

By Senator Horne

6-1173-99

See HB

1 A bill to be entitled
2 An act relating to education; amending s.
3 228.041, F.S.; defining "juvenile justice
4 provider" and "school year for juvenile justice
5 programs"; amending s. 228.051, F.S., relating
6 to the organization and funding of required
7 public schools; requiring the public schools of
8 the state to provide instruction for youth in
9 Department of Juvenile Justice programs;
10 amending s. 228.081, F.S.; requiring the
11 development and adoption of a rule articulating
12 expectations for education programs for youth
13 in Department of Juvenile Justice programs;
14 requiring the development of model contracts
15 for the delivery of educational services to
16 youth in Department of Juvenile Justice
17 programs; requiring the Department of Education
18 to provide training and technical assistance;
19 requiring the development of model procedures
20 for transitioning youth into and out of
21 Department of Juvenile Justice programs;
22 requiring the development of model procedures
23 regarding education records; requiring the
24 Department of Education to provide, or contract
25 for the provision of, quality assurance reviews
26 of all juvenile justice education programs;
27 amending s. 229.57, F.S.; revising provisions
28 relating to the statewide assessment program to
29 include schools operating for the purpose of
30 providing educational services to youth in
31 Department of Juvenile Justice programs;

1 providing sanctions; amending s. 229.592, F.S.;
2 revising provisions relating to the
3 implementation of the state system of school
4 improvement and education accountability to
5 include schools operating for the purpose of
6 providing educational services to youth in
7 Department of Juvenile Justice programs;
8 deleting obsolete language; amending s. 230.23,
9 F.S., relating to powers and duties of the
10 school board; revising provisions relating to
11 school improvement plans and public disclosure
12 to include schools operating for the purpose of
13 providing educational services to youth in
14 Department of Juvenile Justice programs;
15 amending s. 230.2316, F.S., relating to program
16 criteria for dropout prevention programs;
17 requiring common education assessments for all
18 students assigned to residential or
19 nonresidential commitment or detention
20 facilities; amending s. 230.23161, F.S.,
21 relating to educational services in Department
22 of Juvenile Justice programs; providing
23 legislative intent; requiring the Department of
24 Education to serve as the lead agency;
25 requiring the Department of Education and the
26 Department of Juvenile Justice to designate a
27 coordinator to ensure department participation
28 in certain activities; prohibiting restricted
29 access to GED programs; requiring financial
30 sanctions; revising provisions relating to
31 compulsory school attendance; requiring the

1 development of an academic improvement plan for
2 certain students; providing requirements
3 regarding academic records; providing
4 sanctions; requiring provisions for the earning
5 and transfer of credits; providing funding
6 requirements; revising provisions relating to
7 quality assurance standards; requiring the
8 Department of Juvenile Justice site visit and
9 the education quality assurance site visit to
10 take place during the same visit; requiring the
11 establishment of minimum standards; providing a
12 timeline for achieving compliance with minimum
13 standards; amending s. 235.194, F.S.; requiring
14 the submission of the district's general
15 educational facilities report to each juvenile
16 justice district manager within the school
17 board's jurisdiction; requiring the inclusion
18 of educational facilities serving youth in
19 Department of Juvenile Justice programs in the
20 educational facilities report; creating s.
21 235.1975, F.S., relating to cooperative
22 development of educational facilities in
23 juvenile justice programs; requiring the
24 Department of Education to conduct a review and
25 analysis; requiring the development and
26 submission of a plan; requiring the Department
27 of Juvenile Justice to provide certain
28 information to school districts and the
29 Department of Education regarding new juvenile
30 justice facilities; providing requirements
31 regarding planning and budgeting; amending s.

1 236.013, F.S.; defining "full-time equivalent
2 student" for purposes of Department of Juvenile
3 Justice programs; amending s. 237.34, F.S.;
4 requiring each district to expend at least 90
5 percent of the funds generated by juvenile
6 justice programs on the aggregate total school
7 costs for such programs; amending s. 985.401,
8 F.S.; requiring the Juvenile Justice
9 Accountability Board to study the extent and
10 nature of education programs for juvenile
11 offenders; amending s. 985.413, F.S.; revising
12 the duties of district juvenile justice boards
13 to require the creation of a standing committee
14 on juvenile justice educational services;
15 requiring the development and submission of a
16 plan for education programs in detention
17 centers; requiring the Department of Education
18 to conduct and submit a study of the provision
19 of services to exceptional students in juvenile
20 justice commitment facilities; requiring
21 sanctions; amending s. 985.404, F.S., relating
22 to the administration of the juvenile justice
23 continuum; conforming a cross-reference;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Subsections (43) and (44) are added to
29 section 228.041, Florida Statutes, 1998 Supplement, to read:

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31

1 228.041 Definitions.--Specific definitions shall be as
2 follows, and wherever such defined words or terms are used in
3 the Florida School Code, they shall be used as follows:

4 (43) SCHOOL YEAR FOR JUVENILE JUSTICE PROGRAMS.--For
5 schools operating for the purpose of providing educational
6 services to youth in Department of Juvenile Justice programs,
7 the school year shall be comprised of 260 days of instruction
8 distributed over 12 months. A district school board may
9 decrease the minimum number of days of instruction by up to 10
10 days for teacher planning.

11 (44) JUVENILE JUSTICE PROVIDER.--"Juvenile justice
12 provider" means the Department of Juvenile Justice or a
13 private, public, or other governmental organization under
14 contract with the Department of Juvenile Justice which
15 provides treatment, care and custody, or educational programs
16 for youth in juvenile justice intervention, detention, or
17 commitment programs.

18 Section 2. Section 228.051, Florida Statutes, is
19 amended to read:

20 228.051 Organization and funding of required public
21 schools.--The public schools of the state shall provide 13
22 consecutive years of instruction, beginning with kindergarten,
23 and shall also provide such instruction for exceptional
24 children and youth in Department of Juvenile Justice programs
25 as may be required by law. The funds for support and
26 maintenance of such schools shall be derived from state,
27 district, federal, or other lawful sources or combinations of
28 sources and shall include any tuition fees charged
29 nonresidents as provided by law. Public schools,
30 institutions, and agencies providing this instruction shall
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1 constitute the uniform system of free public schools
2 prescribed by Art. IX of the State Constitution.

3 Section 3. Section 228.081, Florida Statutes, is
4 amended to read:

5 228.081 Other public educational services.--

6 (1) The general control of other public educational
7 services shall be vested in the state board except as provided
8 herein. The state board shall, at the request of the
9 Department of Children and Family Services and the Department
10 of Juvenile Justice, advise as to standards and requirements
11 relating to education to be met in all state schools or
12 institutions under their control which provide educational
13 programs. The Department of Education shall provide
14 supervisory services for the educational programs of all such
15 schools or institutions. The direct control of any of these
16 services provided as part of the district program of education
17 shall rest with the school board. These services shall be
18 supported out of state, district, federal, or other lawful
19 funds, depending on the requirements of the services being
20 supported.

21 (2) The Department of Education shall recommend and by
22 August 1, 1999, the state board shall adopt an administrative
23 rule articulating expectations for high-quality, effective
24 education programs for youth in Department of Juvenile Justice
25 programs, including, but not limited to, education programs in
26 juvenile justice commitment and detention facilities. The rule
27 shall articulate policies and standards for education programs
28 for youth in Department of Juvenile Justice programs and shall
29 include the following:

30 (a) The interagency collaborative process needed to
31 ensure effective programs with measurable results.

1 (b) The responsibilities of the Department of
2 Education, the Department of Juvenile Justice, school
3 districts, and providers of education services to youth in
4 Department of Juvenile Justice programs.

5 (c) Academic expectations.

6 (d) Service delivery options available to school
7 districts, including direct service and contracting.

8 (e) Assessment procedures, which:

9 1. Include common academic and vocational assessments
10 administered at program entry and exit which are selected by
11 the Department of Education in partnership with
12 representatives from the Department of Juvenile Justice,
13 school districts, and providers.

14 2. Require school districts to be responsible for
15 ensuring the completion of the assessment process.

16 3. Require all schools serving juvenile justice youth
17 to use the same assessment battery.

18 4. Require assessments for students in detention who
19 will move on to commitment facilities, to be designed to
20 create the foundation for developing the student's education
21 program in the assigned commitment facility.

22 5. Require assessments of students sent directly to
23 commitment facilities to be completed within the first week of
24 the student's commitment.

25
26 The results of these assessments, together with a portfolio
27 depicting the student's academic and vocational
28 accomplishments, shall be included in the discharge package
29 assembled for each youth.

30 (f) Recommended curriculum including, but not limited
31 to, vocational training and job preparation.

1 (g) Funding requirements, which shall include the
2 requirement that at least 90 percent of the FEFP funds and 100
3 percent of the formula-based categorical funds generated by
4 students in Department of Juvenile Justice programs be spent
5 on instruction costs for those students.

6 (h) Qualifications of instructional staff and
7 procedures for the selection of instructional staff.

8 (i) Transition services, including the roles and
9 responsibilities of appropriate personnel in school districts,
10 provider organizations, and the Department of Juvenile
11 Justice.

12 (j) Procedures for timely transfer of education
13 records when a youth enters and leaves a facility.

14 (k) The requirement that each school district maintain
15 an academic transcript for each student enrolled in a juvenile
16 justice facility which delineates each course completed by the
17 student as provided by the State Course Code Directory.

18 (l) The requirement that each school district make
19 available and transmit a copy of a student's transcript in the
20 discharge packet when the student exits a facility.

21 (m) Contract requirements.

22 (n) Performance expectations for providers and school
23 districts, including the provision of academic improvement
24 plans as required in s. 232.245.

25 (o) The role and responsibility of the school district
26 in securing workforce development funds for GED preparation
27 and vocational-preparatory education.

28 (p) Other aspects of program operations.

29 (3) By January 1, 2000, the Department of Education in
30 partnership with the Department of Juvenile Justice, school
31 districts, and providers shall:

1 (a) Develop model contracts for the delivery of
2 appropriate education services to youth in Department of
3 Juvenile Justice programs to be used for the development of
4 future contracts. The model contracts shall reflect the policy
5 and standards included in subsection (2). The Department of
6 Education shall ensure that appropriate school district
7 personnel are trained and held accountable for the management
8 and monitoring of contracts for education programs for youth
9 in juvenile justice residential and nonresidential facilities.

10 (b) Develop model procedures for transitioning youth
11 into and out of Department of Juvenile Justice programs. These
12 procedures shall reflect the policy and standards adopted
13 pursuant to subsection (2).

14 (c) Develop standardized required content of education
15 records to be included as part of a youth's commitment record.
16 These requirements shall reflect the policy and standards
17 adopted pursuant to subsection (2) and shall include, but not
18 be limited to, the following:

19 1. A copy of the student's individualized education
20 plan;

21 2. Assessment data, including grade level proficiency
22 in reading, writing, and mathematics, and performance on tests
23 taken according to s. 229.57;

24 3. A copy of the student's permanent cumulative
25 record;

26 4. A copy of the student's academic transcript; and

27 5. A portfolio reflecting the youth's academic
28 accomplishments while in the Department of Juvenile Justice
29 program.

30 (d) Develop model procedures for securing the
31 education record and the roles and responsibilities of the

1 juvenile probation officer and others involved in the
2 withdrawal of the student from school and assignment to a
3 commitment or detention facility. Effective for the 2000-2001
4 school year and thereafter, school districts shall be required
5 to respond to requests for student education records received
6 from another school district or a juvenile justice facility
7 within 3 working days of receiving the request.

8 (4) The Department of Education shall ensure that
9 school districts notify students in juvenile justice
10 residential or nonresidential facilities who attain the age of
11 16 years of the provisions of s. 232.01(1)(c) regarding
12 compulsory school attendance and make available the option of
13 enrolling in a program to attain a general education
14 development diploma prior to release from the facility. School
15 districts shall waive GED testing fees for youth in Department
16 of Juvenile Justice residential programs and shall, upon
17 request, designate schools operating for the purpose of
18 providing educational services to youth in Department of
19 Juvenile Justice programs as GED testing centers, subject to
20 GED testing center requirements.

21 (5) The Department of Education shall establish and
22 operate, either directly or under contract, a mechanism to
23 provide quality assurance reviews of all juvenile justice
24 education programs and shall provide technical assistance to
25 school districts and providers on how to establish educational
26 programs that exceed the minimum quality assurance standards.

27 Section 4. Subsection (3) of section 229.57, Florida
28 Statutes, 1998 Supplement, is amended to read.

29 229.57 Student assessment program.--

30 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner is
31 directed to design and implement a statewide program of

1 educational assessment that provides information for the
2 improvement of the operation and management of the public
3 schools including schools operating for the purpose of
4 providing educational services to youth in Department of
5 Juvenile Justice programs. The program must be designed, as
6 far as possible, so as not to conflict with ongoing district
7 assessment programs and so as to use information obtained from
8 district programs. Pursuant to the statewide assessment
9 program, the commissioner shall:

10 (a) Submit to the state board a list that specifies
11 student skills and competencies to which the goals for
12 education specified in the state plan apply, including, but
13 not limited to, reading, writing, and mathematics. The skills
14 and competencies must include problem-solving and higher-order
15 skills as appropriate. The commissioner shall select such
16 skills and competencies after receiving recommendations from
17 educators, citizens, and members of the business community.
18 The commissioner shall submit to the state board revisions to
19 the list of student skills and competencies in order to
20 maintain continuous progress toward improvements in student
21 proficiency.

22 (b) Develop and implement a uniform system of
23 indicators to describe the performance of public school
24 students and the characteristics of the public school
25 districts and the public schools. These indicators must
26 include, without limitation, information gathered by the
27 comprehensive management information system created pursuant
28 to s. 229.555 and student achievement information obtained
29 pursuant to this section.

30 (c) Develop and implement a student achievement
31 testing program as part of the statewide assessment program,

1 to be administered at designated times at the elementary,
2 middle, and high school levels to measure reading, writing,
3 and mathematics. The testing program must be designed so
4 that:

5 1. The tests measure student skills and competencies
6 adopted by the state board as specified in paragraph (a). The
7 tests must measure and report student proficiency levels in
8 reading, writing, and mathematics. Other content areas may be
9 included as directed by the commissioner. The commissioner
10 shall provide for the tests to be developed or obtained, as
11 appropriate, through contracts and project agreements with
12 private vendors, public vendors, public agencies,
13 postsecondary institutions, or school districts. The
14 commissioner shall obtain input with respect to the design and
15 implementation of the testing program from state educators and
16 the public.

17 2. The tests are criterion-referenced and include, to
18 the extent determined by the commissioner, items that require
19 the student to produce information or perform tasks in such a
20 way that the skills and competencies he or she uses can be
21 measured.

22 3. Each testing program, whether at the elementary,
23 middle, or high school level, includes a test of writing in
24 which students are required to produce writings which are then
25 scored by appropriate methods.

26 4. A score is designated for each subject area tested,
27 below which score a student's performance is deemed
28 inadequate. The school districts shall provide appropriate
29 remedial instruction to students who score below these levels.

30 5. All 11th grade students take a high school
31 competency test developed by the state board to test minimum

1 student performance skills and competencies in reading,
2 writing, and mathematics. The test must be based on the skills
3 and competencies adopted by the state board pursuant to
4 paragraph (a). Upon recommendation of the commissioner, the
5 state board shall designate a passing score for each part of
6 the high school competency test. In establishing passing
7 scores, the state board shall consider any possible negative
8 impact of the test on minority students. The commissioner may
9 establish criteria whereby a student who successfully
10 demonstrates proficiency in either reading or mathematics or
11 both may be exempted from taking the corresponding section of
12 the high school competency test or the college placement test.
13 A student must earn a passing score or have been exempted from
14 each part of the high school competency test in order to
15 qualify for a regular high school diploma. The school
16 districts shall provide appropriate remedial instruction to
17 students who do not pass part of the competency test.

18 6. Participation in the testing program is mandatory
19 for all students, including students served in Department of
20 Juvenile Justice programs,except as otherwise prescribed by
21 the commissioner. The commissioner shall recommend rules to
22 the state board for the provision of test adaptations and
23 modifications of procedures as necessary for students in
24 exceptional education programs and for students who have
25 limited English proficiency and for the provision of sanctions
26 for noncompliance with the requirements of this subparagraph.

27 7. A student seeking an adult high school diploma must
28 meet the same testing requirements that a regular high school
29 student must meet.

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1 The commissioner may design and implement student testing
2 programs for any grade level and subject area, based on
3 procedures designated by the commissioner to monitor
4 educational achievement in the state.

5 (d) Obtain or develop a career planning assessment to
6 be administered to students, at their option, in grades 7 and
7 10 to assist them in preparing for further education or
8 entering the workforce. The statewide student assessment
9 program must include career planning assessment.

10 (e) Conduct ongoing research to develop improved
11 methods of assessing student performance, including, without
12 limitation, the use of technology to administer tests, the use
13 of electronic transfer of data, the development of
14 work-product assessments, and the development of process
15 assessments.

16 (f) Conduct ongoing research and analysis of student
17 achievement data, including, without limitation, monitoring
18 trends in student achievement, identifying school programs
19 that are successful, and analyzing correlates of school
20 achievement.

21 (g) Provide technical assistance to school districts
22 in the implementation of state and district testing programs
23 and the use of the data produced pursuant to such programs.

24 Section 5. Subsections (1), (3), and (4) of section
25 229.592, Florida Statutes, 1998 Supplement, are amended to
26 read:

27 229.592 Implementation of state system of school
28 improvement and education accountability.--

29 (1) DEVELOPMENT.--It is the intent of the Legislature
30 that every public school in the state, including schools
31 operating for the purpose of providing educational services to

1 youth in Department of Juvenile Justice programs, shall have a
2 school improvement plan, as required by s. 230.23(16), ~~fully~~
3 ~~implemented and operational by the beginning of the 1993-1994~~
4 ~~school year~~. Vocational standards considered pursuant to s.
5 239.229 shall be incorporated into the school improvement plan
6 for each area technical center operated by a school board by
7 the 1994-1995 school year, and area technical centers shall
8 prepare school report cards incorporating such standards,
9 pursuant to s. 230.23(16), for the 1995-1996 school year. In
10 order to accomplish this, the Florida Commission on Education
11 Reform and Accountability and the school districts and schools
12 shall carry out the duties assigned to them by ss. 229.594 and
13 230.23(16), respectively.

14 (3) COMMISSIONER.--The commissioner shall be
15 responsible for implementing and maintaining a system of
16 intensive school improvement and stringent education
17 accountability.

18 (a) Based on the recommendations of the Florida
19 Commission on Education Reform and Accountability, the
20 commissioner shall develop and implement the following
21 programs and procedures:

22 1. A system of data collection and analysis that will
23 improve information about the educational success of
24 individual students and schools, including schools operating
25 for the purpose of providing educational services to youth in
26 Department of Juvenile Justice programs. The information and
27 analyses must be capable of identifying educational programs
28 or activities in need of improvement, and reports prepared
29 pursuant to this subparagraph shall be distributed to the
30 appropriate school boards prior to distribution to the general
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1 public. This provision shall not preclude access to public
2 records as provided in chapter 119.

3 2. A program of school improvement that will analyze
4 information to identify schools, including schools operating
5 for the purpose of providing educational services to youth in
6 Department of Juvenile Justice programs, educational programs,
7 or educational activities in need of improvement.

8 3. A method of delivering services to assist school
9 districts and schools to improve, including schools operating
10 for the purpose of providing educational services to youth in
11 Department of Juvenile Justice programs.

12 4. A method of coordinating with the state educational
13 goals and school improvement plans any other state program
14 that creates incentives for school improvement.

15 (b) The commissioner shall be held responsible for the
16 implementation and maintenance of the system of school
17 improvement and education accountability outlined in this
18 subsection. There shall be an annual determination of whether
19 adequate progress is being made toward implementing and
20 maintaining a system of school improvement and education
21 accountability.

22 (c) The annual feedback report shall be developed by
23 the commission and the Department of Education.

24 (d) The commissioner and the commission shall review
25 each school board's feedback report and submit its findings to
26 the State Board of Education. If adequate progress is not
27 being made toward implementing and maintaining a system of
28 school improvement and education accountability, the State
29 Board of Education shall direct the commissioner to prepare
30 and implement a corrective action plan. The commissioner and
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1 State Board of Education shall monitor the development and
2 implementation of the corrective action plan.

3 (e) As co-chair of the Florida Commission on Education
4 Reform and Accountability, the commissioner shall appear
5 before the appropriate committees of the Legislature annually
6 in October to report and recommend changes in state policy
7 necessary to foster school improvement and education
8 accountability. The report shall reflect the recommendations
9 of the Florida Commission on Education Reform and
10 Accountability. Included in the report shall be a list of the
11 schools, including schools operating for the purpose of
12 providing educational services to youth in Department of
13 Juvenile Justice programs, for which school boards have
14 developed assistance and intervention plans and an analysis of
15 the various strategies used by the school boards. School
16 reports shall be distributed pursuant to this paragraph and s.
17 230.23(16)(e) according to guidelines adopted by the State
18 Board of Education.

19 (4) DEPARTMENT.--

20 (a) The Department of Education shall implement a
21 training program to develop among state and district educators
22 a cadre of facilitators of school improvement. These
23 facilitators shall assist schools and districts to conduct
24 needs assessments and develop and implement school improvement
25 plans to meet state goals.

26 (b) Upon request, the department shall provide
27 technical assistance and training to any school, including any
28 school operating for the purpose of providing educational
29 services to youth in Department of Juvenile Justice programs,
30 school advisory council, district, or school board for
31 conducting needs assessments, developing and implementing

1 school improvement plans, developing and implementing
2 assistance and intervention plans, or implementing other
3 components of school improvement and accountability. Priority
4 for these services shall be given to school districts in rural
5 and sparsely populated areas of the state.

6 (c) Pursuant to s. 24.121(5)(d), the department shall
7 not release funds from the Educational Enhancement Trust Fund
8 to any district in which a school, including schools operating
9 for the purpose of providing educational services to youth in
10 Department of Juvenile Justice programs, does not have an
11 approved school improvement plan, pursuant to s. 230.23(16),
12 after 1 full school year of planning and development, or does
13 not comply with school advisory council membership composition
14 requirements pursuant to s. 229.58(1). The department shall
15 send a technical assistance team to each school without an
16 approved plan to develop such school improvement plan or to
17 each school without appropriate school advisory council
18 membership composition to develop a strategy for corrective
19 action. The department shall release the funds upon approval
20 of the plan or upon establishment of a plan of corrective
21 action. Notice shall be given to the public of the
22 department's intervention and shall identify each school
23 without a plan or without appropriate school advisory council
24 membership composition.

25 Section 6. Paragraphs (a) and (e) of subsection (16)
26 of section 230.23, Florida Statutes, 1998 Supplement, are
27 amended to read:

28 230.23 Powers and duties of school board.--The school
29 board, acting as a board, shall exercise all powers and
30 perform all duties listed below:

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1 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
2 ACCOUNTABILITY.--Maintain a system of school improvement and
3 education accountability as provided by statute and State
4 Board of Education rule. This system of school improvement and
5 education accountability shall be consistent with, and
6 implemented through, the district's continuing system of
7 planning and budgeting required by this section and ss.
8 229.555 and 237.041. This system of school improvement and
9 education accountability shall include, but not be limited to,
10 the following:

11 (a) School improvement plans.--Annually approve and
12 require implementation of a new, amended, or continuation
13 school improvement plan for each school in the district,
14 including schools operating for the purpose of providing
15 educational services to youth in Department of Juvenile
16 Justice programs. Such plan shall be designed to achieve the
17 state education goals and student performance standards
18 pursuant to ss. 229.591(3) and 229.592. Beginning in
19 1999-2000, each plan shall also address issues relative to
20 budget, training, instructional materials, technology,
21 staffing, student support services, and other matters of
22 resource allocation, as determined by school board policy.

23 (e) Public disclosure.--Provide information regarding
24 performance of students and educational programs as required
25 pursuant to s. 229.555 and implement a system of school
26 reports as required by statute and State Board of Education
27 rule which shall include schools operating for the purpose of
28 providing educational services to youth in Department of
29 Juvenile Justice programs, and for those schools, report on
30 the elements specified in s. 230.23161(21).

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1 Section 7. Paragraph (c) of subsection (3) of section
2 230.2316, Florida Statutes, 1998 Supplement, is amended to
3 read:

4 230.2316 Dropout prevention.--

5 (3) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.--

6 (c) A student shall be identified as being a potential
7 dropout based upon one of the following criteria:

8 1. The student has shown a lack of motivation in
9 school through grades which are not commensurate with
10 documented ability levels or high absenteeism or habitual
11 truancy as defined in s. 228.041(28).

12 2. The student has not been successful in school as
13 determined by retentions, failing grades, or low achievement
14 test scores and has needs and interests that cannot be met
15 through traditional programs.

16 3. The student has been identified as a potential
17 school dropout by student services personnel using district
18 criteria. District criteria that are used as a basis for
19 student referral to an educational alternatives program shall
20 identify specific student performance indicators that the
21 educational alternative program seeks to address.

22 4. The student has documented drug-related or
23 alcohol-related problems, or has immediate family members with
24 documented drug-related or alcohol-related problems that
25 adversely affect the student's performance in school.

26 5. The student has a history of disruptive behavior in
27 school or has committed an offense that warrants out-of-school
28 suspension or expulsion from school according to the district
29 code of student conduct. For the purposes of this program,
30 "disruptive behavior" is behavior that:

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1 a. Interferes with the student's own learning or the
2 educational process of others and requires attention and
3 assistance beyond that which the traditional program can
4 provide or results in frequent conflicts of a disruptive
5 nature while the student is under the jurisdiction of the
6 school either in or out of the classroom; or

7 b. Severely threatens the general welfare of students
8 or others with whom the student comes into contact.

9 6. The student is assigned to a program provided
10 pursuant to chapter 39, chapter 984, or chapter 985 which is
11 sponsored by a state-based or community-based agency or is
12 operated or contracted for by the Department of Children and
13 Family Services or the Department of Juvenile Justice provided
14 that beginning with the 2000-2001 school year, common
15 education assessments are required for all students assigned
16 to residential or nonresidential commitment or detention
17 facilities, pursuant to s. 228.081.

18 Section 8. Section 230.23161, Florida Statutes, 1998
19 Supplement, is amended to read.

20 230.23161 Educational services in Department of
21 Juvenile Justice programs.--

22 (1) The Legislature finds that education is the single
23 most important factor in the rehabilitation of adjudicated
24 delinquent youth in the custody of the Department of Juvenile
25 Justice in detention or commitment facilities. The Department
26 of Education shall serve as the lead agency for juvenile
27 justice education programs to ensure that curriculum, support
28 services, and resources are provided to maximize the public's
29 investment in the custody and care of these youth. To this
30 end, the Department of Education and the Department of
31 Juvenile Justice shall each designate a Coordinator for

1 Juvenile Justice Education Programs to serve as the point of
2 contact for resolving issues not addressed by local district
3 school boards and to ensure each department's participation in
4 the following activities:

5 (a) Training, collaborating, and coordinating with the
6 Department of Juvenile Justice, local school districts,
7 educational contract providers, and juvenile justice
8 providers, whether state operated or contracted.

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

12 (c) Developing protocols that provide guidance to
13 school districts and providers in all aspects of education
14 programming, including records transfer and transition.

15 (d) Securing workforce development funding for
16 workforce development activities and GED preparation.

17 (2)~~(1)~~ The Legislature finds that juvenile assessment
18 centers are an important source of information about youth who
19 are entering the juvenile justice system. Juvenile assessment
20 centers document the condition of youth entering the system,
21 thereby providing baseline data which is essential to evaluate
22 changes in the condition of youth as a result of treatment.
23 The cooperation and involvement of the local school system,
24 including the commitment of appropriate resources for
25 determining the educational status and special learning
26 problems and needs of youth, are essential if the full
27 potential benefits of juvenile assessment centers are to be
28 achieved.

29 (3)~~(2)~~ Students participating in a detention,
30 commitment, or rehabilitation program pursuant to chapter 985
31 which is sponsored by a community-based agency or is operated

1 or contracted for by the Department of Juvenile Justice shall
2 receive educational programs according to rules of the State
3 Board of Education. These students shall be eligible for
4 services afforded to students enrolled in programs pursuant to
5 s. 230.2316 and all corresponding State Board of Education
6 rules.

7 (4)~~(3)~~ The district school board of the county in
8 which the residential or nonresidential care facility or
9 juvenile assessment facility is located shall provide
10 appropriate educational assessments and an appropriate program
11 of instruction and special education services. The district
12 school board shall make provisions for each student to
13 participate in basic, vocational, and exceptional student
14 programs as appropriate. Students served in Department of
15 Juvenile Justice programs shall not be restricted from
16 accessing GED programs. Beginning with the 1999-2000 school
17 year, the state board shall impose financial sanctions on
18 school districts determined to be operating GED program
19 policies that restrict students in Department of Juvenile
20 Justice programs from participating. Each program shall be
21 conducted according to applicable law providing for the
22 operation of public schools and rules of the state board.

23 (5)~~(4)~~ A school day for any student serviced in a
24 Department of Juvenile Justice program shall be the same as
25 specified in s. 228.041(13). Educational services shall be
26 provided at times of the day most appropriate for the program.
27 School programming in juvenile justice detention, commitment,
28 and rehabilitation programs shall be made available during the
29 regular school year and the summer school by the local school
30 district.

31

1 ~~(6)~~~~(5)~~ The educational program shall consist of
2 appropriate basic academic, vocational, or exceptional
3 curricula and related services which support the treatment
4 goals and reentry and which may lead to completion of the
5 requirements for receipt of a high school diploma or its
6 equivalent. If the duration of a program is less than 40
7 days, the educational component may be limited to tutorial
8 activities and vocational employability skills.

9 ~~(7)~~~~(6)~~ Participation in the program by students of
10 compulsory school attendance age as provided for in s. 232.01
11 shall be mandatory. All students of noncompulsory
12 school-attendance age who have not received a high school
13 diploma or its equivalent shall participate in the educational
14 program, unless the student files a formal declaration of his
15 or her intent to terminate school enrollment as described in
16 s. 232.01(1)(c) and is afforded the opportunity to attain a
17 general education development diploma prior to release from a
18 facility.

19 ~~(8)~~ An academic improvement plan shall be developed
20 for students who score below the level specified in local
21 school board policy in reading, writing, and mathematics or
22 below the level specified by the Commissioner of Education on
23 statewide assessments as required by s. 232.245. These plans
24 shall address academic, literacy, and life skills and shall
25 include provisions for intensive remedial instruction in the
26 areas of weakness.

27 ~~(9)~~ Each school district shall maintain an academic
28 record for each student enrolled in a juvenile justice
29 facility as prescribed by s. 228.081. Such record shall
30 delineate each course completed by the student according to
31 procedures in the State Course Code Directory. The school

1 district shall include a copy of a student's academic record
2 in the discharge packet when the student exits the facility.
3 School districts failing to comply with this requirement shall
4 be sanctioned according to rules developed by the state board.

5 (10) The Department of Education shall ensure that all
6 school districts make provisions for high-school-level
7 committed youth to earn credits toward high school graduation
8 while in residential and nonresidential juvenile justice
9 facilities. Provisions must be made for the transfer of
10 credits and partial credits earned. School districts failing
11 to comply with this requirement shall be sanctioned according
12 to rules developed by the state board.

13 (11)(7) The school district shall recruit and train
14 teachers who are interested, qualified, or experienced in
15 educating students in juvenile justice programs. Students in
16 juvenile justice programs shall be provided a wide range of
17 educational programs and opportunities including textbooks,
18 technology, instructional support, and other resources
19 available to students in public schools. Teachers assigned to
20 educational programs in juvenile justice settings in which the
21 school district operates the educational program shall be
22 selected by the school district in consultation with the
23 director of the juvenile justice facility. Educational
24 programs in juvenile justice facilities shall have access to
25 the substitute teacher pool utilized by the school district.

26 (12)(8) School districts are authorized and strongly
27 encouraged to contract with a private provider for the
28 provision of educational programs to youths placed with the
29 Department of Juvenile Justice. School districts ~~and~~ shall
30 generate funding including local funding, state funding
31 through the Florida Education Finance Program and categorical

1 programs, and federal funding, including, but not limited to,
2 Title I and Title VI funding through the Florida Education
3 Finance Program for such students.

4 (13)(9) The local school district shall fund the
5 education program in a Department of Juvenile Justice facility
6 at the same or higher level of funding for equivalent students
7 in the county school system based on the funds generated by
8 state funding through the Florida Education Finance Program
9 for such students. It is the intent of the Legislature that
10 the school district maximize its available local, state, and
11 federal funding to a juvenile justice program.

12 (a) Education programs in juvenile justice commitment
13 and detention facilities shall be funded by the Legislature
14 based on the number of residential program beds and
15 nonresidential program slots contracted to each facility,
16 whether or not the bed or slot is filled at the time of
17 reporting.

18 (b) Each slot shall be funded at the
19 dropout-prevention-weighted level of funding, except for
20 students in attendance at the time of reporting who qualify
21 for higher weighted levels of funding. Education programs
22 eligible for the dropout prevention funding shall include
23 those operated through a contract with the Department of
24 Juvenile Justice and which are under the purview of the
25 Department of Juvenile Justice quality assurance standards for
26 education.

27 (14)(10) Each school district shall negotiate a
28 cooperative agreement with the Department of Juvenile Justice
29 on the delivery of educational services to youths under the
30 jurisdiction of the department. Such agreement must include,
31 but is not limited to:

- 1 (a) Roles and responsibilities of each agency,
2 including the roles and responsibilities of contract
3 providers.
- 4 (b) Administrative issues including procedures for
5 sharing information.
- 6 (c) Allocation of resources including maximization of
7 local, state, and federal funding.
- 8 (d) Procedures for educational evaluation for
9 educational exceptionalities and special needs.
- 10 (e) Curriculum and delivery of instruction.
- 11 (f) Classroom management procedures and attendance
12 policies.
- 13 (g) Procedures for provision of qualified
14 instructional personnel, whether supplied by the school
15 district or provided under contract by the provider, and for
16 performance of duties while in a juvenile justice setting.
- 17 (h) Provisions for improving skills in teaching and
18 working with juvenile delinquents.
- 19 (i) Transition plans for students moving into and out
20 of juvenile facilities.
- 21 (j) Procedures and timelines for the timely
22 documentation of credits earned and transfer of student
23 records.
- 24 (k) Methods and procedures for dispute resolution.
- 25 (l) Provisions for ensuring the safety of education
26 personnel and support for the agreed-upon education program.
- 27 (m) Strategies for correcting any deficiencies found
28 through the quality assurance process.
- 29 (15)~~(11)~~ The cooperative agreement pursuant to
30 subsection (14)~~(10)~~ does not preclude the development of an
31 operating agreement or contract between the school district

1 and the provider for each juvenile justice program in the
2 school district where educational programs are to be provided.
3 Any of the matters which must be included in the agreement
4 pursuant to subsection(14)(10)may be defined in the
5 operational agreements or operating contracts rather than in
6 the cooperative agreement if agreed to by the Department of
7 Juvenile Justice. Nothing in this section or in a cooperative
8 agreement shall be construed to require the school board to
9 provide more services than can be supported by the funds
10 generated by students in the juvenile justice programs.

11 (16)(a)(12) The Department of Education in
12 consultation with the Department of Juvenile Justice and
13 providers shall establish objective and measurable quality
14 assurance standards for the educational component of
15 residential and nonresidential juvenile justice facilities.
16 These standards shall rate the school district's performance
17 both as a provider and as a contractor. The quality assurance
18 rating for the education component shall be disaggregated from
19 the overall quality assurance score and reported separately.

20 (b) The Department of Education shall develop and a
21 comprehensive quality assurance review process and schedule
22 for the evaluation of the educational component in juvenile
23 justice programs. The Department of Juvenile Justice quality
24 assurance site visit and the education quality assurance site
25 visit shall be conducted during the same visit.

26 (c) The Department of Education, in consultation with
27 school districts and providers, shall establish minimum
28 thresholds for the standards and key indicators for education
29 programs in juvenile justice facilities. If a school district
30 fails to meet the established minimum standards, the district
31 will be given 6 months to achieve compliance with the

1 standards. If after 6 months the school district performance
2 is still below minimum standards, the school district shall
3 contract with a provider or another school district to deliver
4 these services unless there are documented extenuating
5 circumstances. All funds generated by these youth shall be
6 transferred from the school district to the contract provider
7 or contracted school district for this purpose. If a provider,
8 under contract with the school district, fails to meet minimum
9 standards, such failure shall cause the school district to
10 cancel the provider's contract unless the provider achieves
11 compliance within 6 months or unless there are documented
12 extenuating circumstances.

13 (17)~~(13)~~ The district school board shall not be
14 charged any rent, maintenance, utilities, or overhead on such
15 facilities. Maintenance, repairs, and remodeling of existing
16 facilities shall be provided by the Department of Juvenile
17 Justice.

18 (18)~~(14)~~ When additional facilities are required, the
19 district school board and the Department of Juvenile Justice
20 shall agree on the appropriate site based on the instructional
21 needs of the students. When the most appropriate site for
22 instruction is on district school board property, a special
23 capital outlay request shall be made by the commissioner in
24 accordance with s. 235.41. When the most appropriate site is
25 on state property, state capital outlay funds shall be
26 requested by the Department of Juvenile Justice provided by s.
27 216.043 and shall be submitted as specified by s. 216.023.
28 Any instructional facility to be built on state property shall
29 have educational specifications jointly developed by the
30 school district and the Department of Juvenile Justice and
31 approved by the Department of Education. The size of space

1 and occupant design capacity criteria as provided by state
2 board rules shall be used for remodeling or new construction
3 whether facilities are provided on state property or district
4 school board property.

5 (19)~~(15)~~ The parent or guardian of exceptional
6 students shall have the due process rights provided for in
7 chapter 232.

8 (20)~~(16)~~ Department of Juvenile Justice detention and
9 commitment programs may be designated as second chance schools
10 pursuant to s. 230.2316(3)(d). Admission to such programs
11 shall be governed by chapter 985.

12 (21)~~(17)~~ The Department of Education and Department of
13 Juvenile Justice, after consultation with and assistance from
14 local providers and local school districts, shall report
15 annually to the Legislature by December 1 on the progress
16 towards developing effective educational programs for juvenile
17 delinquents including the amount of funding provided by local
18 school districts to juvenile justice programs, the amount
19 retained for administration including documenting the purposes
20 for such expenses, the status of the development of
21 cooperative agreements, and the results of the quality
22 assurance reviews including recommendations for system
23 improvement.

24 (22)~~(18)~~ The educational programs at the Arthur Dozier
25 School for Boys in Jackson County and the Florida School for
26 Boys in Okeechobee shall be operated by the Department of
27 Education, either directly or through grants or contractual
28 agreements with other public or duly accredited education
29 agencies approved by the Department of Education.

30 (23)~~(19)~~ The Department of Education shall have the
31 authority to adopt any rules necessary to implement the

1 provisions of this section, including uniform curriculum,
2 funding, and second chance schools. Such rules shall require
3 the minimum amount of paperwork and reporting necessary to
4 comply with this act.

5 Section 9. Subsection (2) of section 235.194, Florida
6 Statutes, is amended to read:

7 235.194 General educational facilities report.--
8 (2) ~~Beginning October 1, 1995,~~Each school board shall
9 submit annually on October 1 to each local government and to
10 each juvenile justice district manager within the school
11 board's jurisdiction a general educational facilities report.
12 The general educational facilities report must contain
13 information detailing existing educational facilities and
14 their locations, including those serving youth in Department
15 of Juvenile Justice programs,and projected needs. The report
16 must also contain the board's capital improvement plan,
17 including planned facilities with funding over the next 3
18 years, and the educational facilities representing the
19 district's unmet need. The school board shall also provide a
20 copy of its educational plan survey to each local government
21 and juvenile justice district manager at least once every 5
22 years.

23 Section 10. Section 235.1975, Florida Statutes, is
24 created to read:

25 235.1975 Cooperative Development of Educational
26 Facilities in Juvenile Justice Programs.--

27 (1) The Department of Education shall conduct a review
28 and analysis of existing education facilities in Department of
29 Juvenile Justice facilities to determine the adequacy of the
30 facilities for educational use. This information shall be used
31 to generate a 3-year plan for the provision of adequate space,

1 equipment, furnishings, and technology, including
2 retrofitting. The Department of Education shall submit this
3 plan to the Governor, the President the Senate, the Speaker of
4 the House of Representatives, and the Secretary of the
5 Department of Juvenile Justice by November 1, 1999. The plan
6 shall contain sufficient detail for the development of a fixed
7 capital outlay budget request. The amount of \$250,000 in
8 nonrecurring general revenue is hereby appropriated to the
9 Department of Education for the purpose of conducting this
10 study.

11 (2) The Department of Juvenile Justice shall provide
12 early notice to school districts regarding the siting of new
13 juvenile justice facilities. School districts shall include
14 the projected number of students in the districts' annual
15 estimates. School districts should be consulted regarding the
16 types of students expected to be assigned to commitment
17 facilities for education planning and budgeting purposes. The
18 Department of Juvenile Justice shall notify, in writing, the
19 Department of Education when a request for proposals is issued
20 for the construction or operation of a commitment or detention
21 facility anywhere in the state. The Department of Juvenile
22 Justice is also required to notify the district school
23 superintendent within 30 days of the award of a contract for
24 the construction or operation of a commitment or detention
25 facility within that school district.

26 Section 11. Present paragraphs (b) and (c) of
27 subsection (2) of section 236.013, Florida Statutes, are
28 redesignated as paragraphs (c) and (d), respectively, and a
29 new paragraph (b) is added to that section, to read:
30
31

1 236.013 Definitions.--Notwithstanding the provisions
2 of s. 228.041, the following terms are defined as follows for
3 the purposes of this act:

4 (2) A "full-time equivalent student" in each program
5 of the district is defined in terms of full-time students and
6 part-time students as follows:

7 (b) A "full-time equivalent student," for purposes of
8 Department of Juvenile Justice programs, equals one bed in a
9 residential program or one slot in a nonresidential program.

10
11 The department shall determine and implement an equitable
12 method of equivalent funding for experimental schools and for
13 schools operating under emergency conditions, which schools
14 have been approved by the department under the provisions of
15 s. 228.041(13) to operate for less than the minimum school
16 day.

17 Section 12. Paragraph (a) of subsection (3) of section
18 237.34, Florida Statutes, is amended to read.

19 237.34 Cost accounting and reporting.--

20 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

21 (a) Each district shall expend at least the percent of
22 the funds generated by each of the programs listed herein on
23 the aggregate total school costs for such programs:

24 1. Kindergarten and grades 1, 2, and 3, 90 percent.

25 2. Grades 4, 5, 6, 7, and 8, 80 percent.

26 3. Grades 9, 10, 11, and 12, 80 percent.

27 4. Programs for exceptional students, on an aggregate
28 program basis, 80 percent.

29 5. Grades 7 through 12 vocational education programs,
30 on an aggregate program basis, 80 percent.

31

1 6. Students-at-risk programs, on an aggregate program
2 basis, 80 percent.

3 7. Juvenile justice programs, on an aggregate program
4 basis, 90 percent.

5 ~~8.7.~~ Any new program established and funded under s.
6 236.081(1)(c), that is not included under subparagraphs 1.
7 through 6., on an aggregate basis as appropriate, 80 percent.

8 Section 13. Present subsection (6) of section 985.401,
9 Florida Statutes, 1998 Supplement, is renumbered as subsection
10 (7), and a new subsection (6) is added to that section to
11 read:

12 985.401 Juvenile Justice Accountability Board.--

13 (6) The board shall study the extent and nature of
14 education programs for juvenile offenders committed by the
15 court to the Department of Juvenile Justice and for juvenile
16 offenders under court supervision in the community. The board
17 shall utilize a subcommittee of interested board members and
18 may request other interested persons to participate and act as
19 a juvenile justice education task force for the study. The
20 task force shall address, at a minimum, the following issues:

21 (a) The impact of education services on students in
22 commitment programs;

23 (b) The barriers impeding the timely transfer of
24 education records;

25 (c) The development and implementation of vocational
26 programming in commitment programs;

27 (d) The implementation of provisions for earning high
28 school credits regardless of varied lengths of stay; and

29 (e) The accountability of school districts and
30 providers regarding the expenditure of education funds.

31

1 Section 14. Paragraph (d) of subsection (3) of section
2 985.413, Florida Statutes, 1998 Supplement, is amended to
3 read:

4 985.413 District juvenile justice boards.--

5 (3) DISTRICT JUVENILE JUSTICE BOARDS.--

6 (d) A district juvenile justice board has the purpose,
7 power, and duty to:

8 1. Advise the district juvenile justice manager and
9 the district administrator on the need for and the
10 availability of juvenile justice programs and services in the
11 district.

12 2. Develop a district juvenile justice plan that is
13 based upon the juvenile justice plans developed by each county
14 within the district, and that addresses the needs of each
15 county within the district.

16 3. Develop a district interagency cooperation and
17 information-sharing agreement that supplements county
18 agreements and expands the scope to include appropriate
19 circuit and district officials and groups.

20 4. Coordinate the efforts of the district juvenile
21 justice board with the activities of the Governor's Juvenile
22 Justice and Delinquency Prevention Advisory Committee and
23 other public and private entities.

24 5. Advise and assist the district juvenile justice
25 manager in the provision of optional, innovative delinquency
26 services in the district to meet the unique needs of
27 delinquent children and their families.

28 6. Develop, in consultation with the district juvenile
29 justice manager, funding sources external to the Department of
30 Juvenile Justice for the provision and maintenance of
31 additional delinquency programs and services. The board may,

1 either independently or in partnership with one or more county
2 juvenile justice councils or other public or private entities,
3 apply for and receive funds, under contract or other funding
4 arrangement, from federal, state, county, city, and other
5 public agencies, and from public and private foundations,
6 agencies, and charities for the purpose of funding optional
7 innovative prevention, diversion, or treatment services in the
8 district for delinquent children and children at risk of
9 delinquency, and their families. To aid in this process, the
10 department shall provide fiscal agency services for the
11 councils.

12 7. Educate the community about and assist in the
13 community juvenile justice partnership grant program
14 administered by the Department of Juvenile Justice.

15 8. Advise the district health and human services
16 board, the district juvenile justice manager, and the
17 Secretary of Juvenile Justice regarding the development of the
18 legislative budget request for juvenile justice programs and
19 services in the district and the commitment region, and, in
20 coordination with the district health and human services
21 board, make recommendations, develop programs, and provide
22 funding for prevention and early intervention programs and
23 services designed to serve children in need of services,
24 families in need of services, and children who are at risk of
25 delinquency within the district or region.

26 9. Assist the district juvenile justice manager in
27 collecting information and statistical data useful in
28 assessing the need for prevention programs and services within
29 the juvenile justice continuum program in the district.

30 10. Make recommendations with respect to, and monitor
31 the effectiveness of, the judicial administrative plan for

1 each circuit pursuant to Rule 2.050, Florida Rules of Judicial
2 Administration.

3 11. Provide periodic reports to the health and human
4 services board in the appropriate district of the Department
5 of Children and Family Services. These reports must contain,
6 at a minimum, data about the clients served by the juvenile
7 justice programs and services in the district, as well as data
8 concerning the unmet needs of juveniles within the district.

9 12. Provide a written annual report on the activities
10 of the board to the district administrator, the Secretary of
11 Juvenile Justice, and the Juvenile Justice Accountability
12 ~~Advisory~~ Board. The report should include an assessment of the
13 effectiveness of juvenile justice continuum programs and
14 services within the district, recommendations for elimination,
15 modification, or expansion of existing programs, and
16 suggestions for new programs or services in the juvenile
17 justice continuum that would meet identified needs of children
18 and families in the district.

19 13. Create a standing committee on juvenile justice
20 educational services to monitor the delivery of educational
21 services in juvenile justice programs, to serve as a forum for
22 discussing difficulties arising in the implementation of
23 educational programs in juvenile justice facilities, and to
24 make recommendations on the resolution of difficulties or
25 methods to improve the effectiveness of educational programs.

26 Section 15. The Department of Education shall work in
27 consultation with the Department of Juvenile Justice and the
28 local school districts to develop a plan for education
29 programs in detention centers. The plan shall reflect the
30 unique needs, variability in lengths of stay, and diversity of
31 youth assigned to juvenile justice detention centers. The plan

1 shall anticipate the use of dropout prevention funding and
2 appropriate education funding categories available to juvenile
3 justice facilities and shall provide for appropriate benchmark
4 measures. The plan shall be submitted to the Governor, the
5 Speaker of the House of Representatives, and the President of
6 the Senate prior to September 1, 1999, and shall include
7 appropriate cost estimates.

8 Section 16. The Department of Education shall conduct
9 a study of the identification of, and services provided to,
10 exceptional students in juvenile justice commitment facilities
11 to determine whether these students are properly reported for
12 funding and appropriately served. The department shall
13 recommend sanctions for school districts and providers failing
14 to make appropriate provisions for students with disabilities.
15 The State Board of Education shall adopt rules regarding such
16 sanctions, based upon the department's recommendation. A
17 report of findings and recommendations shall be completed by
18 November 1, 1999, and submitted to the Governor, the President
19 of the Senate, and the Speaker of the House of
20 Representatives.

21 Section 17. Subsection (10) of section 985.404,
22 Florida Statutes, 1998 Supplement, is amended to read:

23 985.404 Administering the juvenile justice
24 continuum.--

25 (10) The department shall annually collect and report
26 cost data for every program operated or contracted by the
27 department. The cost data shall conform to a format approved
28 by the department and the Legislature. Uniform cost data shall
29 be reported and collected for state-operated and contracted
30 programs so that comparisons can be made among programs. The
31 department shall ensure that there is accurate cost accounting

1 for state-operated services including market-equivalent rent
2 and other shared cost. The cost of the educational program
3 provided to a residential facility shall be reported and
4 included in the cost of a program. The department shall submit
5 an annual cost report to the President of the Senate, the
6 Speaker of the House of Representatives, the Minority Leader
7 of each house of the Legislature, the appropriate substantive
8 and appropriations committees of each house of the
9 Legislature, and the Governor, no later than December 1 of
10 each year. Cost-benefit analysis for educational programs will
11 be developed and implemented in collaboration with and
12 cooperation by the Department of Education, local providers,
13 and local school districts. Cost data for the report shall
14 include data collected by the Department of Education for the
15 purposes of preparing the annual report required by s.
16 230.23161(21)~~(17)~~.

17 Section 18. This act shall take effect upon becoming a
18 law.

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LEGISLATIVE SUMMARY

Defines "juvenile justice provider" and "school year for juvenile justice programs." Amends provisions relating to the organization and funding of required public schools to require the public schools of the state to provide instruction for youth in Department of Juvenile Justice programs. Requires the development and adoption of a rule articulating expectations for education programs for youth in Department of Juvenile Justice programs. Requires the development of model contracts for the delivery of educational services to youth in Department of Juvenile Justice programs. Requires the Department of Education to provide training and technical assistance. Requires the development of model procedures for transitioning youth into and out of Department of Juvenile Justice programs. Requires the development of model procedures regarding education records. Requires the Department of Education to provide, or contract for the provision of, quality assurance reviews of all juvenile justice education programs. Revises provisions relating to the statewide assessment program to include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Provides sanctions for noncompliance. Revises provisions relating to the implementation of the state system of school improvement and education accountability to include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Revises provisions relating to school improvement plans and public disclosure to include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Requires common education assessments for all students assigned to residential or nonresidential commitment or detention facilities. Provides legislative intent regarding educational services in Department of Juvenile Justice programs. Requires the Department of Education to serve as the lead agency. Requires the Department of Education and the Department of Juvenile Justice to designate a coordinator to ensure department participation in certain activities. Prohibits restricted access to GED programs. Requires financial sanctions for noncompliance. Revises provisions relating to compulsory school attendance. Requires the development of an academic improvement plan for certain students. Provides requirements regarding academic records. Provides sanctions for noncompliance. Requires provisions for the earning and transfer of credits. Provides funding requirements. Revises provisions relating to quality assurance standards. Requires the Department of Juvenile Justice site visit and the education quality assurance site visit to take place during the same visit. Requires the establishment of certain minimum standards and provides a timeline for achieving compliance with minimum standards. Requires the submission of the district's general educational facilities report to each juvenile justice district manager within the school board's jurisdiction. Requires

1 the inclusion of educational facilities serving youth in
2 Department of Juvenile Justice programs in the
3 educational facilities report. Creates a section of law
4 relating to cooperative development of educational
5 facilities in juvenile justice programs. Requires the
6 Department of Education to conduct a review and analysis.
7 Requires the development and submission of a plan.
8 Requires the Department of Juvenile Justice to provide
9 certain information to school districts and the
10 Department of Education regarding new juvenile justice
11 facilities. Provides requirements regarding planning and
12 budgeting. Defines "full-time equivalent student" for
13 purposes of Department of Juvenile Justice programs.
14 Requires each district to expend at least 90 percent of
15 the funds generated by juvenile justice programs on the
16 aggregate total school costs for such programs. Requires
17 the Juvenile Justice Accountability Board to study the
18 extent and nature of education programs for juvenile
19 offenders. Revises the duties of district juvenile
20 justice boards to require the creation of a standing
21 committee on juvenile justice educational services.
22 Requires the development and submission of a plan for
23 education programs in detention centers. Requires the
24 Department of Education to conduct and submit a study of
25 the provision of services to exceptional students in
26 juvenile justice commitment facilities.
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