

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 417 Educational Services in Department of Juvenile Justice Programs

SPONSOR(S): López, J. and others

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 1266

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Quality Subcommittee	15 Y, 0 N	Collins	Sanchez
2) PreK-12 Appropriations Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

Current law requires specified educational services to be provided to children in Department of Juvenile Justice (DJJ) programs and establishes the educational expectations for DJJ youth in such programs. Educational services consist of basic academic, career, or exceptional curricula that support treatment goals and reentry, and that may lead to the completion of a high school diploma or its equivalent.

Furthermore, school districts must provide the high school equivalency examination exit option for students enrolled in all juvenile justice education programs.

The bill requires school districts to annually provide certain students in a juvenile justice program with at least one opportunity to take the high school equivalency examination at no cost to the students.

The estimated fiscal impact on local government expenditures is \$1.1 million. See Fiscal Analysis

The bill has an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Educational Services in DJJ Programs

Section 1003.52, F.S., requires specified educational services to be provided to children in DJJ programs and establishes the educational expectations for DJJ youth in such programs.¹ The Department of Education (DOE) is the lead agency for juvenile justice education programs, curriculum, support services, and resources; however, district school boards are responsible for actually providing educational services to youth in juvenile justice programs.² Educational services consist of basic academic, career, or exceptional curricula that support treatment goals and reentry, and that may lead to the completion of a high school diploma or its equivalent.³ These services can be provided by the district school board itself or by a private provider through a contract with the district school board.⁴

Students who do not attend a local public school due to their placement in a DJJ detention, prevention, residential, or day treatment program are provided high-quality and effective educational programs by the local school district in which the DJJ facility is located or by a provider through a contract with the local school district.⁵ Each program must be conducted according to applicable law providing for the operation of public schools and rules of the State Board of Education (SBE).⁶

The district school board must make provisions for each student to participate in basic, Career and Professional Education, and exceptional student programs as appropriate. Students served in DJJ education programs have access to the appropriate courses and instruction to prepare them for the high school equivalency examination. School districts must provide the high school equivalency examination exit option for all juvenile justice education programs.⁷

Annually, DJJ and DOE must develop a cooperative agreement and plan for juvenile justice education service enhancement, which must be submitted to the Secretary of DJJ and the Commissioner of Education. The plan must include, at a minimum, each agency's role regarding educational program accountability, technical assistance, training, and coordination of services.⁸

Each district school board must negotiate a cooperative agreement with DJJ regarding the delivery of educational programming to DJJ youth. These agreements must include provisions that address certain issues, such as:

- Curriculum and delivery of instruction;
- Classroom management procedures and attendance policies;
- Procedures for provision of qualified instructional personnel;
- Improving skills in teaching and working with juvenile delinquents;
- Transition plans for students moving into and out of juvenile facilities; and
- Deficiencies found through the quality assurance process and strategies for correcting such deficiencies.⁹

¹ Section 1003.52, F.S.

² Section 1003.52(1), (3), and (4), F.S.

³ Section 1003.52(5), F.S.

⁴ Section 1003.52(12), F.S.

⁵ Rule 6A-6.05281(2), F.A.C.

⁶ Section 1003.52(3)(c), F.S.

⁷ *Id.*

⁸ Section 1003.52(1), F.S.

⁹ Section 1003.52(14), F.S.

High School Equivalency Diploma Program

The high school equivalency exit option offers students who are off track to graduate with their kindergarten cohort an opportunity to earn a high school diploma by successfully passing the standard GED test. Students participating in the exit option may not graduate prior to their kindergarten cohort. Participation in this model is voluntary and requires parental notification and consent. Entry and exit policies must conform to state compulsory attendance requirements, as well as district daily attendance policies.

Any eligible student currently enrolled in a PK-12 program, including special programs such as exceptional student education, dropout prevention, teenage parent, DJJ, and English for Speakers of Other languages (ESOL) may participate in the exit option. To be eligible for the high school equivalency diploma exit option, a student must, at a minimum, be:

- At least 16 years old and currently enrolled in a PK-12 program;
- Enrolled in and attending high school courses that meet high school graduation requirements as specified in s.1003.4282, F.S.;
- In jeopardy of not graduating with their kindergarten cohort because they are overage for grade, behind in credits, or have a low grade point average (GPA);
- Assessed at a seventh-grade reading level or higher at the time of selection (ninth grade or higher at the time of testing for the State of Florida High School Diploma authorized under Rule 6A-6.0201, F.A.C.), as documented by the Test of Adult Basic Education (TABE) reading component or other assessment to determine grade level proficiency.¹⁰

A candidate for a high school equivalency diploma must be at least 18 years of age on the date of the examination, except that in extraordinary circumstances, as provided for in rules of the district school board of the district in which the candidate resides or attends school, a candidate may take the examination after reaching the age of 16.¹¹ A school district board may not require a student who is 16 or older to take any course before taking the examination unless the student fails to achieve a passing score on the GED practice test.¹²

Funding of Students Enrolled in Juvenile Justice Education Programs

Funding for eligible students enrolled in juvenile justice education programs is provided through the Florida Education Finance Program (FEFP).¹³ Students participating in high school equivalency examination preparation programs are funded at the basic program cost factor for DJJ programs in the FEFP.¹⁴

At least 95 percent of the FEFP funds generated by students in DJJ programs or in an education program for juveniles must be spent on instructional costs for those students.¹⁵ One hundred percent of the formula-based categorical funds¹⁶ generated by students in DJJ programs must be spent on appropriate categoricals such as instructional materials and public school technology for those students.¹⁷

Effect of the Bill

The bill requires school districts to provide students who are 16 years of age or older and enrolled in a juvenile justice education program, the opportunity to take the high school equivalency examination at least once a year at no cost to the student.

¹⁰ Rule 6A-6.0212, F.A.C.

¹¹ Section 1003.435(4)(a), F.S.

¹² Section 1003.435(4)(b), F.S.

¹³ Sections 1011.62, F.S. and s. 1003.52(13)(a), F.S. Students enrolled in DJJ education programs are funded the same as students enrolled in traditional public schools.

¹⁴ Section 1003.52(3)(c), F.S.; *See* 1003.52(13)(a), F.S.

¹⁵ Section 1003.51(2)(i), F.S.

¹⁶ Section 1003.51(2)(i), F.S.; *See* section 1011.62(10), F.S.

¹⁷ Section 1003.51(2)(i), F.S.

B. SECTION DIRECTORY:

Section 1: Amends s. 1003.52, F.S., requiring school districts to annually provide certain students in a juvenile justice program with at least one opportunity to take the high school equivalency examination at no cost to the students.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

This bill would require school districts to provide all students who are 16 years old and older and participate in juvenile justice education programs the opportunity to take the General Educational Development (GED) exam at least once annually at no cost to them. The cost per student to take this exam is \$128 (\$32 for each of the four subject areas included in the exam). Based on 2022-23 student enrollment and the age of students at the time that data was collected, an estimated 9,008 students might take advantage of the free testing, for a total statewide cost of \$1,153,024 to school districts. The actual cost would depend on the number of students who opted to take the GED exam, and the cost would vary among school districts based on the number of qualified candidates who opted to take the GED.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.