Governor, no later than December 1 of each year. The annual cost~~
243 ~~data shall be included in the annual report required in~~
244 ~~subsection (7). Cost-benefit analysis for juvenile justice~~
245 ~~education educational programs shall will be developed and~~
246 ~~implemented in collaboration with and in cooperation with the~~
247 ~~Department of Education, local providers, and local school~~
248 ~~districts. Cost data for the report shall include data collected~~
249 ~~by the Department of Education for the purposes of preparing the~~
250 ~~annual report required by s. 1003.52(19).~~

251 (4) (a) The department, in consultation with the Office of
252 Economic and Demographic Research and contract service
253 providers, shall develop a cost-effectiveness model and apply
254 the model to each commitment program. Program recidivism rates
255 shall be a component of the model. The cost-effectiveness model
256 shall compare program costs to client outcomes and program
257 outputs. It is the intent of the Legislature that continual
258 development efforts take place to improve the validity and
259 reliability of the cost-effectiveness model.

260 (b) The department shall rank commitment programs based on
261 the cost-effectiveness model and shall submit a report to the

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262 appropriate substantive and fiscal committees of each house of
263 the Legislature by December 31 of each year.

264 (c) Based on reports of the department on client outcomes
265 and program outputs and on the department's most recent cost-
266 effectiveness rankings, the department may terminate a program
267 operated by the department or a provider if the program has
268 failed to achieve a minimum threshold of program effectiveness.
269 This paragraph does not preclude the department from terminating
270 a contract as provided under this section or as otherwise
271 provided by law or contract, and does not limit the department's
272 authority to enter into or terminate a contract.

273 (d) In collaboration with the Office of Economic and
274 Demographic Research, and contract service providers, the
275 department shall develop a work plan to refine the cost-
276 effectiveness model so that the model is consistent with the
277 performance-based program budgeting measures approved by the
278 Legislature to the extent the department deems appropriate. The
279 department shall notify the Office of Program Policy Analysis
280 and Government Accountability of any meetings to refine the
281 model.

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

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

289 2. Target, for a more comprehensive evaluation, any
290 commitment program that has achieved consistently high, low, or

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291 disparate ratings in the reports required under subparagraph 1.

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

294 4. Use the results of these evaluations in developing or
295 refining juvenile justice programs or program models, client
296 outcomes and program outputs, provider contracts, quality
297 assurance standards, and the cost-effectiveness model.

298 (5) (a) Program effectiveness shall be determined by
299 implementing systematic data collection, data analysis, and
300 education and workforce-related program evaluations pursuant to
301 this section and s. 1003.515.

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

305 (6) ~~(5)~~ The department shall:

306 (a) Establish a comprehensive quality assurance system for
307 each program operated by the department or its contracted
308 provider ~~operated by a provider under contract with the~~
309 ~~department~~. Each contract entered into by the department must
310 provide for quality assurance.

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

313 (c) Establish quality assurance goals and objectives for
314 each specific program component.

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

317 (e) Develop a quality assurance manual of specific,
318 standardized terminology and procedures to be followed by each
319 program.

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320 (f) Evaluate each program operated by the department or its
321 contracted a provider ~~under a contract with the department~~ and
322 establish minimum thresholds for each program component. If a
323 provider fails to meet the established minimum thresholds, such
324 failure shall cause the department to cancel the provider's
325 contract unless the provider achieves compliance with minimum
326 thresholds within 6 months or unless there are documented
327 extenuating circumstances. In addition, the department may not
328 contract with the same provider for the canceled service for a
329 period of 12 months. If a department-operated program fails to
330 meet the established minimum thresholds, the department must
331 take necessary and sufficient steps to ensure and document
332 program changes to achieve compliance with the established
333 minimum thresholds. If the department-operated program fails to
334 achieve compliance with the established minimum thresholds
335 within 6 months and if there are no documented extenuating
336 circumstances, the department must notify the Executive Office
337 of the Governor and the Legislature of the corrective action
338 taken. Appropriate corrective action may include, but is not
339 limited to:

- 340 1. Contracting out for the services provided in the
341 program;
- 342 2. Initiating appropriate disciplinary action against all
343 employees whose conduct or performance is deemed to have
344 materially contributed to the program's failure to meet
345 established minimum thresholds;
- 346 3. Redesigning the program; or
- 347 4. Realigning the program.

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349 The department shall submit an annual report to the President of
350 the Senate, the Speaker of the House of Representatives, the
351 Minority Leader of each house of the Legislature, the
352 appropriate substantive and fiscal committees of each house of
353 the Legislature, and the Governor, no later than February 1 of
354 each year. The annual report must contain, at a minimum, for
355 each specific program component: a comprehensive description of
356 the population served by the program; a specific description of
357 the services provided by the program; cost; a comparison of
358 expenditures to federal and state funding; immediate and long-
359 range concerns; and recommendations to maintain, expand,
360 improve, modify, or eliminate each program component so that
361 changes in services lead to enhancement in program quality. The
362 department shall ensure the reliability and validity of the
363 information contained in the report.

364 (7) The department, in collaboration with the Department of
365 Education and in consultation with the school districts and
366 private juvenile justice education program providers, shall
367 prepare an annual report containing the education performance
368 outcomes, based on the criteria in s. 1003.515(7), of youth in
369 juvenile justice education programs. The report shall delineate
370 the performance outcomes of youth in the state, in each school
371 district's juvenile justice education program, and for each
372 private provider's juvenile justice education program, including
373 the performance outcomes of all major student populations and
374 genders, as determined by the Department of Education. The
375 report shall address the use and successful completion of
376 virtual instruction courses and the successful implementation of
377 transition and reintegration plans. The report must include an

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378 analysis of the performance of youth over time, including, but
379 not limited to, additional education attainment, employment,
380 earnings, industry certification, and rates of recidivism. The
381 report must also include recommendations for improving
382 performance outcomes and for additional cost savings and
383 efficiencies. The report shall be submitted to the Governor, the
384 President of the Senate, and the Speaker of the House of
385 Representatives by December 31, 2013, and each year thereafter.

386 (8)~~(6)~~ The department shall collect and analyze available
387 statistical data for the purpose of ongoing evaluation of all
388 programs. The department shall provide the Legislature with
389 necessary information and reports to enable the Legislature to
390 make informed decisions regarding the effectiveness of, and any
391 needed changes in, services, programs, policies, and laws.

392 Section 5. Section 985.721, Florida Statutes, is amended to
393 read:

394 985.721 Escapes from secure detention or residential
395 commitment facility.—An escape from:

396 (1) Any secure detention facility maintained for the
397 temporary detention of children, pending adjudication,
398 disposition, or placement;

399 (2) Any residential commitment facility described in s.
400 985.03(46) ~~985.03(45)~~, maintained for the custody, treatment,
401 punishment, or rehabilitation of children found to have
402 committed delinquent acts or violations of law; or

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

405
406 constitutes escape within the intent and meaning of s. 944.40

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407 and is a felony of the third degree, punishable as provided in
408 s. 775.082, s. 775.083, or s. 775.084.

409 Section 6. Paragraph (b) of subsection (18) of section
410 1001.42, Florida Statutes, is amended to read:

411 1001.42 Powers and duties of district school board.—The
412 district school board, acting as a board, shall exercise all
413 powers and perform all duties listed below:

414 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
415 Maintain a state system of school improvement and education
416 accountability as provided by statute and State Board of
417 Education rule. This system of school improvement and education
418 accountability shall be consistent with, and implemented
419 through, the district's continuing system of planning and
420 budgeting required by this section and ss. 1008.385, 1010.01,
421 and 1011.01. This system of school improvement and education
422 accountability shall comply with the provisions of ss. 1008.33,
423 1008.34, 1008.345, and 1008.385 and include the following:

424 (b) *Public disclosure*.—The district school board shall
425 provide information regarding the performance of students in ~~and~~
426 education ~~educational~~ programs as required pursuant to ss.
427 1008.22 and 1008.385 and implement a system of school reports as
428 required by statute and State Board of Education rule which
429 shall include schools operating for the purpose of providing
430 education ~~educational~~ services to youth in Department of
431 Juvenile Justice residential and nonresidential programs, and
432 for those programs ~~schools~~, report on the data and education
433 outcomes ~~elements~~ specified in s. 1003.515(7) ~~1003.52(19)~~.
434 Annual public disclosure reports shall be in an easy-to-read
435 report card format and shall include the school's grade, high

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436 school graduation rate calculated without GED tests,
437 disaggregated by student ethnicity, and performance data as
438 specified in state board rule.

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

441 1002.20 K-12 student and parent rights.—Parents of public
442 school students must receive accurate and timely information
443 regarding their child's academic progress and must be informed
444 of ways they can help their child to succeed in school. K-12
445 students and their parents are afforded numerous statutory
446 rights including, but not limited to, the following:

447 (20) JUVENILE JUSTICE PROGRAMS.—Students who are in
448 juvenile justice programs have the right to receive educational
449 programs and services in accordance with the provisions of s.
450 1003.515 ~~1003.52~~.

451 Section 8. Paragraph (b) of subsection (1) of section
452 1002.45, Florida Statutes, is amended to read:

453 1002.45 Virtual instruction programs.—

454 (1) PROGRAM.—

455 (b) Each school district that is eligible for the sparsity
456 supplement pursuant to s. 1011.62(7) shall provide all enrolled
457 public school students within its boundaries the option of
458 participating in part-time and full-time virtual instruction
459 programs. Each school district that is not eligible for the
460 sparsity supplement shall provide at least three options for
461 part-time and full-time virtual instruction. All school
462 districts must provide parents with timely written notification
463 of an open enrollment period for full-time students of at least
464 90 days that ends no later than 30 days before ~~prior to~~ the

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465 first day of the school year. The purpose of the program is to
466 make quality virtual instruction available to students using
467 online and distance learning technology in the nontraditional
468 classroom. A school district virtual instruction program shall
469 provide the following:

470 1. Full-time virtual instruction for students enrolled in
471 kindergarten through grade 12.

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

475 3. Full-time or part-time virtual instruction for students
476 enrolled in dropout prevention and academic intervention
477 programs under s. 1003.53, Department of Juvenile Justice
478 education programs under s. 1003.515 ~~1003.52~~, core-curricula
479 courses to meet class size requirements under s. 1003.03, or
480 Florida College System institutions under this section.

481 Section 9. Paragraph (a) of subsection (11) of section
482 1003.01, Florida Statutes, is amended to read:

483 1003.01 Definitions.—As used in this chapter, the term:

484 (11)(a) "Juvenile justice education programs ~~or schools~~"
485 means programs ~~or schools~~ operating for the purpose of providing
486 educational services to youth in Department of Juvenile Justice
487 programs, for a school year comprised of 250 days of instruction
488 distributed over 12 months. At the request of the provider, a
489 district school board may decrease the minimum number of days of
490 instruction by up to 10 days for teacher planning for
491 residential programs and up to 20 days for teacher planning for
492 nonresidential programs, subject to the approval of the
493 Department of Juvenile Justice and the Department of Education.

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494 Section 10. Section 1003.515, Florida Statutes, is created
495 to read:

496 1003.515 The Florida Juvenile Justice Education Act.-

497 (1) SHORT TITLE.-This section may be cited as the "Florida
498 Juvenile Justice Education Act."

499 (2) LEGISLATIVE FINDING.-The Legislature finds that an
500 education is the single most important factor in the
501 rehabilitation of adjudicated youth who are in Department of
502 Juvenile Justice residential and nonresidential programs.

503 (3) PURPOSES.-The purposes of this section are to:

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

506 (b) Improve academic and workforce-related outcomes so that
507 adjudicated and at-risk youth may successfully complete the
508 transition to and reenter the academic and workforce
509 environments.

510 (4) DEFINITION.-For purposes of this section, the term
511 "juvenile justice education programs" has the same meaning as in
512 s. 1003.01(11)(a).

513 (5) SCHOOL DISTRICT AND CONTRACTED EDUCATION PROVIDER
514 RESPONSIBILITIES.-

515 (a) A school district or private provider contracted by a
516 school district to offer education services to youth in a
517 juvenile justice education program shall:

518 1. Provide rigorous and relevant academic and workforce-
519 related curricula that will lead to industry certifications in
520 an occupational area of high demand identified in the Industry
521 Certification Funding list adopted by the State Board of
522 Education, or articulate to secondary or postsecondary-level

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523 coursework, as appropriate.

524 2. Support state, local, and regional economic development
525 demands.

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

528 4. Reduce rates of recidivism for adjudicated youth.

529 5. Provide access to the appropriate courses and
530 instruction to prepare youth for a standard high school diploma,
531 a special diploma, or a high school equivalency diploma, as
532 appropriate.

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

537 7. Provide opportunities for earning credits toward high
538 school graduation or credits that articulate to postsecondary
539 education institutions while the youth are in residential and
540 nonresidential juvenile justice facilities.

541 8. Ensure that the credits and partial credits earned by
542 the youth are transferred and included in the youth's records as
543 part of the transition plan.

544 9. Ensure that the education program consists of the
545 appropriate academic, workforce-related, or exceptional
546 education curricula and related services that directly support
547 performance outcomes, which must be specified in each youth's
548 education transition plan component as required by subsection
549 (10).

550 10. If the duration of a youth's stay in a program is less
551 than 40 days, ensure that the youth receives employability, life

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552 skills, and academic remediation, as appropriate. In addition,
553 counseling and transition services must be provided which
554 mitigate the youth's identified risk factors and prepare the
555 youth for a successful reintegration into the school, community,
556 and home settings.

557 11. Maintain an academic record for each youth who is
558 enrolled in a juvenile justice facility, as required by s.
559 1003.51, and ensure that the coursework, credits, partial
560 credits, occupational completion points, and industry
561 certifications earned by the youth are transferred and included
562 in the youth's transition plan pursuant to s. 985.46.

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

565 1. Youth who are of compulsory school attendance age
566 pursuant to s. 1003.21.

567 2. Youth who are not of compulsory school attendance age
568 and who have not received a high school diploma or its
569 equivalent, if the youth is in a residential or nonresidential
570 juvenile justice program. Such youth must participate in the
571 education program and participate in a workforce-related
572 education program that leads to industry certification in an
573 occupational area of high demand. This subparagraph does not
574 limit the rights of students with disabilities, as defined under
575 the Individuals with Disabilities Education Act, who are not of
576 compulsory school attendance age and who have not received a
577 high school diploma to receive a free, appropriate public
578 education in accordance with their individualized needs.

579 3. Youth who have attained a high school diploma or its
580 equivalent and who are not employed. Such youth must participate

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581 in a workforce-related education program that leads to
582 employment in an occupational area of high demand. Such youth
583 may enroll in a state postsecondary institution to complete the
584 workforce-related education program and are exempt from the
585 payment of tuition and fees pursuant to s. 1009.25(1)(g).

586 (6) PROGRAM REQUIREMENTS.—In compliance with the strategic
587 5-year plan under s. 1003.491, each juvenile justice residential
588 and nonresidential education program shall, in collaboration
589 with the regional workforce board or economic development agency
590 and local postsecondary institutions, determine the appropriate
591 occupational areas for the program. Juvenile justice education
592 programs must:

593 (a) Ensure that rigorous academic and workforce-related
594 coursework is offered and meets or exceeds appropriate state-
595 approved subject area standards, and results in the attainment
596 of industry certification and postsecondary credit, when
597 appropriate;

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

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

601 (d) Use strategies to maximize the delivery of virtual
602 instruction;

603 (e) Maximize instructional efficiency for youth in juvenile
604 justice facilities;

605 (f) Provide opportunities for youth to earn weighted or
606 dual enrollment credit for higher-level courses, when
607 appropriate;

608 (g) Promote credit recovery; and

609 (h) Provide instruction that results in competency,

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610 certification, or credentials in workplace skills, including,
611 but not limited to, communication skills, interpersonal skills,
612 decisionmaking skills, work ethic, and the importance of
613 attendance and timeliness in the work environment.

614 (7) DEPARTMENT RESPONSIBILITIES.-

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

619 1. High performance.

620 2. Adequate performance.

621 3. Failing performance.

622 (b) The department shall consider the level of rigor
623 associated with the attainment of a particular outcome when
624 assigning weight to the outcome. The department shall evaluate
625 the following elements in determining a juvenile justice
626 education program's performance rating:

627 1. One or more of the following outcomes for a youth who is
628 14 years of age or younger:

629 a. Achieving academic progress in reading and mathematics,
630 as measured by the statewide common pre- and post-assessment
631 adopted by the department for use in juvenile justice education
632 programs, and participating in continuing education upon release
633 from a juvenile justice residential or nonresidential program.

634 b. Completing secondary coursework and participating in
635 continuing education upon release from a juvenile justice
636 residential or nonresidential program.

637 c. Attaining occupational completion points in an
638 occupational area of high demand identified in the Industry

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639 Certification Funding list adopted by the State Board of
640 Education and participating in continuing education upon release
641 from a juvenile justice residential or nonresidential program.

642 d. Attaining an industry certification in an occupational
643 area of high demand identified in the Industry Certification
644 Funding list adopted by the State Board of Education, if
645 available and appropriate, and participating in continuing
646 education upon release from a juvenile justice residential or
647 nonresidential program.

648 2. One or more of the following outcomes for a youth who is
649 15 years of age or older:

650 a. Achieving academic progress in reading and mathematics,
651 as measured by the statewide common pre- and post-assessment
652 adopted by the department for use in juvenile justice education
653 programs, and participating in continuing education upon release
654 from a juvenile justice residential or nonresidential program.

655 b. Earning secondary or postsecondary credit upon release
656 from a juvenile justice facility and participating in continuing
657 education upon release from a juvenile justice residential or
658 nonresidential program.

659 c. Attaining a high school diploma or its equivalent and
660 participating in continuing education at the postsecondary level
661 upon release from a juvenile justice residential or
662 nonresidential program.

663 d. Attaining a high school diploma or its equivalent and
664 obtaining employment.

665 e. Attaining an industry certification in an occupational
666 area of high demand identified in the Industry Certification
667 Funding list adopted by the State Board of Education and

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668 obtaining employment.

669 f. Attaining occupational completion points in an
670 occupational area of high demand and obtaining employment.

671 g. Attaining occupational completion points in an
672 occupational area of high demand identified in the Industry
673 Certification Funding list adopted by the State Board of
674 Education and, upon release from a juvenile justice residential
675 or nonresidential program, participating in continuing education
676 in order to complete the industry certification in that
677 occupation.

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

682
683 For purposes of performance ratings, juvenile justice
684 residential and nonresidential education programs, excluding
685 detention centers, shall be held accountable for the performance
686 outcomes of youth for no more than 6 months after the release of
687 youth from the residential or nonresidential program. This
688 subsection does not abrogate the provisions of s. 1002.22 which
689 relate to education records or the requirements of 20 U.S.C. s.
690 1232g, the Family Educational Rights and Privacy Act.

691 (8) PROGRAM ACCOUNTABILITY.—

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

694 1. Monitor the education performance of youth in juvenile
695 justice facilities.

696 2. Prohibit school districts or private providers that have

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697 failing performance ratings from delivering the education
698 services.

699 3. Verify that a school district is operating or
700 contracting with a private provider to deliver education
701 services.

702 (b) If a school district's juvenile justice residential or
703 nonresidential education program earns two failing performance
704 ratings in any 3-year period, as provided in subsection (7), the
705 school district shall contract with a private provider that has
706 an adequate or higher performance rating or enter into an
707 agreement with a school district that has an adequate or higher
708 performance rating to deliver the education services to the
709 youth in the program.

710 (c) Except as provided in paragraph (b), the school
711 district of the county in which the residential or
712 nonresidential facility is located shall deliver education
713 services to youth in Department of Juvenile Justice programs. A
714 school district may contract with a private provider to deliver
715 the education services in lieu of directly providing the
716 education services. The contract shall include performance
717 criteria as provided in subsection (7).

718 (d) When determining educational placement for youth who
719 enroll in a school district upon release, the school district
720 must adhere to the transition plan established under s.
721 985.46(6).

722 (e) If a private provider under contract with a school
723 district maintains a high-performance rating pursuant to
724 subsection (7), the school district may not require a private
725 provider to use the school district's personnel.

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

732 (g) Each school district must provide juvenile justice
733 education programs access to substitute classroom teachers used
734 by the school district.

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

736 (a) Attain an industry certification in an occupational
737 area of high demand identified in the Industry Certification
738 Funding list adopted by the State Board of Education;

739 (b) Enroll in a program to complete the industry
740 certification;

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

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

744 (10) EDUCATION TRANSITION PLAN COMPONENT.—

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

747 (b) Each juvenile justice education program must develop an
748 education transition plan component during the course of a
749 youth's stay in a juvenile justice residential or nonresidential
750 program which coordinates academic and workforce services and
751 assists the youth in successful community reintegration upon the
752 youth's release.

753 (c) The development of the education transition plan
754 component shall begin upon a youth's placement in the program.

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755 The education transition plan component must include the
756 academic and workforce services to be provided during the
757 program stay and the establishment of services to be implemented
758 upon release. The appropriate personnel in the juvenile justice
759 residential and nonresidential program, the members of the
760 community, the youth, and the youth's family, when appropriate,
761 shall collaborate to develop the education transition plan
762 component.

763 (d) Education planning for reintegration shall begin when
764 placement decisions are made and continue throughout the youth's
765 stay in order to provide for continuing education, job
766 placement, and other necessary services. Individuals who are
767 responsible for reintegration shall coordinate activities to
768 ensure that the education transition plan component is
769 successfully implemented and a youth is provided access to
770 support services that will sustain the youth's success once he
771 or she is no longer under the supervision of the Department of
772 Juvenile Justice. The education transition plan component must
773 provide for continuing education, workforce development, or
774 meaningful job placement pursuant to the performance outcomes in
775 subsection (7). For purposes of this section, the term
776 "reintegration" means the process by which a youth returns to
777 the community following release from a juvenile justice program.

778 (11) FUNDING.—

779 (a) Youth who are participating in GED preparation programs
780 while under the supervision of the Department of Juvenile
781 Justice shall be funded at the basic program cost factor for
782 juvenile justice programs in the Florida Education Finance
783 Program (FEFP). Juvenile justice education programs shall be

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784 funded in the appropriate FEFP program based on the education
785 services needed by the students in the programs pursuant to s.
786 1011.62.

787 (b) Juvenile justice education programs operated through a
788 contract with the Department of Juvenile Justice and under the
789 purview of the department's quality assurance standards and
790 performance outcomes shall receive the appropriate FEFP funding
791 for juvenile justice programs.

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

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

801 (e) The State Board of Education shall prescribe rules
802 relating to FTE count periods which must be the same for
803 juvenile justice programs and other public school programs. The
804 summer school period for students in juvenile justice programs
805 shall begin on the day immediately preceding the subsequent
806 regular school year. Students may be funded for no more than 25
807 hours per week of direct instruction; however, students shall be
808 provided access to virtual instruction in order to maximize the
809 most efficient use of time.

810 (12) FACILITIES.—The district school board may not be
811 charged any rent, maintenance, utilities, or overhead on the
812 facilities. Maintenance, repairs, and remodeling of existing

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813 facilities shall be provided by the Department of Juvenile
814 Justice.

815 (13) RULEMAKING.—The State Board of Education shall
816 collaborate with the Department of Juvenile Justice, the
817 Department of Economic Opportunity, school districts, and
818 private providers to adopt rules pursuant to ss. 120.536(1) and
819 120.54 to administer this section.

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

821 Section 12. Present paragraph (g) of subsection (1) of
822 section 1009.25, Florida Statutes, is redesignated as paragraph
823 (h), and a new paragraph (g) is added to that subsection, to
824 read:

825 1009.25 Fee exemptions.—

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

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

834 Section 13. Paragraph (f) of subsection (1) of section
835 1011.62, Florida Statutes, is amended to read:

836 1011.62 Funds for operation of schools.—If the annual
837 allocation from the Florida Education Finance Program to each
838 district for operation of schools is not determined in the
839 annual appropriations act or the substantive bill implementing
840 the annual appropriations act, it shall be determined as
841 follows:

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

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

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

851 2. Categorical funds for supplemental academic instruction
852 shall be allocated annually to each school district in the
853 amount provided in the General Appropriations Act. These funds
854 shall be in addition to the funds appropriated on the basis of
855 FTE student membership in the Florida Education Finance Program
856 and shall be included in the total potential funds of each
857 district. These funds shall be used to provide supplemental
858 academic instruction to students enrolled in the K-12 program.
859 Supplemental instruction strategies may include, but are not
860 limited to: modified curriculum, reading instruction, after-
861 school instruction, tutoring, mentoring, class size reduction,
862 extended school year, intensive skills development in summer
863 school, and other methods for improving student achievement.
864 Supplemental instruction may be provided to a student in any
865 manner and at any time during or beyond the regular 180-day term
866 identified by the school as being the most effective and
867 efficient way to best help that student progress from grade to
868 grade and to graduate.

869 3. Effective with the 2012-2013 ~~1999-2000~~ fiscal year,
870 funding on the basis of FTE membership beyond the 180-day

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871 regular term shall be provided in the FEFP only for students
872 enrolled in juvenile justice education programs or in education
873 programs for juveniles placed in secure facilities or programs
874 under s. 985.19. Funding for instruction beyond the regular 180-
875 day school year for all other K-12 students shall be provided
876 through the supplemental academic instruction categorical fund
877 and other state, federal, and local fund sources with ample
878 flexibility for schools to provide supplemental instruction to
879 assist students in progressing from grade to grade and
880 graduating.

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

886 5. ~~Beginning in the 1999-2000 school year,~~ Dropout
887 prevention programs as defined in ss. 1003.515 ~~1003.52,~~
888 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in
889 group 1 programs under subparagraph (d)3.

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