

Committee Substitute for Committee Substitute for
Committee Substitute for Senate Bill No. 2464

An act relating to juvenile justice education programs; amending s. 230.02, F.S.; providing for district school systems to provide instructional personnel at certain juvenile justice programs; amending s. 230.23161, F.S.; providing legislative intent; prescribing duties for the Department of Juvenile Justice and the Department of Education regarding providing educational instruction to certain delinquent youths; requiring certain delinquent youths to participate in educational programs; allowing full-time teachers in juvenile justice schools to participate in the critical-teacher-shortage tuition-reimbursement program; clarifying the FTE count requirements; requiring a multi-agency plan; amending s. 232.032, F.S.; exempting youths in juvenile justice programs from certain immunization requirements; providing for followup; amending s. 235.1975, F.S.; requiring the Department of Juvenile Justice to notify the Department of Education regarding certain actions taken regarding the construction of new facilities; creating s. 985.3155, F.S.; requiring both departments to develop a plan for vocational education in juvenile justice facilities; providing powers, duties, and guidelines for the plan; requiring a report; amending s. 985.316, F.S.; providing for compulsory participation in education programs by youths in custody; requiring a study; requiring a review and the creation of a plan; providing appropriations; amending s. 228.081, F.S.; clarifying the educational option available to certain students; establishing responsibility for certain fees; amending s. 230.23, F.S.; requiring provision of educational services to certain minors and students who are detained in specified detention facilities; creating s. 951.176, F.S.; requiring provision of educational services to certain minors and students who are detained in specified detention facilities; providing an effective date.

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

Section 1. Section 230.02, Florida Statutes, is amended to read:

230.02 Scope of district system.—A district school system shall include all public schools, classes, and courses of instruction and all services and activities directly related to education in that district which are under the direction of the district school officials. A district school system may also include alternative site schools for disruptive or violent youth. Such schools for disruptive or violent youth may be funded by each district or provided through cooperative programs administered by a consortium of school districts, private providers, state and local law enforcement agencies, and the Department of Juvenile Justice. Pursuant to cooperative agreement, a district school system shall provide instructional personnel at juvenile justice facilities of 50 or more beds or slots with access to the district school system database for the purpose of accessing student academic, immunization and

registration records for students assigned to the programs. Such access shall be in the same manner as provided to other schools in the district.

Section 2. Subsections (1), (5), (7), (11), and (13) of section 230.23161, Florida Statutes, are amended and subsection (24) is added to that section to read:

230.23161 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 in detention or commitment facilities. It is the intent of the Legislature that youth in the juvenile justice system be provided with equal opportunity and access to quality and effective education that will meet the individual needs of each child. The Department of Education shall serve as the lead agency for juvenile justice education programs to ensure that curriculum, support services, and resources are provided to maximize the public's investment in the custody and care of these youth. 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 local district school boards and to ensure each department's participation in the following activities:

(a) Training, collaborating, and coordinating with the Department of Juvenile Justice, local school districts, 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 vocational protocols that provide guidance to school districts and providers in all aspects of education programming, including records transfer and transition.

(d) Prescribing the roles of program personnel and interdepartmental local school district 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.

(5) A school day for any student serviced in a Department of Juvenile Justice program shall be the same as specified in s. 228.041(13). 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 regular school year, as defined in s. 228.041(43) and the summer school by the local school district.

(7) Participation in the program by students of compulsory school attendance age as provided for in s. 232.01 shall be mandatory. All students of noncompulsory school-attendance age who have not received a high school diploma or its equivalent shall participate in the educational program, unless the student files a formal declaration of his or her intent to terminate school enrollment as described in s. 232.01(1)(c) and is afforded the opportunity to take the general education development test and attain a Florida high school general education development diploma prior to release from a facility. A youth who has received a high school diploma or its equivalent and is not employed shall participate in workforce development or other vocational or technical education or community college or university courses while in the program, subject to available funding.

(11) The school district 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 school district operates the educational program shall be selected by the school district 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 school district. Full-time teachers working in juvenile justice schools, whether employed by a school district or a provider, shall be eligible for the critical-teacher-shortage tuition-reimbursement program as defined by s. 240.4064.

(13) The local school district shall fund the education program in a Department of Juvenile Justice facility at the same or higher level of funding for equivalent students in the county 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 education 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. 236.081.

(b) Juvenile justice education programs to receive the appropriate FEFP program 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, local school districts are authorized and 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. ~~The Department of Education shall develop a method which captures all direct instructional time provided to such students during the summer school period.~~

(24) The Department of Juvenile Justice and the Department of Education shall, in consultation with the statewide Workforce Development Youth Council, school districts, providers, and others, jointly develop a multi-agency plan for vocational education which describes the curriculum, goals, and outcome measures for vocational programming in juvenile commitment facilities, pursuant to s. 985.3155.

Section 3. Paragraph (e) of subsection (3) of section 232.032, Florida Statutes, is amended to read:

232.032 Immunization against communicable diseases; school attendance requirements; exemptions.—

(3) The provisions of this section shall not apply if:

(e) An authorized school official issues a temporary exemption, for a period not to exceed 30 school days, to permit a child who transfers into a new county to attend class until his or her records can be obtained. The public school health nurse or authorized nonpublic school official is responsible for followup of each such child until proper documentation or immunizations are obtained. An exemption for 30 days may be issued for a child who enters a juvenile justice program to permit the child to attend class until his or her records can be obtained or until the immunizations can be obtained. An authorized juvenile justice official is responsible for followup of each child who enters a juvenile justice program until proper documentation or immunizations are obtained.

Section 4. Section 235.1975, Florida Statutes, is amended to read:

235.1975 Cooperative Development of Educational Facilities in Juvenile Justice Programs.—

(1) The Department of Juvenile Justice shall provide early notice to school districts regarding the siting of new juvenile justice facilities. School districts shall include the projected number of students in the districts' annual estimates. School districts must ~~should~~ be consulted regarding the types of students expected to be assigned to commitment facilities for education planning and budgeting purposes.

(2) The Department of Juvenile Justice shall notify, in writing, the Department of Education when a request for proposals is issued for the construction or operation of a commitment or detention facility anywhere in the state. The Department of Juvenile Justice shall notify, in writing, the appropriate school district when a request for proposals is issued for the construction or operation of a commitment or detention facility when a county or site is specifically identified.

(3) The Department of Juvenile Justice shall also ~~is also required to~~ notify the district school superintendent within 30 days after: ~~of~~

(a) The award of a contract for the construction or operation of a commitment or detention facility within that school district.

(b) Obtaining a permit to begin construction of a new detention or commitment facility within that school district.

Section 5. Section 985.3155, Florida Statutes, is created to read:

985.3155 Multi-agency plan for vocational education.—

(1) The Department of Juvenile Justice and the Department of Education shall, in consultation with the statewide Workforce Development Youth Council, school districts, providers, and others, jointly develop a multi-agency plan for vocational education that establishes the curriculum, goals, and outcome measures for vocational programs in juvenile commitment facilities. The plan must include:

(a) Provisions for maximizing appropriate state and federal funding sources, including funds under the Workforce Investment Act and the Perkins Act;

(b) The responsibilities of both departments and all other appropriate entities; and

(c) A detailed implementation schedule.

The plan must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by May 1, 2001.

(2) The plan must define vocational programming that is appropriate based upon:

(a) The age and assessed educational abilities and goals of the youth to be served; and

(b) The typical length of stay and custody characteristics at the commitment program to which each youth is assigned.

(3) The plan must include a definition of vocational programming that includes the following classifications of commitment facilities that will offer vocational programming by one of the following types:

(a) Type A.—Programs that teach personal accountability skills and behaviors that are appropriate for youth in all age groups and ability levels and that lead to work habits that help maintain employment and living standards.

(b) Type B.—Programs that include Type A program content and an orientation to the broad scope of career choices, based upon personal abilities, aptitudes, and interests. Exploring and gaining knowledge of occupa-

tion options and the level of effort required to achieve them is an essential prerequisite to skill training.

(c) Type C.—Programs that include Type A program content and the vocational competencies or the prerequisites needed for entry into a specific occupation.

(4) The plan must also address strategies to facilitate involvement of business and industry in the design, delivery, and evaluation of vocational programming in juvenile justice commitment facilities and aftercare programs, including apprenticeship and work experience programs, mentoring and job shadowing, and other strategies that lead to post-release employment. Incentives for business involvement, such as tax breaks, bonding, and liability limits should be investigated, implemented where appropriate, or recommended to the Legislature for consideration.

(5) The Department of Juvenile Justice and the Department of Education shall each align its respective agency policies, practices, technical manuals, contracts, quality-assurance standards, performance-based-budgeting measures, and outcome measures with the plan in commitment facilities by July 31, 2001. Each agency shall provide a report on the implementation of this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives by August 31, 2001.

(6) All provider contracts executed by the Department of Juvenile Justice or the school districts after January 1, 2002, must be aligned with the plan.

(7) The planning and execution of quality assurance reviews conducted by the Department of Education or the Department of Juvenile Justice after August 1, 2002, must be aligned with the plan.

(8) Outcome measures reported by the Department of Juvenile Justice, the Department of Education, and the Juvenile Justice Accountability Board for youth released on or after January 1, 2002, should include outcome measures that conform to the plan.

Section 6. Subsection (5) is added to section 985.316, Florida Statutes, to read:

985.316 Aftercare.—

(5) Participation in the educational program by students of compulsory school attendance age pursuant to s. 232.01 is mandatory for juvenile justice youth on aftercare or postcommitment community control status. A student of noncompulsory school-attendance age who has not received a high school diploma or its equivalent must participate in the educational program. A youth who has received a high school diploma or its equivalent and is not employed must participate in workforce development or other vocational or technical education or attend a community college or a university while in the program, subject to available funding.

Section 7. The Department of Education, in consultation with the Department of Juvenile Justice, school districts, and providers, shall conduct

a study to determine the precise funding level needed to provide the specialized education programs, including academic and vocational programs, to youth in juvenile justice programs. The results of this study may be used to establish a unique program cost factor beginning in fiscal year 2001-2002 for juvenile justice education programs. The results of the study must be presented to the Governor and Legislature by January 1, 2001. The sum of \$100,000 in nonrecurring general revenue is appropriated from the General Revenue Fund to the Department of Education for the purpose of conducting the study.

Section 8. The Department of Education, in consultation with the Department of Juvenile Justice, shall conduct a review and analysis of existing education facilities in Department of Juvenile Justice facilities to determine the adequacy of the facilities for educational use. This information must be used to generate a 3-year plan to provide adequate space, equipment, furnishings, and technology, including retrofitting. The Department of Education shall submit this plan to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Juvenile Justice by January 1, 2001. The plan must contain sufficient detail for the development of a fixed capital outlay budget request. The sum of \$100,000 in nonrecurring general revenue is appropriated from the General Revenue Fund to the Department of Education for the purpose of conducting the study.

Section 9. Subsection (4) of section 228.081, Florida Statutes, is amended to read:

228.081 Other public educational services.—

(4) The Department of Education shall ensure that school districts notify students in juvenile justice residential or nonresidential facilities who attain the age of 16 years of the provisions of s. 232.01(1)(c) regarding compulsory school attendance and make available the option of enrolling in a program to attain a Florida high school general education development diploma by taking the general education development test prior to release from the facility. School districts or community colleges, or both, shall waive GED testing fees for youth in Department of Juvenile Justice residential programs and shall, upon request, designate schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs as GED testing centers, subject to GED testing center requirements. The administrative fees for the general education development test required by the Department of Education are the responsibility of school districts and may be required of providers by contractual agreement.

Section 10. Paragraph (p) is added to subsection (4) of section 230.23, Florida Statutes, to read:

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

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establish-

ment, organization, and operation of the schools of the district, including, but not limited to, the following:

(p) Educational services in detention facilities.—Minors who have not graduated from high school and eligible students with disabilities under the age of 22 who have not graduated with a standard diploma or its equivalent who are detained in a county or municipal detention facility as defined in s. 951.23 shall be offered educational services by the local school district in which the facility is located. These educational services shall be based upon the estimated length of time the youth will be in the facility and the youth's current level of functioning. School district superintendents or their designees shall be notified by the county sheriff or chief correctional officer, or his or her designee, upon the assignment of a youth under the age of 21 to the facility. A cooperative agreement with the local school district and applicable law enforcement units shall be developed to address the notification requirement and the provision of educational services to these youth.

Section 11. Section 951.176, Florida Statutes, is created to read:

951.176 Provision of education programs for youth.—Minors who have not graduated from high school and eligible students with disabilities under the age of 22 who have not graduated with a standard diploma or its equivalent who are detained in a county or municipal detention facility as defined in s. 951.23 shall be offered educational services by the local school district in which the facility is located. These educational services shall be based upon the estimated length of time the youth will be in the facility and the youth's current level of functioning. School district superintendents or their designees shall be notified by the county sheriff or chief correctional officer, or his or her designee, upon the assignment of a youth under the age of 21 to the facility. A cooperative agreement with the local school district and applicable law enforcement units shall be developed to address the notification requirement and the provision of educational services to these youth.

Section 12. This act shall take effect July 1, 2000.

Approved by the Governor May 17, 2000.

Filed in Office Secretary of State May 17, 2000.