

House Bill No. 1989

An act relating to juvenile justice; amending s. 985.02, F.S.; requiring gender-specific programming within the Department of Juvenile Justice for children in this state; requiring the Office of Program Policy Analysis and Government Accountability to conduct an analysis of gender-specific programs in the Department of Juvenile Justice; providing certain gender-specific information to be included in the analysis; reenacting s. 985.3045(1) and (3), F.S., relating to prevention service programs, for the purpose of incorporating the amendment to s. 985.02, F.S., in references thereto; amending s. 1003.51, F.S.; increasing the percentage of Florida Education Finance Program funding generated by students in juvenile justice programs which must be spent on instructional costs; amending s. 1003.52, F.S.; requiring school districts to provide the GED exit option for juvenile justice programs; requiring the Department of Education, by a specified date, to select a student assessment instrument and protocol for measuring student learning gains and student progression in juvenile justice education programs; requiring the instrument and protocol to be implemented statewide by a specified date; requiring that students in juvenile justice education programs have access to Florida Virtual School courses; requiring the department and the school districts to adopt policies ensuring such access; providing that juvenile justice teachers are eligible for all teacher recruitment and retention programs; providing that juvenile justice education programs are eligible for all federal funds; deleting a reference to second chance schools; revising requirements for the plan for career and technical education; amending s. 1010.20, F.S.; increasing the percentage of the funds generated by juvenile justice programs which the school district must expend on those programs; requiring a workgroup to suggest strategies for meeting the requirements of the No Child Left Behind Act and for rewarding juvenile justice education programs for high performance; requiring the department to report the findings of the workgroup to legislative leaders by a specified date; amending ss. 985.412 and 1001.42, F.S., to conform; providing an effective date.

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

Section 1. Subsection (1) of section 985.02, Florida Statutes, is amended, and subsection (8) is added to said section, to read:

985.02 Legislative intent for the juvenile justice system.—

(1) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of the Legislature that the children of this state be provided with the following protections:

(a) Protection from abuse, neglect, and exploitation.

- (b) A permanent and stable home.
- (c) A safe and nurturing environment which will preserve a sense of personal dignity and integrity.
- (d) Adequate nutrition, shelter, and clothing.
- (e) Effective treatment to address physical, social, and emotional needs, regardless of geographical location.
- (f) Equal opportunity and access to quality and effective education, which will meet the individual needs of each child, and to recreation and other community resources to develop individual abilities.
- (g) Access to preventive services.
- (h) An independent, trained advocate when intervention is necessary, and a skilled guardian or caretaker in a safe environment when alternative placement is necessary.
- (i) Gender-specific programming and gender-specific program models and services that comprehensively address the needs of a targeted gender group.

(8) GENDER-SPECIFIC PROGRAMMING.—

(a) The Legislature finds that the prevention, treatment, and rehabilitation needs of youth served by the juvenile justice system are gender-specific.

(b) Gender-specific programming refers to unique program models and services that comprehensively address the needs of a targeted gender group. Gender-specific services require the adherence to the principle of equity to ensure that the different interests of young women and men are recognized and varying needs are met, with equality as the desired outcome. Gender-specific programming focuses on the differences between young females' and young males' roles and responsibilities, positions in society, access to and use of resources, and social codes governing behavior. Gender-specific programs increase the effectiveness of programs by making interventions more appropriate to the specific needs of young women and men and ensuring that these programs do not unknowingly create, maintain, or reinforce gender roles or relations that may be damaging.

(c) The Office of Program Policy Analysis and Government Accountability shall conduct an analysis of programs for young females within the Department of Juvenile Justice. The analysis shall address the nature of young female offenders in this state, the percentage of young females who are incarcerated in the juvenile justice system for status offenses and violations of probation, and whether these young females could be better served in less costly community-based programs. In addition, the review shall analyze whether existing juvenile justice programs are designed to meet the gender-specific needs of young females and an analysis of the true cost of providing gender-specific services to young females.

Section 2. For the purpose of incorporating the amendment to section 985.02, Florida Statutes, in references thereto, subsections (1) and (3) of section 985.3045, Florida Statutes, are reenacted to read:

985.3045 Prevention service program; monitoring; report; uniform performance measures.—

(1) The department's prevention service program shall monitor all state-funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984, in order to inform the Governor and the Legislature concerning efforts designed to further the policy of the state concerning juvenile justice and delinquency prevention, consistent with ss. 984.02 and 985.02.

(3) The department shall expend funds related to the prevention of juvenile delinquency in a manner consistent with the policies expressed in ss. 984.02 and 985.02. The department shall expend said funds in a manner that maximizes public accountability and ensures the documentation of outcomes.

(a) All entities that receive or use state moneys to fund juvenile delinquency prevention services through contracts or grants with the department shall design the programs providing such services to further one or more of the strategies specified in paragraphs (2)(a)-(d).

(b) The department shall develop an outcome measure for each program strategy specified in paragraphs (2)(a)-(d) that logically relates to the risk factor addressed by the strategy.

(c) All entities that receive or use state moneys to fund the juvenile delinquency prevention services through contracts or grants with the department shall, as a condition of receipt of state funds, provide the department with personal demographic information concerning all participants in the service sufficient to allow the department to verify criminal or delinquent history information, school attendance or academic information, employment information, or other requested performance information.

Section 3. Paragraph (g) of subsection (2) of section 1003.51, Florida Statutes, is amended to read:

1003.51 Other public educational services.—

(2) The State Board of Education shall adopt and maintain an administrative rule articulating expectations for effective education programs for youth in Department of Juvenile Justice programs, including, but not limited to, education programs in juvenile justice commitment and detention facilities. The rule shall articulate policies and standards for education programs for youth in Department of Juvenile Justice programs and shall include the following:

(g) Funding requirements, which shall include the requirement that at least ~~90~~ 80 percent of the FEFP funds generated by students in Department of Juvenile Justice programs be spent on instructional costs for those students. One hundred percent of the formula-based categorical funds generated by students in Department of Juvenile Justice programs must be spent on appropriate categoricals such as instructional materials and public school technology for those students.

Section 4. Subsections (1), (2), (3), (4), (9), (10), (12), (19), (20), (21), (22), and (23) of section 1003.52, Florida Statutes, are amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

(1) The Legislature finds that education is the single most important factor in the rehabilitation of adjudicated delinquent youth in the custody of the Department of Juvenile Justice ~~programs in detention or commitment facilities~~. It is the goal of the Legislature that youth in the juvenile justice system continue to be allowed the opportunity to obtain a high quality education. The Department of Education shall serve as the lead agency for juvenile justice education programs, curriculum, support services, and resources. To this end, the Department of Education and the Department of Juvenile Justice shall each designate a Coordinator for Juvenile Justice Education Programs to serve as the point of contact for resolving issues not addressed by district school boards and to provide each department's participation in the following activities:

(a) Training, collaborating, and coordinating with the Department of Juvenile Justice, district school boards, educational contract providers, and juvenile justice providers, whether state operated or contracted.

(b) Collecting information on the academic performance of students in juvenile justice ~~commitment and detention~~ programs and reporting on the results.

(c) Developing academic and career and technical protocols that provide guidance to district school boards and providers in all aspects of education programming, including records transfer and transition.

(d) Prescribing the roles of program personnel and interdepartmental district school board or provider collaboration strategies.

Annually, a cooperative agreement and plan for juvenile justice education service enhancement shall be developed between the Department of Juvenile Justice and the Department of Education and submitted to the Secretary of Juvenile Justice and the Commissioner of Education by June 30.

(2) Students participating in Department of Juvenile Justice ~~programs a detention, commitment, or rehabilitation program~~ pursuant to chapter 985 which are is sponsored by a community-based agency or are is operated or contracted for by the Department of Juvenile Justice shall receive educational programs according to rules of the State Board of Education. These

students shall be eligible for services afforded to students enrolled in programs pursuant to s. 1003.53 and all corresponding State Board of Education rules.

(3) The district school board of the county in which the residential or nonresidential care facility or juvenile assessment facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services.

(a) The district school board shall make provisions for each student to participate in basic, career and technical education, and exceptional student programs as appropriate. Students served in Department of Juvenile Justice programs shall have access to the appropriate courses and instruction to prepare them for the GED test. Students participating in GED preparation programs shall be funded at the basic program cost factor for Department of Juvenile Justice programs in the Florida Education Finance Program. Each program shall be conducted according to applicable law providing for the operation of public schools and rules of the State Board of Education. School districts shall provide the GED exit option for all juvenile justice programs.

(b) By October 1, 2004, the Department of Education, with the assistance of the school districts, shall select a common student assessment instrument and protocol for measuring student learning gains and student progression while a student is in a juvenile justice education program. The assessment instrument and protocol must be implemented in all juvenile justice education programs in this state by January 1, 2005.

(4) Educational services shall be provided at times of the day most appropriate for the juvenile justice program. School programming in juvenile justice detention, commitment, and rehabilitation programs shall be made available by the local school district during the juvenile justice school year, as defined in s. 1003.01(11)(12). In addition, students in juvenile justice education programs shall have access to Florida Virtual School courses. The Department of Education and the school districts shall adopt policies necessary to ensure such access.

(9) The Department of Education shall ensure that all district school boards make provisions for high school level ~~committed~~ youth to earn credits toward high school graduation while in residential and nonresidential juvenile justice facilities. Provisions must be made for the transfer of credits and partial credits earned.

(10) The district school board shall recruit and train teachers who are interested, qualified, or experienced in educating students in juvenile justice programs. Students in juvenile justice programs shall be provided a wide range of educational programs and opportunities including textbooks, technology, instructional support, and other resources available to students in public schools. Teachers assigned to educational programs in juvenile justice settings in which the district school board operates the educational program shall be selected by the district school board in consultation with the director of the juvenile justice facility. Educational programs in juvenile justice facilities shall have access to the substitute teacher pool utilized by the district

school board. Full-time teachers working in juvenile justice schools, whether employed by a district school board or a provider, shall be eligible for the critical teacher shortage tuition reimbursement program as defined by s. 1009.58 and other teacher recruitment and retention programs.

(12) The district school board shall fund the educational program in a Department of Juvenile Justice facility at the same or higher level of funding for equivalent students in the district school system based on the funds generated by state funding through the Florida Education Finance Program for such students. It is the intent of the Legislature that the school district maximize its available local, state, and federal funding to a juvenile justice program.

(a) Juvenile justice educational programs shall be funded in the appropriate FEFP program based on the educational services needed by the student for Department of Juvenile Justice programs in accordance with s. 1011.62.

(b) Juvenile justice educational programs to receive the appropriate FEFP funding for Department of Juvenile Justice programs shall include those operated through a contract with the Department of Juvenile Justice and which are under purview of the Department of Juvenile Justice quality assurance standards for education.

(c) Consistent with the rules of the State Board of Education, district school boards are required to request an alternative FTE survey for Department of Juvenile Justice programs experiencing fluctuations in student enrollment.

(d) FTE count periods shall be prescribed in rules of the State Board of Education and shall be the same for programs of the Department of Juvenile Justice as for other public school programs. The summer school period for students in Department of Juvenile Justice programs shall begin on the day immediately following the end of the regular school year and end on the day immediately preceding the subsequent regular school year. Students shall be funded for no more than 25 hours per week of direct instruction.

(e) Each juvenile justice education program must receive all federal funds for which the program is eligible.

~~(19) Department of Juvenile Justice detention and commitment programs may be designated as second chance schools pursuant to s. 1003.53(1)(d). Admission to such programs shall be governed by chapter 985.~~

~~(19)~~⁽²⁰⁾ The Department of Education and the Department of Juvenile Justice, after consultation with and assistance from local providers and district school boards, shall report annually to the Legislature by February 1 on the progress toward developing effective educational programs for juvenile delinquents, including the amount of funding provided by district school boards to juvenile justice programs, the amount retained for administration including documenting the purposes for such expenses, the status of the development of cooperative agreements, the results of the quality assurance

reviews including recommendations for system improvement, and information on the identification of, and services provided to, exceptional students in juvenile justice commitment facilities to determine whether these students are properly reported for funding and are appropriately served.

~~(20)~~(21) The educational programs at the Arthur Dozier School for Boys in Jackson County and the Florida School for Boys in Okeechobee shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public or duly accredited education agencies approved by the Department of Education.

~~(21)~~(22) The State Board of Education may adopt any rules necessary to implement the provisions of this section, including uniform curriculum, funding, and second chance schools. Such rules must ~~shall~~ require the minimum amount of paperwork and reporting.

~~(22)~~(23) The Department of Juvenile Justice and the Department of Education ~~shall~~, in consultation with Workforce Florida, Inc., the statewide Workforce Development Youth Council, district school boards, community colleges, providers, and others, shall jointly develop a multiagency plan for career and technical education which describes the funding, curriculum, transfer of credits, goals, and outcome measures for career and technical education programming in juvenile commitment facilities, pursuant to s. 985.3155. The plan must be reviewed annually.

Section 5. Paragraph (a) of subsection (3) of section 1010.20, Florida Statutes, is amended to read:

1010.20 Cost accounting and reporting for school districts.—

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(a) Each district shall expend at least the percent of the funds generated by each of the programs listed in this section on the aggregate total school costs for such programs:

1. Kindergarten and grades 1, 2, and 3, 90 percent.
2. Grades 4, 5, 6, 7, and 8, 80 percent.
3. Grades 9, 10, 11, and 12, 80 percent.
4. Programs for exceptional students, on an aggregate program basis, 90 percent.
5. Grades 7 through 12 career and technical education programs, on an aggregate program basis, 80 percent.
6. Students-at-risk programs, on an aggregate program basis, 80 percent.
7. Juvenile justice programs, on an aggregate program basis, 90 ~~80~~ percent.

8. Any new program established and funded under s. 1011.62(1)(c), that is not included under subparagraphs 1.-7. ~~1.-6.~~, on an aggregate basis as appropriate, 80 percent.

Section 6. The Department of Education and the Department of Juvenile Justice, in collaboration with the school districts, juvenile justice education providers, and the Florida Juvenile Justice Association, shall convene a workgroup to suggest strategies for meeting the requirements of the federal No Child Left Behind Act and for rewarding juvenile justice education programs for high performance based on positive student outcomes. The Department of Education shall report the findings of the workgroup to the President of the Senate and the Speaker of the House of Representatives by December 1, 2004.

Section 7. Subsection (3) of section 985.412, Florida Statutes, is amended to read:

985.412 Quality assurance and cost-effectiveness.—

(3) The department shall annually collect and report cost data for every program operated or contracted by the department. The cost data shall conform to a format approved by the department and the Legislature. Uniform cost data shall be reported and collected for state-operated and contracted programs so that comparisons can be made among programs. The department shall ensure that there is accurate cost accounting for state-operated services including market-equivalent rent and other shared cost. The cost of the educational program provided to a residential facility shall be reported and included in the cost of a program. The department shall submit an annual cost report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature, and the Governor, no later than December 1 of each year. Cost-benefit analysis for educational programs will be developed and implemented in collaboration with and in cooperation with the Department of Education, local providers, and local school districts. Cost data for the report shall include data collected by the Department of Education for the purposes of preparing the annual report required by s. 1003.52(19)(20).

Section 8. Paragraph (e) of subsection (16) of section 1001.42, Florida Statutes, is amended to read:

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

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall include, but is not limited to, the following:

(e) Public disclosure.—Provide information regarding performance of students and educational programs as required pursuant to ss. 1008.22 and 1008.385 and implement a system of school reports as required by statute and State Board of Education rule that shall include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, and for those schools, report on the elements specified in s. 1003.52(19)(20). Annual public disclosure reports shall be in an easy-to-read report card format and shall include the school's student and school performance grade category designation and performance data as specified in state board rule.

Section 9. This act shall take effect July 1, 2004.

Approved by the Governor June 17, 2004.

Filed in Office Secretary of State June 17, 2004.