

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 441 Juvenile Justice Education Programs

SPONSOR(S): Choice & Innovation Subcommittee, Adkins

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1406

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	13 Y, 0 N, As CS	Thomas	Fudge
2) Appropriations Committee	24 Y, 0 N	Toms	Leznoff
3) Education Committee	18 Y, 0 N	Thomas	Mizereck

SUMMARY ANALYSIS

The bill makes changes to the provisions of law that govern the accountability, deliverance, and review of juvenile justice education programs that provide educational services to students within the Department of Juvenile Justice (DJJ).

The bill revises the accountability of juvenile justice education programs (program) by:

- Requiring cost and effectiveness information on programs and program activities be provided in order to compare, improve, or eliminate a program or program activity.
- Requiring program and program activity cost and effectiveness data be provided to the Legislature and the public.
- Implementing an accountability system to meet client needs.
- Requiring the Department of Education (DOE) in partnership with DJJ to develop a comprehensive accountability and school improvement process.
- Requiring DOE in collaboration with DJJ to monitor and report on the educational performance of students in commitment, day treatment, prevention, and detention programs.
- Requiring DOE in consultation with DJJ, district school boards, and providers to adopt rules for objective and measurable student performance measures and program performance ratings for the delivery of educational services by prevention, day treatment, and residential programs.
- Requiring DJJ in consultation with DOE to publish by March 1 of each year a report on program costs and effectiveness, educational performance of students, and recommendations for modification or elimination of programs or program activities.
- Requiring DOE in partnership with DJJ, the district school, and providers to:
 - Develop and implement requirements for contracts and cooperative agreements regarding the delivery of appropriate education services to students in DJJ programs.
 - Maintain standardized procedures for securing student records.

The bill revises provisions related to juvenile justice programs by:

- Requiring school districts and juvenile justice education providers, in collaboration with others to develop an individualized transition plan during a student's stay at a program.
- Requiring DOE and DJJ to provide oversight and guidance on how to implement effective educational transition planning and services.
- Requiring prevention and day treatment programs to provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services.
- Requiring the multiagency plan for career education to eliminate barriers to education and address virtual education.

The bill does not appear to have a fiscal impact on state or local government.

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Department of Juvenile Justice (DJJ)

The Department of Juvenile Justice's mission is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.¹ DJJ oversees at-risk and adjudicated youth in four service areas: prevention and victim services, probation and community intervention services, residential services, and detention services.² During the 2011-12 school year, Juvenile Justice education programs served more than 32,000 students.³

- **Prevention and Victim Services** - Prevention and Victim Services target at-risk youth who are considered most likely to become habitual juvenile offenders and who live in areas with the highest concentration of youth who have been referred for delinquency.⁴
- **Probation and Community Intervention Services (Non-residential)** - Non-residential services provide intervention and case management services to youth on diversion, probation, and post commitment supervision. These youth remain at home and participate in at least 5 days per week in a day treatment program.⁵
- **Residential Services** - Residential services ensure graduated sanctions for serious, violent and chronic offenders; address special mental health and substance abuse needs of offenders; and enhance their education in residential commitment programs.⁶ Juveniles who are adjudicated by the court can be committed to residential programs classified as low, moderate, high or maximum risk.⁷
- **Detention Services** - Detention is the custody status for youth who are held pursuant to a court order; or following arrest for a violation of the law. A youth may be detained only when specific statutory criteria, outlined in s. 985.215, F.S. are met. Criteria for detention include current offenses, prior history, legal status, and any aggravating or mitigating factors.⁸

Multiagency Plan for Career Education

Present Situation

Current law requires DJJ and DOE, in consultation with the statewide Workforce Development Youth Council, school districts, providers, and others, to develop a multiagency plan (plan) for vocational education in commitment facilities.⁹ The plan must include:

- Provisions for maximizing appropriate state and federal funding sources, responsibilities of both departments and all other appropriate entities and detailed implementation schedules.¹⁰

¹ Florida Department of Juvenile Justice, available at, <http://www.djj.state.fl.us> (last visited March 1, 2013).

² Office of Program Policy Analysis and Government Accountability, Government Program Summaries – Department of Juvenile Justice, available at http://www.oppaga.state.fl.us/government/s_agency.asp.

³ Florida Department of Juvenile Justice, e-mail (last visited March 1, 2013).

⁴ Florida Department of Juvenile Justice, Fiscal year 2010-11 Annual Report, 16, available at <http://www.djj.state.fl.us/AboutDJJ/index.html> (last visited March 1, 2013).

⁵ Florida Department of Juvenile Justice, <http://www.djj.state.fl.us/Residential/restrictiveness.html> (last visited March 3, 2013).

⁶ Office of Program Policy Analysis and Government Accountability, Government Program Summaries – Department of Juvenile Justice Residential Services, available at <http://www.oppaga.state.fl.us/profiles/1001>.

⁷ Office of Program Policy Analysis and Government Accountability, Government Program Summaries – Department of Juvenile Justice Residential Services, available at <http://www.oppaga.state.fl.us/profiles/1001>.

⁸ Florida Department of Juvenile Justice, available at, <http://www.djj.state.fl.us/AboutDJJ/faq.html#Education> (last visited March 4, 2013).

⁹ Section 985.622(1), F.S.

- A definition of vocational programming that is appropriate based upon the age and assessed educational abilities and goals of the youth to be served and the typical length of stay and custody characteristics at the commitment program to which each youth is assigned.¹¹
- A definition of vocational programming that includes the classifications of commitment facilities that will offer vocational programming by one of the following types:
 - Type A - Programs that teach personal accountability skills and behavior that is appropriate for youth in all age groups and ability levels and that lead to work habits that help maintain employment and living standards.
 - 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 interest.
 - Type C - Programs that include Type A program content and the vocational competencies or the prerequisites needed for entry into a specific occupation.¹²

In October 2010, Office of Program Policy Analysis and Government Accountability (OPPAGA) issued a report that stated that the plan had several shortcomings. According to OPPAGA, the plan lacked goals and implementation strategies for increasing the percentage of youth receiving occupation-specific job training. Also, the plan did not address the barriers that juvenile justice students face in attaining a general educational development (GED) diploma.¹³ OPPAGA found that many juvenile justice programs emphasized academic instruction rather than GED preparation and job training. OPPAGA recommended that the Legislature amend s. 985.622, F.S., to address the shortcomings found in the plan.

Effect of Proposed Changes

The bill expands the requirement of the plan to address all educational programs not just in commitment facilities. The plan must:

- Include provisions for eliminating barriers to increasing occupation-specific job training and high school equivalency examination preparation opportunities.
- Evaluate the effect that students' mobility between juvenile justice education programs and school districts has on the students' educational outcomes and whether the continuity of the students' education can be better addressed through virtual education.

The bill revises implementation dates for DOE and DJJ to align respective agency reporting documents to the revised plan for career education.

Educational Services in Department of Juvenile Justice Programs

Present Situation

Current law sets forth how educational services must be provided in DJJ programs and establishes the educational expectations for DJJ youth in such programs.¹⁴ 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.¹⁵ 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.¹⁶ These services can be provided by the district school board itself or by a private provider through a

¹⁰ Section 985.622(1)(a)(c), F.S.

¹¹ Section 985.622(2), F.S.

¹² Section 985.622(3), F.S.

¹³ Office of Program Policy Analysis and Government Accountability, *Juvenile Justice Students Face Barriers to High School Graduation and Job Training*, Report No. 10-55, at 9 available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1055rpt.pdf>

¹⁴ Section 1003.52, F.S.

¹⁵ Section 1003.52(1), (3), and (4), F.S.

¹⁶ Section 1003.52(5), F.S.

contract with the district school board.¹⁷ However, school districts remain responsible for the quality of education provided in residential and day treatment juvenile justice facilities regardless of whether the school district provides those services directly or through a contractor.¹⁸

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 the Department of Juvenile Justice and the Commissioner of Education.¹⁹

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
- Strategies for correcting any deficiencies found through the quality assurance process.²⁰

DOE and DJJ must each designate a coordinator to resolve issues not addressed by the district school boards and to provide each department's participation in:

- Training, collaborating, and coordinating with DJJ, district school boards, educational contract providers, and juvenile justice providers, whether state-operated or contracted;
- Collecting and reporting information on the academic performance of students in juvenile justice programs;
- Developing academic and career protocols that provide guidance to district school boards and providers in educational programming; and
- Prescribing the roles of program personnel and school district or provider collaboration strategies.²¹

Effect of Proposed Changes

The bill revises the responsibilities of DOE and DJJ designated coordinators to include:

- Training, collaboration, and coordinating with local workforce boards and youth councils.
- Collecting information on the career education and transition performance of students in juvenile justice programs and reporting the results.
- Implementing a joint accountability, program performance, and program improvement process.

The bill also:

- Requires prevention and day treatment juvenile justice education programs, at a minimum, to provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services.

¹⁷ Section 1003.52(11), F.S.

¹⁸ Office of Program Policy Analysis and Government Accountability, *Youth Entering the State's Juvenile Justice Programs Have Substantial Educational Deficits; Available Data Is Insufficient to Assess Learning Gains of Students*, Report No. 10-07 (2010), available at, <http://www.opaga.state.fl.us/Summary.aspx?reportNum=10-07> (last visited March 4, 2013).

¹⁹ Section 1003.52 (1), F.S.

²⁰ Section 1003.52(13), F.S.

²¹ Section 1003.52(1), F.S.

- Requires residential juvenile justice education programs with a contracted minimum length of stay of 9 months to provide career education courses that lead to preapprentice certifications, industry certifications, occupational completion points, or work-related certifications.
- Allows residential programs with contract lengths of stay of less than 9 months to provide career education courses that lead to preapprentice certifications, industry certifications, and occupational completion points, or work related certifications.

The bill refines the educational component of programs with a duration of less than 40 days to include:

- tutorial remediation activities,
- career employability skills instruction,
- education counseling, and
- transition services that prepare students for a return to school, the community, and their home setting based on the students' needs.

The bill requires educational programs to provide instruction based on each student's individualized transition plan, assessed educational needs, and the educational programs available in the school district in which the student will return. Depending on the student's needs, educational programming may consist of remedial courses, academic courses required for grade advancement, career education courses, and high school equivalency examination preparation, or exceptional student education curricula and related services which support the transition goals and reentry and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent.

The bill requires that the DJJ and DOE annual cooperative agreement and plan for juvenile justice education service enhancement include each agency's role regarding educational program accountability, technical assistance, training, and coordination of service.

Accountability and Reporting

Present Situation

The Department of Education and the Department of Juvenile Justice, after consulting with the district school boards and local providers, must report annually to the Legislature on the progress toward developing effective educational programs for youth in the juvenile justice system. This report must include the results of the quality assessment reviews, including recommendations for system improvement.²² In its annual report to the Legislature, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, DOE made several recommendations to address educational accountability and improvement such as:

- Continue to develop a juvenile justice education accountability system for programs and explore a process in which high-performing programs are recognized and low-performing programs receive assistance.
- Develop a customized school improvement plan template for programs.
- Continue to support improvement in transition services for youth in juvenile justice education through the maintenance of an accurate statewide transition contact list.
- Provide additional training and support to programs to improve their efforts with the Basic Achievement Skills Inventory administration, data reporting, and data interpretation.
- Continue to identify effective program practices and resources for students in need of academic remediation and credit recovery.
- Continue to identify academic curriculum, resources, and instructional practices related to high academic achievement for all students while incarcerated.
- Continue to collaborate efforts among DOE, DJJ, school districts, and private providers to ensure appropriate and effective education for youth in juvenile justice programs.²³

²² Section 1003.52(19), F.S.

²³ Florida Department of Education, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention*
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In 2010, the Office of Program Policy Analysis & Government Accountability (OPPAGA) issued a report examining educational services provided to youth in DJJ residential and day treatment programs. OPPAGA found that most students entering juvenile justice programs were older, academically behind their peers, and were likely to have had attendance problems at school. OPPAGA found that DOE had not collected sufficient information to assess the learning gains (or lack thereof) of students in juvenile justice programs. Only 48 of the 141 programs (34%) reported complete information for at least half of their students. For those programs that did report data, the nature of the assessment instrument made it difficult to determine whether students were making appropriate educational progress. OPPAGA recommended that the Legislature amend s. 1003.52(3)(b), F.S., to require that DOE make annual status reports to the Legislature on the learning gains of students in juvenile justice facilities and the steps it has taken to ensure the completeness and reliability of juvenile justice student performance data.²⁴

The Department of Juvenile Justice is required to annually collect and report cost data for every program state-operated or contracted by the department. DJJ is responsible for 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 must be reported and included in the cost of a program. The cost-benefit analysis for each educational program will be developed and implemented in collaboration with the Department of Education, local providers, and local school districts. Cost data for the report must include data collected by DOE for the purpose of preparing the annual report required pursuant to s. 1003.52(19), F.S., relating to developing effective educational progress for juvenile delinquents.²⁵

DOE in consultation with DJJ, district school boards and providers must establish objective and measurable quality assurance standards for the educational components of residential and nonresidential juvenile justice facilities.²⁶ The quality assurance standards and indicators are revised annually for juvenile justice education programs, based on new statutory and regulatory requirements, best practices research, and input from school districts and educational providers.²⁷ These standards must rate the district school boards' performance both as a provider and contractor.²⁸

Effect of Proposed Changes

The bill requires DOE to establish and operate, either directly or indirectly through a contract, a mechanism to provide accountability measures that annually assess and evaluate all juvenile justice education program using student performance data and program performance ratings by type of program.

DOE, in partnership with DJJ, must develop a comprehensive accountability and program improvement process. The accountability and program improvement process must be based on student performance measures by type of program and must rate education program performance. The accountability system must identify and recognize high-performing education programs.

DOE, in partnership with DJJ, must identify low-performing programs. Low-performing education programs must receive an onsite program evaluation from DJJ. Identification of education programs needing school improvement, technical assistance, or reassignment of the program must be based, in part on the results of the program evaluation. Through a corrective action process, low-performing

Programs, Annual Report 200-2010, at 13 (2011), available at http://www.fldoe.org/ese/pdf/jj_annual.pdf

²⁴ Office of Program Policy Analysis and Government Accountability, *Youth Entering the State's Juvenile Justice Program Have Substantial Educational Deficits; Available Data is Insufficient to Assess Learning Gains of Students*, Report No. 10-07, at 8 (Jan. 2010), available at www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1007rpt.pdf.

²⁵ Section 985.632, F.S.

²⁶ Section 1003.52(15)(a), F.S.

²⁷ Florida Department of Education, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, Annual Report 2009-2010 (2011), available at, www.fldoe.org/ese/pdf/jj_annual.pdf.

²⁸ Section 1003.52(15)(a), F.S.

programs must demonstrate improvement or the program must be reassigned to the district or another provider.

DJJ must:

- Provide cost and effectiveness information on programs and program activities in order to compare, improve, or eliminate a program or program activity if necessary.
- Provide program and program activity cost and effectiveness data to the Legislature in order for resources to be allocated for achieving desired performance outcomes.
- Provide information to the public concerning program and program activity cost and effectiveness.
- Implement a system of accountability in order to provide the best and most appropriate program and activities to meet client needs.
- Continue to improve service delivery.

DJJ, in consultation with DOE, must publish by March 1 of each year a report on program costs and effectiveness. The report must include uniform cost data for each program operated by DJJ and by providers under contract with DJJ. DOE is required to provide cost data on each education program operated by a school district or a provider under contract with a school district. The report must also include data on student learning gains, as provided by DOE, for all juvenile justice education programs; educational performance information, developing effective education programs, cost-effectiveness, and recommendations for modification or elimination of programs or program activities.

DOE, in consultation with DJJ, district school boards, and providers must establish by rule:

- Objective and measurable student performance measures to evaluate a student's educational progress while participating in a prevention, day treatment, or residential program. The student performance measures must be based on appropriate outcomes for all students in juvenile justice programs, taking into consideration the student's length of stay in the program. Performance measures must include outcomes that relate to student achievement of career education goals, acquisition of employability skills, receipt of a high school diploma, grade advancement, and learning gains.
- A performance rating system to be used by DOE to evaluate the delivery of educational services within each of the juvenile justice education programs. The performance rating system must be primarily based upon data regarding student performance as described above.
- The timeframes, procedures, and resources to be used to improve a low-rated educational program or to terminate or reassign the program.

The bill requires that education program performance results, including the identification of high and low-performing programs and aggregated student performance results be included in DOE and DJJ annual report on the progress toward developing effective educational programs.

DOE in collaboration with DJJ must monitor and report on the educational performance of students in commitment, day treatment, prevention, and detention programs. The report must include, at a minimum, the number and percentage of students:

- Returning to an alternative school, middle school, or high school upon release and the attendance rate of such students before and after participation in juvenile justice education programs.
- Receiving a standard high school diploma or high school equivalency diploma.
- Receiving industry certification.
- Receiving occupational completion points.
- Enrolling in a postsecondary educational institution
- Completing a juvenile justice education program without reoffending
- Reoffending within 1 year after completing a day treatment or residential commitment program.

- Remaining employed 1 year after completion of a day treatment or residential commitment program.

The results of the educational performance report must be included in the program costs and effectiveness report.

Transition Plan and Reentry Plan

Present Situation

Currently an individual transition plan is developed for each student entering a DJJ commitment, day treatment, early delinquency intervention, or detention program.²⁹ The transition plan is based on the student's post-placement goals that are developed cooperatively with the student, his/her parents, school district and or contracted provider personnel, and DJJ program staff. Re-entry counselors, probation officers, and personnel from the student's "home" school district shall be involved in the transition planning to the extent practicable.³⁰ The transition plan also includes a student's academic record including each course completed by the student according to procedures in the State Course Code Directory, career re-entry goals maintained by the school district, and recommended educational placement. An exit plan is also conducted for each student. A copy of the academic records, student assessment, individual academic plan, work and project samples, and the transition plan is included in the discharge packet when the student exits a DJJ facility.³¹

Effect of Proposed Changes

The bill requires a transition plan to include, at a minimum:

- Services and interventions that address the student's assessed educational needs and postrelease education plans.
- Services to be provided during the program stay and services to be implemented upon release, including but not limited to, continuing education in secondary, career and technical programs, postsecondary education, or employment, based on the student's needs.
- Specific monitoring responsibilities to determine whether the individualized transition plan is being implemented and the student is provided access to support services that will sustain the student's success, that must be coordinated by individuals who are responsible for reintegration.

DOE and DJJ must provide oversight and guidance to school districts, education providers, and reentry personnel on how to implement effective educational transition planning and services. The bill also requires upon a student's return from a program, school districts to consider the individual needs and circumstances of the student and the transition plan recommendations when reenrolling a student in a public school. A local school district may not maintain a standardized policy for all students returning from a juvenile justice program, but place students based on their needs and their performance in the program.

The bill requires that representatives from the school district and One Stop Center, where the student will return, participate as members of the local Department of Juvenile Justice reentry team.

Teachers in Juvenile Justice Programs

Present Situation

District school boards must recruit and train teachers who are interested, qualified, or experienced in educating students in juvenile justice programs. Students in juvenile justice programs must be provided

²⁹ Section 1003.52(13)(i); Rule 6A-6.05281, F.A.C.

³⁰ Email, Florida Department of Education, Governmental Relation Office (Feb. 8, 2012).

³¹ Florida Department of Education, Legislative Bill Analysis for SB 834 (2011).

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 must be selected by the district school board in consultation with the director of the juvenile justice facility. Educational programs in juvenile justice facilities must have access to the substitute teacher pool utilized by the district school board.³²

Effect of Proposed Changes

State Board of Education (SBE) rules for qualification of instructional staff must include career education instructors, standardized across the state, and be based on state certification, local school district approval, and industry recognized credentials or industry training. The bill also requires the establishment of procedures for the use of noncertified instructional personnel who possess expert knowledge or experience in their fields of instruction.

The bill also allows the Secretary of the Department of Juvenile Justice or the director of a juvenile justice program to request that the performance of a teacher assigned by the district to a juvenile justice education program be reviewed by the district and that the teacher be reassigned based upon an evaluation conducted pursuant to s. 1012.34, F.S., for inappropriate behavior.

Public Educational Services – District School Boards

The bill clarifies the responsibilities of district school boards to include:

- Notifying students in juvenile justice education program who attain the age of 16 years of the law regarding compulsory school attendance and make available the option of enrolling in a program to attain a high school diploma by taking the high school equivalency exam before release from the program.
- Responding to request for student education records received from another district school board or a juvenile justice education program within 5 working days after receiving the request.
- Providing access to courses offered through Florida Virtual School, virtual instruction programs, and school district virtual courses. School districts and providers may enter into cooperative agreements for the provision of curriculum associated with school district virtual courses to enable providers to offer such courses.
- Completing the assessment process.
- Monitoring compliance with contracts for education programs for students in juvenile justice prevention, day treatment, residential, and detention programs.

The bill requires DOE in partnership with DJJ, the district school, and providers to:

- Develop and implement requirements for contracts and cooperative agreements regarding the delivery of appropriate education services to students in DJJ programs.
- Maintain standardized procedures for securing the student's records. The records must include, but not be limited to the student's individualized progress monitoring plan and individualized transition plan.

The bill also requires DOE to assist juvenile justice programs with becoming high school equivalency examination centers.

B. SECTION DIRECTORY:

Section 1. Amends s. 985.622, F.S., revising provisions to be included in the multiagency education plan for students in juvenile justice education programs.

Section 2. Amends s. 985.632, F.S., requiring the Department of Juvenile Justice to provide cost and effectiveness information for program and program activities to the Legislature and the public; deleting legislative intent language; requiring implementation of an accountability system to ensure client needs are met; requiring the Department of Juvenile Justice and Department of Education to submit an annual report including data on program costs and effectiveness and student achievement and recommendations for elimination or modification of programs.

Section 3. Amends s. 1001.31, F.S., authorizing instructional personnel at all juvenile justice facilities to access specific student records at the district.

Section 4. Amends s. 1003.51, F.S., revising terminology; revising requirements for rules to be maintained by the State Board of Education; providing expectations for effective education programs for students in Department of Juvenile Justice programs; revising requirements for contract and cooperative agreements for the delivery of appropriate education services to students in Department of Juvenile Justice programs; requiring the Department of Education to ensure that juvenile justice students who are eligible have access to high school equivalency testing and assist juvenile justice education programs with becoming high school equivalency testing centers; revising requirements for an accountability system for all juvenile justice education programs; revising requirements to district school boards.

Section 5. Amends s. 1003.52, F.S., revising requirements for activities to be coordinated by the coordinators for juvenile justice education programs; authorizing contracting for educational assessments; revising requirements for assessments; authorizing access to local virtual education courses; requiring that an educational program be based on each student's transition plan and assessed educational needs; providing requirements for prevention and day treatment juvenile justice education programs; requiring progress monitoring plans or all students not classified as exceptional student education students; revising requirements for such plans; requiring that the Department of Education, in partnership the Department of Juvenile Justice, ensure that school districts and juvenile justice education providers develop individualized transition plans; providing requirements for such plans; providing that the Secretary of the Department of Juvenile Justice or the director of a juvenile justice program may request that a school district teacher's performance be reviewed by the district and that the teacher be reassigned in certain circumstances; correcting a cross-reference; requiring the Department of Education to establish by rule objective and measurable student performance measures and program performance rating; providing requirements for such ratings; requiring a comprehensive accountability and program improvement process; providing requirements for such a process; deleting a requirement for an annual report; requiring data collection; deleting provisions concerning the Arthur Dozier School for boys; requiring rulemaking.

Section 6. Amends s. 1001.42, F.S., revising terminology; revising a cross-reference; providing a directive to the Division of Law Revision and Information.

Section 7. Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on DJJ providers or any other private sector entity.

D. FISCAL COMMENTS:

The Department of Juvenile Justice has indicated that there will be no fiscal impact from the effects of this bill.³³ DJJ has been working in consultation with the Department of Education on the proposed statutory changes of this bill. There will be no fiscal impact to the Department of Education or the Department of Children and Families.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires SBE to implement rules relating to educational services in DJJ programs.

The bill revises the rulemaking requirements of the Department of Education. The bill requires DOE to adopt rules for objective and measurable student performance measures and program performance ratings for the delivery of educational services by prevention, day treatment, and residential programs.

The bill requires that SBE rules relating to qualifications of instructional staff include career education instructors, standardized across the state, and based on state certification, local school district approval, and industry recognized credentials or industry training.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 12, 2013, the Choice & Innovation Subcommittee reported the proposed committee substitute (PCS) to HB 441 favorably as a committee substitute.

³³ Department of Juvenile Justice 2013 Legislative Session Bill Analysis, 3/22/2013, HB 441 Relating to DJJ Education Reform, Joan Wimmer. On file with Justice Appropriations Subcommittee staff.

The committee substitute:

- Required cost and effectiveness information on programs and program activities be provided in order to compare, improve, or eliminate a program or program activity.
- Required DOE in partnership with DJJ to develop a comprehensive accountability and school improvement process.
- Required DOE in collaboration with DJJ to monitor and report on the educational performance of students in commitment, day treatment, prevention, and detention programs.
- Required DJJ in consultation with DOE to publish by March 1 of each year a report on program costs and effectiveness, educational performance of students, and recommendations for modification or elimination of programs or program activities.
- Clarified that school districts and juvenile justice education providers, in collaboration with others develop an individualized transition plan during a student's stay in a program.
- Clarified that an individualized progress monitoring plan be developed for all students (excluding ESE students) upon entry in a DJJ program and upon reentry in the school district.
- Required DOE and DJJ to provide oversight and guidance on how to implement effective educational transition planning and services.
- Required prevention and day treatment programs to provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services.
- Expanded the multiagency plan for career education to include eliminating barriers to education and addressing virtual education for juvenile justice programs.
- Allowed students in juvenile justice education programs to receive career readiness and exploration opportunities, pre-apprentice certifications, industry certifications, occupational completion points, or work-related certification depending on the length of stay in a program.

The committee substitute removed the provisions in HB 441 that:

- Required at least 95% of the Florida Education Finance Program (FEFP) funds generated by students in DJJ programs or in an education program for juveniles be spent on instructional cost for DJJ students.
- Required 90% of federal Title I, Part D funds generated by students in DJJ programs be expended directly on educational and transition services for DJJ students.
- Required students in juvenile justice education programs who are administered the GED test remain enrolled in the education program for the duration of the FTE student membership survey period in which they are tested.
- Required juvenile justice education programs not to be charged full-time equivalent student membership for virtual courses accessed through the school district that are for credit recovery or offered to youth beyond the instructional 300 minute daily requirement.
- Required juvenile justice educational programs receive year-round FEFP funding for DJJ programs.
- Required juvenile justice education programs receive additional weighted funding equivalent to 0.1 FTE.
- Required DOE provide funding that support students in juvenile justice education programs who have graduated high school or received their high school equivalency diploma.
- Removed the option for DOE to enter into an agreement with one or more state supported public postsecondary institutions to offer online courses to youth in juvenile justice education programs throughout the state.

This analysis is drafted to the committee substitute as passed by the Choice & Innovation Subcommittee.