

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Baxley offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Present subsections (30) through (57) of section
8 985.03, Florida Statutes, are redesignated as subsections (31)
9 through (58), respectively, and a new subsection (30) is added
10 to that section, to read:

11 985.03 Definitions.—As used in this chapter, the term:

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

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

16 985.46 Conditional release.—

17 (6) Each juvenile committed to a commitment program shall
18 have a transition plan upon release. Transition planning shall
19 begin for each juvenile upon placement in a commitment program
20 and shall result in an individual transition plan for each youth

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21 before he or she is released. The transition plan shall be
22 developed with the participation of the youth, representatives
23 of the commitment program, school district personnel, and
24 representatives of conditional release or postcommitment
25 probation programs, if appropriate. The transition plan shall
26 include an education transition plan component as provided in s.
27 1003.515(10), as well as information regarding pertinent
28 delinquency treatment and intervention services that are
29 accessible upon exiting the program.

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

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

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

44 Section 3. Section 985.618, Florida Statutes, is amended to
45 read:

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

48 985.618 Education and workforce-related programs.—

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

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

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

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

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

63 (d) Ensures student access to instruction during evenings
64 and weekends.

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

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

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

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

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

83 985.632 Quality assurance and cost-effectiveness.—

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

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

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

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

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

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

100 (f) Improve service delivery to clients.

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

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

103 (a) "Client" means any person who is being provided
104 treatment or services by the department or by a provider under

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105 contract with the department.

106 (b) "Program component" means an aggregation of generally
107 related objectives which, because of their special character,
108 related workload, and interrelated output, can logically be
109 considered an entity for purposes of organization, management,
110 accounting, reporting, and budgeting.

111 (c) "Program effectiveness" means the ability of the
112 program to achieve desired client outcomes, goals, and
113 objectives.

114 (3) The department shall annually collect and report cost
115 data for every program operated by the department or its
116 contracted provider ~~or contracted by the department~~. The cost
117 data shall conform to a format approved by the department and
118 the Legislature. Uniform cost data shall be reported and
119 collected for each education program operated by a school
120 district or private provider contracted by a school district
121 ~~state-operated and contracted programs~~ so that comparisons can
122 be made among programs. The Department of Education shall ensure
123 that there is accurate cost accounting for education programs
124 operated by school districts, including those programs operated
125 by private providers under contract with school districts ~~state-~~
126 ~~operated services including market equivalent rent and other~~
127 ~~shared cost. The cost of the educational program provided to a~~
128 ~~residential facility shall be reported and included in the cost~~
129 ~~of a program.~~ The Department of Education shall submit ~~an~~ annual
130 cost data report to the department ~~President of the Senate, the~~
131 ~~Speaker of the House of Representatives, the Minority Leader of~~
132 ~~each house of the Legislature, the appropriate substantive and~~

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

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

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

156 (c) Based on reports of the department on client outcomes
157 and program outputs and on the department's most recent cost-
158 effectiveness rankings, the department may terminate a program
159 operated by the department or a provider if the program has
160 failed to achieve a minimum threshold of program effectiveness.

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161 This paragraph does not preclude the department from terminating
162 a contract as provided under this section or as otherwise
163 provided by law or contract, and does not limit the department's
164 authority to enter into or terminate a contract.

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

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

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

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

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

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

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189 assurance standards, and the cost-effectiveness model.

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

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

197 (6) (5) The department shall:

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

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

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

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

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

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

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

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

240
241 The department shall submit an annual report to the President of
242 the Senate, the Speaker of the House of Representatives, the
243 Minority Leader of each house of the Legislature, the
244 appropriate substantive and fiscal committees of each house of

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245 the Legislature, and the Governor, no later than February 1 of
246 each year. The annual report must contain, at a minimum, for
247 each specific program component: a comprehensive description of
248 the population served by the program; a specific description of
249 the services provided by the program; cost; a comparison of
250 expenditures to federal and state funding; immediate and long-
251 range concerns; and recommendations to maintain, expand,
252 improve, modify, or eliminate each program component so that
253 changes in services lead to enhancement in program quality. The
254 department shall ensure the reliability and validity of the
255 information contained in the report.

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

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273 report must also include recommendations for improving
274 performance outcomes and for additional cost savings and
275 efficiencies. The report shall be submitted to the Governor, the
276 President of the Senate, and the Speaker of the House of
277 Representatives by December 31, 2013, and each year thereafter.

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

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

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

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

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

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

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

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301 Section 6. Paragraph (b) of subsection (18) of section
302 1001.42, Florida Statutes, is amended to read:

303 1001.42 Powers and duties of district school board.—The
304 district school board, acting as a board, shall exercise all
305 powers and perform all duties listed below:

306 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
307 Maintain a state system of school improvement and education
308 accountability as provided by statute and State Board of
309 Education rule. This system of school improvement and education
310 accountability shall be consistent with, and implemented
311 through, the district's continuing system of planning and
312 budgeting required by this section and ss. 1008.385, 1010.01,
313 and 1011.01. This system of school improvement and education
314 accountability shall comply with the provisions of ss. 1008.33,
315 1008.34, 1008.345, and 1008.385 and include the following:

316 (b) *Public disclosure.*—The district school board shall
317 provide information regarding the performance of students in ~~and~~
318 education ~~educational~~ programs as required pursuant to ss.
319 1008.22 and 1008.385 and implement a system of school reports as
320 required by statute and State Board of Education rule which
321 shall include schools operating for the purpose of providing
322 education ~~educational~~ services to youth in Department of
323 Juvenile Justice residential and nonresidential programs, and
324 for those programs ~~schools~~, report on the data and education
325 outcomes ~~elements~~ specified in s. 1003.515(7) ~~1003.52(19)~~.

326 Annual public disclosure reports shall be in an easy-to-read
327 report card format and shall include the school's grade, high
328 school graduation rate calculated without GED tests,

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329 disaggregated by student ethnicity, and performance data as
330 specified in state board rule.

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

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

339 (20) JUVENILE JUSTICE PROGRAMS.—Students who are in
340 juvenile justice programs have the right to receive educational
341 programs and services in accordance with the provisions of s.
342 1003.515 ~~1003.52~~.

343 Section 8. Paragraph (b) of subsection (1) of section
344 1002.45, Florida Statutes, is amended to read:

345 1002.45 Virtual instruction programs.—

346 (1) PROGRAM.—

347 (b) Each school district that is eligible for the sparsity
348 supplement pursuant to s. 1011.62(7) shall provide all enrolled
349 public school students within its boundaries the option of
350 participating in part-time and full-time virtual instruction
351 programs. Each school district that is not eligible for the
352 sparsity supplement shall provide at least three options for
353 part-time and full-time virtual instruction. All school
354 districts must provide parents with timely written notification
355 of an open enrollment period for full-time students of at least
356 90 days that ends no later than 30 days before ~~prior to~~ the

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357 first day of the school year. The purpose of the program is to
358 make quality virtual instruction available to students using
359 online and distance learning technology in the nontraditional
360 classroom. A school district virtual instruction program shall
361 provide the following:

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

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

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

373 Section 9. Paragraph (a) of subsection (11) of section
374 1003.01, Florida Statutes, is amended to read:

375 1003.01 Definitions.—As used in this chapter, the term:

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

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385 Department of Juvenile Justice and the Department of Education.

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

388 1003.515 The Florida Juvenile Justice Education Act.-

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

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

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

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

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

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

405 (5) SCHOOL DISTRICT AND CONTRACTED EDUCATION PROVIDER
406 RESPONSIBILITIES.-

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

410 1. Provide rigorous and relevant academic and workforce-
411 related curricula that will lead to industry certifications in
412 an occupational area of high demand identified in the Industry

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413 Certification Funding list adopted by the State Board of
414 Education, or articulate to secondary or postsecondary-level
415 coursework, as appropriate.

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

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

420 4. Reduce rates of recidivism for adjudicated youth.

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

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

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

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

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

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441 (10).

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

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

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

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

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

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469 high school diploma to receive a free, appropriate public
470 education in accordance with their individualized needs.

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

478 (6) PROGRAM REQUIREMENTS.—In compliance with the strategic
479 5-year plan under s. 1003.491, each juvenile justice residential
480 and nonresidential education program shall, in collaboration
481 with the regional workforce board or economic development agency
482 and local postsecondary institutions, determine the appropriate
483 occupational areas for the program. Juvenile justice education
484 programs must:

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

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

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

493 (d) Use strategies to maximize the delivery of virtual
494 instruction;

495 (e) Maximize instructional efficiency for youth in juvenile
496 justice facilities;

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

500 (g) Promote credit recovery; and

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

506 (7) DEPARTMENT RESPONSIBILITIES.-

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

511 1. High performance.

512 2. Adequate performance.

513 3. Failing performance.

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

519 1. One or more of the following outcomes for a youth who is
520 14 years of age or younger:

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

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525 from a juvenile justice residential or nonresidential program.

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

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

534 d. Attaining an industry certification in an occupational
535 area of high demand identified in the Industry Certification
536 Funding list adopted by the State Board of Education, if
537 available and appropriate, and participating in continuing
538 education upon release from a juvenile justice residential or
539 nonresidential program.

540 2. One or more of the following outcomes for a youth who is
541 15 years of age or older:

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

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

551 c. Attaining a high school diploma or its equivalent and
552 participating in continuing education at the postsecondary level

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553 upon release from a juvenile justice residential or
554 nonresidential program.

555 d. Attaining a high school diploma or its equivalent and
556 obtaining employment.

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

561 f. Attaining occupational completion points in an
562 occupational area of high demand and obtaining employment.

563 g. Attaining occupational completion points in an
564 occupational area of high demand identified in the Industry
565 Certification Funding list adopted by the State Board of
566 Education and, upon release from a juvenile justice residential
567 or nonresidential program, participating in continuing education
568 in order to complete the industry certification in that
569 occupation.

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

574
575 For purposes of performance ratings, juvenile justice
576 residential and nonresidential education programs, excluding
577 detention centers, shall be held accountable for the performance
578 outcomes of youth for no more than 6 months after the release of
579 youth from the residential or nonresidential program. This
580 subsection does not abrogate the provisions of s. 1002.22 which

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581 relate to education records or the requirements of 20 U.S.C. s.
582 1232g, the Family Educational Rights and Privacy Act.

583 (8) PROGRAM ACCOUNTABILITY.—

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

586 1. Monitor the education performance of youth in juvenile
587 justice facilities.

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

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

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

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

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609 criteria as provided in subsection (7).

610 (d) When determining educational placement for youth who
611 enroll in a school district upon release, the school district
612 must adhere to the transition plan established under s.
613 985.46(6).

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

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

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

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

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

631 (b) Enroll in a program to complete the industry
632 certification;

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

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

636 (10) EDUCATION TRANSITION PLAN COMPONENT.—

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

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

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

655 (d) Education planning for reintegration shall begin when
656 placement decisions are made and continue throughout the youth's
657 stay in order to provide for continuing education, job
658 placement, and other necessary services. Individuals who are
659 responsible for reintegration shall coordinate activities to
660 ensure that the education transition plan component is
661 successfully implemented and a youth is provided access to
662 support services that will sustain the youth's success once he
663 or she is no longer under the supervision of the Department of
664 Juvenile Justice. The education transition plan component must

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665 provide for continuing education, workforce development, or
666 meaningful job placement pursuant to the performance outcomes in
667 subsection (7). For purposes of this section, the term
668 "reintegration" means the process by which a youth returns to
669 the community following release from a juvenile justice program.

670 (11) FUNDING.—

671 (a) Youth who are participating in GED preparation programs
672 while under the supervision of the Department of Juvenile
673 Justice shall be funded at the basic program cost factor for
674 juvenile justice programs in the Florida Education Finance
675 Program (FEFP). Juvenile justice education programs shall be
676 funded in the appropriate FEFP program based on the education
677 services needed by the students in the programs pursuant to s.
678 1011.62.

679 (b) Juvenile justice education programs operated through a
680 contract with the Department of Juvenile Justice and under the
681 purview of the department's quality assurance standards and
682 performance outcomes shall receive the appropriate FEFP funding
683 for juvenile justice programs.

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

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

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

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

707 (13) RULEMAKING.—The State Board of Education shall
708 collaborate with the Department of Juvenile Justice, the
709 Department of Economic Opportunity, school districts, and
710 private providers to adopt rules pursuant to ss. 120.536(1) and
711 120.54 to administer this section.

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

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

717 1009.25 Fee exemptions.—

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

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721 institution, or state university:

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

726 Section 13. Paragraph (f) of subsection (1) of section
727 1011.62, Florida Statutes, is amended to read:

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

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

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

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

743 2. Categorical funds for supplemental academic instruction
744 shall be allocated annually to each school district in the
745 amount provided in the General Appropriations Act. These funds
746 shall be in addition to the funds appropriated on the basis of
747 FTE student membership in the Florida Education Finance Program
748 and shall be included in the total potential funds of each

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749 district. These funds shall be used to provide supplemental
750 academic instruction to students enrolled in the K-12 program.
751 Supplemental instruction strategies may include, but are not
752 limited to: modified curriculum, reading instruction, after-
753 school instruction, tutoring, mentoring, class size reduction,
754 extended school year, intensive skills development in summer
755 school, and other methods for improving student achievement.
756 Supplemental instruction may be provided to a student in any
757 manner and at any time during or beyond the regular 180-day term
758 identified by the school as being the most effective and
759 efficient way to best help that student progress from grade to
760 grade and to graduate.

761 3. Effective with the 2012-2013 ~~1999-2000~~ fiscal year,
762 funding on the basis of FTE membership beyond the 180-day
763 regular term shall be provided in the FEFP only for students
764 enrolled in juvenile justice education programs or in education
765 programs for juveniles placed in secure facilities or programs
766 under s. 985.19. Funding for instruction beyond the regular 180-
767 day school year for all other K-12 students shall be provided
768 through the supplemental academic instruction categorical fund
769 and other state, federal, and local fund sources with ample
770 flexibility for schools to provide supplemental instruction to
771 assist students in progressing from grade to grade and
772 graduating.

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

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777 remediation at a postsecondary educational institution.

778 5. ~~Beginning in the 1999-2000 school year,~~ Dropout
779 prevention programs as defined in ss. 1003.515 ~~1003.52~~,
780 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in
781 group 1 programs under subparagraph (d)3.

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

783 -----

784 **T I T L E A M E N D M E N T**

785 Remove the entire title and insert:

786 An act relating to juvenile justice education and workforce
787 programs; amending s. 985.03, F.S.; providing a definition for
788 the term "juvenile justice education programs" for purposes of
789 the act; amending s. 985.46, F.S.; requiring that each juvenile
790 committed to a juvenile justice commitment program have a
791 transition plan upon release; requiring that the transition plan
792 include an education transition plan component and information
793 regarding delinquency treatment and intervention services that
794 are accessible upon exiting the program; amending s. 985.618,
795 F.S.; providing legislative intent regarding juvenile justice
796 education and workforce-related programs; requiring that the
797 Department of Juvenile Justice, in collaboration with the
798 Department of Education, annually verify that each juvenile
799 justice education program meets specified minimum standards;
800 requiring that the department collaborate with certain entities
801 to adopt rules; amending s. 985.632, F.S.; conforming provisions
802 to changes made by the act; requiring that the Department of
803 Education rather than the Department of Juvenile Justice ensure
804 that there is accurate cost accounting for certain education

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 949 (2012)

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805 programs; requiring that the Department of Education submit
806 annual cost data to the department; requiring that the
807 effectiveness of juvenile justice education programs be
808 determined by implementing systematic data collection, data
809 analysis, and evaluations; requiring that the programs be
810 evaluated based on student performance outcomes; requiring that
811 the Department of Juvenile Justice, in collaboration with the
812 Department of Education and in consultation with other entities,
813 prepare and submit an annual report to the Governor and the
814 Legislature by a specified date; amending s. 985.721, F.S.;
815 conforming a cross-reference; amending s. 1001.42, F.S.;
816 conforming provisions to changes made by the act; conforming a
817 cross-reference; amending ss. 1002.20 and 1002.45, F.S.;
818 conforming cross-references; amending s. 1003.01, F.S.; revising
819 the term "juvenile justice education programs or schools" to
820 conform to changes made by the act; creating s. 1003.515, F.S.;
821 providing a short title; providing a legislative finding;
822 providing purposes of the Florida Juvenile Justice Education
823 Act; providing a definition for the term "juvenile justice
824 education programs"; providing responsibilities for school
825 districts and private providers contracted by school districts
826 to offer education services to youth in juvenile justice
827 education programs; requiring that each juvenile justice
828 residential and nonresidential program involve the regional
829 workforce board or economic development agency and local
830 postsecondary institutions to determine the occupational areas
831 for the education and workforce-related program; providing
832 requirements for education and workforce-related services in

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833 juvenile justice programs; providing responsibilities for the
834 Department of Education; requiring that the department identify
835 each juvenile justice residential and nonresidential education
836 program, excluding detention programs, by performance ratings;
837 providing criteria for determining performance ratings;
838 requiring that the department make available a common student
839 pre- and post-assessment to measure the academic progress in
840 reading and mathematics of youth in juvenile justice education
841 programs; requiring that juvenile justice residential and
842 nonresidential education programs, excluding detention centers,
843 be held accountable for student performance outcomes for a
844 specified period after youth are released from the programs;
845 providing for program accountability; requiring that the
846 department monitor the education performance of youth, prohibit
847 certain school district or private providers, under specified
848 circumstances, from delivering education services, and verify
849 that a school district is operating or contracting to deliver
850 education services; providing for a school district's
851 responsibilities; requiring that a youth who exits the program
852 attain an industry certification, enroll in a program to
853 complete the industry certification, be gainfully employed, or
854 enroll in and continue his or her education based on a
855 transition plan; requiring that an education transition plan
856 component be incorporated in a youth's transition plan;
857 requiring that each juvenile justice education program develop
858 the education transition plan component during the course of the
859 youth's stay in a juvenile justice residential or nonresidential
860 program; providing funding requirements for the juvenile justice

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Bill No. HB 949 (2012)

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861 education programs; prohibiting a district school board from
862 being charged rent, maintenance, utilities, or overhead on
863 facilities; requiring that the Department of Juvenile Justice
864 provide maintenance, repairs, and remodeling of existing
865 facilities; requiring that the State Board of Education
866 collaborate with the Department of Juvenile Justice, the
867 Department of Economic Opportunity, school districts, and
868 private providers to adopt rules; repealing s. 1003.52, F.S.,
869 relating to educational services in Department of Juvenile
870 Justice programs; amending s. 1009.25, F.S.; providing an
871 exemption from the payment of postsecondary education fees and
872 tuition for certain youth who are ordered by a court to
873 participate in a juvenile justice residential program; amending
874 s. 1011.62, F.S.; extending dates relating to the funding of
875 students who are enrolled in juvenile justice education programs
876 or in education programs for juveniles placed in secure
877 facilities; conforming a cross-reference; providing an effective
878 date.