

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1406

INTRODUCER: Senator Bean

SUBJECT: Juvenile Justice Education Programs

DATE: March 13, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Pre-meeting
2.			ED	
3.			AED	
4.			AP	
5.				
6.				

I. Summary:

The bill makes changes to the provisions of law governing 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 by:

- Requiring the Department of Education (DOE) in partnership with the DJJ to develop a comprehensive accountability and school improvement process.
- Requiring the DOE in consultation with the 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 the DOE in partnership with the DJJ, district school boards, and providers to develop and implement requirements for contracts and cooperative agreements regarding the delivery of appropriate education services to students in DJJ programs.

The bill revises provisions related to juvenile justice programs by:

- Requiring school districts and juvenile justice education providers, in collaboration with others to develop a transition plan during a student's stay in a program.
- Requiring the DOE and the 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 residential juvenile justice education programs with a contracted minimum length of stay of nine months to provide career and technical courses that lead to preapprentice certifications, industry certifications, occupational completion points, or work-related certifications.
- Allowing residential programs with contract lengths of stay of less than nine months to provide career and technical courses that lead to preapprentice certifications, industry certifications, occupational completion points, or work related certifications.

The bill also revises provisions related to juvenile justice funding by:

- Increasing from 90 to 95 percent the Florida Education Finance Program (FEFP) funding required to be spent directly on instructional services for DJJ youth.
- Requiring that 90 percent of federal Title I, Part D funds generated by DJJ youth be spent directly on educational and transition services for those youth.
- Requiring 0.1 weighted FEFP funding to support career and technical education for DJJ youth enrolled in career and technical courses leading to occupational completion points or industry-recognized certifications.
- Requiring 0.5 weighted FEFP funding to support post-secondary instruction for DJJ youth who have earned their GED or high school diploma.
- Requiring FEFP funding to support GED testing fees for youth who pass the GED while in a DJJ education program.

This bill substantially amends the following sections of the Florida Statutes: 985.632, 1001.42, 1003.51, 1003.52, and 1011.62.

II. Present Situation:

Educational Services in DJJ Programs

Current law sets forth how educational services must be provided in DJJ programs and establishes the educational expectations for DJJ youth in such programs.¹ The 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 However, school districts remain responsible for the quality of education provided in

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(11), F.S.

residential and day treatment juvenile justice facilities regardless of whether the school district provides those services directly or through a contractor.⁵

Annually, the DJJ and the DOE must develop a cooperative agreement and plan for juvenile justice education service enhancement, which must be submitted to the Secretary of the DJJ and the Commissioner of Education.⁶

Each district school board must negotiate a cooperative agreement with the 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.⁷

The DOE and the 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 the 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.⁸

Accountability and Reporting

The DOE and the DJJ, 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.⁹ In its annual report to the Legislature, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, the DOE made several recommendations to address educational accountability and improvement such as:

⁵ 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.oppaga.state.fl.us/Summary.aspx?reportNum=10-07> (last visited March 13, 2013).

⁶ Section 1003.52 (1), F.S.

⁷ Section 1003.52(13), F.S.

⁸ Section 1003.52(1), F.S.

⁹ Section 1003.52(19), F.S.

- 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 the DOE, the DJJ, school districts, and private providers to ensure appropriate and effective education for youth in juvenile justice programs.¹⁰

The DJJ is required to annually collect and report cost data for every program state-operated or contracted by the department. The 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 DOE, local providers, and local school districts. Cost data for the report must include data collected by the 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.¹¹

The DOE, in consultation with the 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.¹² 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.¹³ These standards must rate the district school boards' performance both as a provider and contractor.¹⁴

Transition Plan and Reentry Plan

Currently, an individual transition plan is developed for each student entering a DJJ commitment, day treatment, early delinquency intervention, or detention program.¹⁵ The transition plan is based on the student's post-placement goals that are developed cooperatively

¹⁰ Florida Department of Education, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, Annual Report 200-2010, at 13 (2011), available at http://www.fldoe.org/ese/pdf/jj_annual.pdf

¹¹ Section 985.632, F.S.

¹² Section 1003.52(15)(a), F.S.

¹³ 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.

¹⁴ Section 1003.52(15)(a), F.S.

¹⁵ Section 1003.52(13)(i); Rule 6A-6.05281, F.A.C.

with the student, his or her parents, school district and or contracted provider personnel, and the DJJ program staff. Re-entry counselors, probation officers, and personnel from the student's "home" school district are involved in the transition planning to the extent practicable.¹⁶ 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.¹⁷

Teachers in Juvenile Justice Programs

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 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.¹⁸

Educational Funding and GED Testing Fees for DJJ Youth

At least 90 percent of the FEFP funds generated by students in the DJJ programs or in an education program for juveniles under s. 985.19, F.S., are to be spent on instructional costs for these students. One hundred percent of the formula-based categorical funds generated by students in the DJJ programs must be spent on appropriate categoricals such as instructional materials and public school technology.¹⁹

According to the DJJ, there is currently no statutory requirement that federal Title I, Part D funds generated by students in DJJ programs be spent in the programs that generated the money.²⁰ There is also currently no weighted FEFP funding to support career and technical education training in DJJ education programs, nor is there any funding to support post-secondary and career training for DJJ youth who have earned their General Educational Development test (GED) or high school diploma.²¹

District school boards or Florida College System institutions are required to waive the GED testing fees for youth in DJJ programs. The testing fees required by the DOE are the responsibility of the district school boards and may be required of providers by contractual

¹⁶ Email, Florida Department of Education, Governmental Relation Office (Feb. 8, 2012).

¹⁷ Florida Department of Education, Legislative Bill Analysis for SB 834 (2011).

¹⁸ Section 1003.52(10), F.S.

¹⁹ Section 1003.51(2)(d) and (e), F.S.

²⁰ See the Department of Juvenile Justice 2013 Legislative Bill Analysis for SB 1406, on file with the Senate Criminal Justice Committee.

²¹ *Id.*

agreement.²² According to the DJJ, since the districts are required to pay the DJJ youth's "waived" fees, this serves as a disincentive for the districts to allow these youth to take the GED test.²³

III. Effect of Proposed Changes:

Educational Services in DJJ Programs

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

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

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

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

- tutorial remediation activities,
- career employability skills,
- 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 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.

²² Section 1003.51(4), F.S.

²³ See note 20.

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

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

The DOE, in partnership with DJJ, must also identify low-performing programs. Low-performing education programs must receive an onsite program evaluation. 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 must demonstrate improvement or the program must be reassigned to the district or another provider.

The DOE, in consultation with the 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 the 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 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 the DOE and DJJ annual report on the progress toward developing effective educational programs.

Transition Plan and Reentry Plan

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 transition plan is being implemented and the student is provided access to support services that will sustain the student's success, coordinated by individuals who are responsible for reintegration.

The DOE and the 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 workforce and the school district where the student will return participate as members of the local DJJ reentry team.

Teachers in Juvenile Justice Programs

Under the bill, 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 DJJ 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 programs who reach 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 GED exam before release from the program.
- Responding to requests 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.
- Prohibiting juvenile justice education programs from being charged FTE for virtual courses accessed through the school district which are for credit recovery or are offered to youth beyond the 300 minute daily requirement of instruction.

- Completing the assessment process.

The bill requires the DOE in partnership with the DJJ, district school boards, 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 progress monitoring plan and transition plan.

Educational Funding and GED Testing Fees for DJJ Youth

The bill makes the following funding changes:

- Increases from 90 to 95 percent the FEFP funding to be spent directly on instructional services for DJJ youth.
- Requires that 90 percent of federal Title I, Part D funds generated by DJJ youth be spent directly on educational and transition services for those youth.
- Requires 0.1 weighted FEFP funding to support career and technical education for DJJ youth enrolled in career and technical courses leading to occupational completion points or industry-recognized certifications.
- Requires 0.5 weighted FEFP funding to support post-secondary instruction for DJJ youth who have earned their GED or high school diplomas.
- Requires FEFP funding to support GED testing fees for youth who pass the GED exam while in a DJJ education program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the DJJ, the fiscal impact of the bill is as follows:²⁴

State

Non-recurring	FY 2011/12	FY 2012/13
1. Revenue Impact	0	0
2. Expenditure Impact	0	0

Recurring	FY 2011/12	FY 2012/13
1. Revenue Impact	0	0
2. Expenditure Impact	0	0

It is estimated based on previous years:

1. The cost of 0.1 weighted funding to support career & technical ed (2160 youth annually)	1,080,000
2. The post-secondary 0.5 weighted funding (300 youth annually)	550,000
3. The cost of GED tests (500 annually)	62,500

\$1,692,500 Recurring

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁴ *Id.*