

ENROLLED

CS/HB 723

2021 Legislature

1
2 An act relating to juvenile justice education
3 programs; amending s. 1003.01, F.S.; redefining the
4 term "juvenile justice education programs or schools";
5 amending s. 1003.51, F.S.; increasing the percentage
6 of certain funds that must be spent on specified
7 costs; clarifying that Department of Juvenile Justice
8 education programs are entitled to certain funds;
9 requiring such funds to be spent in a certain manner;
10 amending 1003.52, F.S.; requiring that contracts
11 between district school boards and juvenile justice
12 education programs be in writing; providing a
13 timeframe within which district school boards and
14 juvenile justice education programs must negotiate and
15 execute their contracts; authorizing an extension of
16 time; requiring the Department of Education to provide
17 mediation services for certain disputes; requiring
18 district school boards satisfy certain invoices within
19 a specified timeframe; requiring district school
20 boards that fail to timely issue a warrant for payment
21 to also pay interest at a specified rate to the
22 juvenile justice education program; prohibiting school
23 boards from delaying certain payments pending receipt
24 of local funds; conforming a cross-reference;
25 providing an effective date.

ENROLLED

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

Section 1. Paragraph (a) of subsection (11) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:
 (11) (a) "Juvenile justice education programs or schools" means programs or schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, for a school year composed ~~comprised~~ of 250 days of instruction, or the equivalent expressed in hours as specified in State Board of Education rule, distributed over 12 months. If the period of operation is expressed in hours, the State Board of Education must review the calculation annually. The use of the equivalent expressed in hours is only applicable to nonresidential programs. At the request of the provider, a district school board may decrease the minimum number of days of instruction by up to 10 days for teacher planning for residential programs and up to 20 days or equivalent hours as specified in the State Board of Education rule for teacher planning for nonresidential programs, subject to the approval of the Department of Juvenile Justice and the Department of Education.

Section 2. Paragraph (i) of subsection (2) of section 1003.51, Florida Statutes, is amended to read:

ENROLLED

CS/HB 723

2021 Legislature

51 1003.51 Other public educational services.—

52 (2) The State Board of Education shall adopt rules
53 articulating expectations for effective education programs for
54 students in Department of Juvenile Justice programs, including,
55 but not limited to, education programs in juvenile justice
56 prevention, day treatment, residential, and detention programs.
57 The rule shall establish policies and standards for education
58 programs for students in Department of Juvenile Justice programs
59 and shall include the following:

60 (i) Funding requirements, which must provide ~~shall include~~
61 ~~the requirement~~ that at least 95 ~~90~~ percent of the FEFP funds
62 generated by students in Department of Juvenile Justice programs
63 or in an education program for juveniles under s. 985.19 must be
64 spent on instructional costs for those students. Department of
65 Juvenile Justice education programs are entitled to 100 ~~one~~
66 ~~hundred~~ percent of the formula-based categorical funds generated
67 by students in Department of Juvenile Justice programs. Such
68 funds must be spent on appropriate categoricals, such as
69 instructional materials and public school technology for those
70 students.

71 Section 3. Present paragraphs (a) and (b) of subsection
72 (3) of section 1003.52, Florida Statutes, are redesignated as
73 paragraphs (c) and (d), respectively, and new paragraphs (a) and
74 (b) are added to that subsection, and paragraph (a) of
75 subsection (17) of that section is amended, to read:

ENROLLED

CS/HB 723

2021 Legislature

76 | 1003.52 Educational services in Department of Juvenile
77 | Justice programs.—

78 | (3) The district school board of the county in which the
79 | juvenile justice education prevention, day treatment,
80 | residential, or detention program is located shall provide or
81 | contract for appropriate educational assessments and an
82 | appropriate program of instruction and special education
83 | services.

84 | (a) All contracts between a district school board desiring
85 | to contract directly with juvenile justice education programs to
86 | provide academic instruction for students in such programs must
87 | be in writing. Unless both parties agree to an extension of
88 | time, the district school board and the juvenile justice
89 | education program shall negotiate and execute a new or renewal
90 | contract within 40 days after the district school board provides
91 | the proposal to the juvenile justice education program. The
92 | Department of Education shall provide mediation services for any
93 | disputes relating to this paragraph.

94 | (b) District school boards shall satisfy invoices issued
95 | by juvenile justice education programs within 15 working days
96 | after receipt. If a district school board does not timely issue
97 | a warrant for payment, it must pay to the juvenile justice
98 | education program interest at a rate of 1 percent per month,
99 | calculated on a daily basis, on the unpaid balance until such
100 | time as a warrant is issued for the invoice and accrued interest

ENROLLED

CS/HB 723

2021 Legislature

101 amount. The district school board may not delay payment to a
 102 juvenile justice education program of any portion of funds owed
 103 pending the district's receipt of local funds.

104 (17) The department, in collaboration with the Department
 105 of Juvenile Justice, shall collect data and report on
 106 commitment, day treatment, prevention, and detention programs.
 107 The report shall be submitted to the President of the Senate,
 108 the Speaker of the House of Representatives, and the Governor by
 109 February 1 of each year. The report must include, at a minimum:

110 (a) The number and percentage of students who:

111 1. Return to an alternative school, middle school, or high
 112 school upon release and the attendance rate of such students
 113 before and after participation in juvenile justice education
 114 programs.

115 2. Receive a standard high school diploma or a high school
 116 equivalency diploma.

117 3. Receive industry certification.

118 4. Enroll in a postsecondary educational institution.

119 5. Complete a juvenile justice education program without
 120 reoffending.

121 6. Reoffend within 1 year after completion of a day
 122 treatment or residential commitment program.

123 7. Remain employed 1 year after completion of a day
 124 treatment or residential commitment program.

125 8. Demonstrate learning gains pursuant to paragraph (3) (d)

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2021 Legislature

126 | ~~(3)(b).~~

127 | Section 4. This act shall take effect July 1, 2021.