

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 949 Juvenile Justice Education and Workforce Programs
SPONSOR(S): Education Committee; Criminal Justice Subcommittee; Baxley and others
TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 834

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	12 Y, 1 N, As CS	Williams	Cunningham
2) Education Committee	14 Y, 0 N, As CS	Thomas	Klebacha
3) Appropriations Committee			
4) Judiciary Committee			

SUMMARY ANALYSIS

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

The bill creates the Stephen R. Wise Commission for Juvenile Justice Education and Workforce Programs (Commission). The Commission must submit a report by December 31, 2012, that provides specific legislative recommendations relating to:

- A juvenile justice educational program (JJEP) accountability system.
- Performance standards for JJEP providers and a system for evaluating school districts and providers based upon those standards. Student performance expectations must be based upon length of a student's stay in a program.
- Requirements for educational services that increase opportunities for juveniles to continue their education and gain employment.
- Identification of effective program practices and resources for students in need of academic remediation, credit recovery, and workforce training.
- Elimination of duplicative processes and reporting requirements.
- Funding mechanism for local, state, and federal funding related to juvenile justice education and workforce programs.

The Commission is comprised of the following members: the Commissioner of Education; the Secretary of Juvenile Justice; two representatives of the business community; and one school district provider and one contract provider of a JJEP.

Additionally, the bill:

- Requires that Department of Education (DOE), in consultation with DJJ, district school boards, and providers, adopt by rule objective and measurable quality assurance standards, a quality assurance review process and schedule, and minimum thresholds for standards used to evaluate the educational component of juvenile justice programs.
- Requires that as part of the quality assurance review process, DOE and DJJ monitor and report on the educational performance of youth in commitment, day treatment, early delinquency intervention, and detention programs.
- Requires an individual transition plan be developed for each student in a JJEP.
- Provides collaboration between the district school board and the director of the juvenile justice facility for the selection of instructional personnel.

The bill does not appear to have a fiscal impact.

The bill is effective upon becoming a law.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0949c.EDC

DATE: 2/24/2012

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Department of Juvenile Justice (DJJ)

Present Situation

DJJ's mission is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.¹ DJJ oversees at-risk and adjudicated youth in four service areas: prevention and victim services, probation and community intervention services, residential services, and detention services.² During the 2009-10 school year, juvenile justice education programs served more than 36,000 students.³

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

Educational Services in Department of Juvenile Justice Programs

The Legislature has found that education is the single most important factor in the rehabilitation of adjudicated youth.⁹ Current law sets forth how educational services must be provided in DJJ programs and establishes the educational expectations for DJJ youth in such programs.¹⁰ The Department of

¹ Florida Department of Juvenile Justice, available at <http://www.djj.state.fl.us> (last visited Feb. 5, 2012).

² Office of Program Policy Analysis and Government Accountability, *Government Program Summaries – Department of Juvenile Justice*, available at http://www.oppaga.state.fl.us/government/s_agency.asp (last visited Feb. 23, 2012).

³ Florida Department of Juvenile Justice, *Reach Them Teach Them Watch Them Succeed*, Fiscal Year 2010-11 Annual Report, at 25, available at <http://www.djj.state.fl.us/AboutDJJ/index.html> (last visited Feb. 23, 2012).

⁴ Florida Department of Juvenile Justice, *Reach Them Teach Them Watch Them Succeed*, Fiscal Year 2010-11 Annual Report, at 16, available at <http://www.djj.state.fl.us/AboutDJJ/index.html> (last visited Feb. 5, 2012).

⁵ Florida Department of Juvenile Justice, <http://www.djj.state.fl.us/Residential/restrictiveness.html> (last visited Feb. 5, 2012).

⁶ Office of Program Policy Analysis and Government Accountability, *Government Program Summaries – Department of Juvenile Justice Residential Services*, available at <http://www.oppaga.state.fl.us/profiles/1001> (last visited Feb. 23, 2012).

⁷ Office of Program Policy Analysis and Government Accountability, *Government Program Summaries – Department of Juvenile Justice Residential Services*, available at <http://www.oppaga.state.fl.us/profiles/1001> (last visited Feb. 23, 2012).

⁸ Florida Department of Juvenile Justice, available at <http://www.djj.state.fl.us/AboutDJJ/faq.html#Education> (last visited Feb. 5, 2012).

⁹ Section 1003.52(1), F.S.

¹⁰ Section 1003.52, F.S.

Education (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.¹¹ 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.¹² These services can be provided by the district school board itself or by a private provider through a contract with the district school board.¹³ However, school districts remain responsible for the quality of education provided in residential and day treatment juvenile justice facilities regardless of whether the school district provides those services directly or through a contractor.¹⁴

Annually, DJJ and DOE must develop a cooperative agreement and plan for juvenile justice education service enhancement, which must be submitted to the Secretary of Juvenile Justice and the Commissioner of Education.¹⁵

Each district school board must negotiate a cooperative agreement with DJJ regarding the delivery of educational programming to DJJ youth. These agreements must include provisions that address certain issues, such as:

- Curriculum and delivery of instruction;
- Classroom management procedures and attendance policies;
- Procedures for provision of qualified instructional personnel;
- Improving skills in teaching and working with juvenile delinquents;
- Transition plans for students moving into and out of juvenile facilities; and
- Deficiencies found through the quality assurance process and strategies for correcting such deficiencies.¹⁶

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

- Training, collaborating, and coordinating with DJJ, district school boards, educational contract providers, and juvenile justice providers, whether state-operated or contracted;
- Collecting and reporting information on the academic performance of students in juvenile justice programs;
- Developing academic and career protocols that provide guidance to district school boards and providers in educational programming; and
- Prescribing the roles of program personnel and school district or provider collaboration strategies.¹⁷

DJJ Education Program Outcomes

DOE has provided data on youth released from DJJ programs over several years using information from the Florida Education and Training Placement Information Program (FETPIP).¹⁸ DOE tracked youth in DJJ residential programs to determine occupational, educational, and subsequent judicial placement in the years following release from the program. To provide context, DOE provided the same outcome information for high school dropouts and graduates. DOE found that youth released

¹¹ Section 1003.52(1), (3), and (4), F.S.

¹² Section 1003.52(5), F.S.

¹³ Section 1003.52(11), F.S.

¹⁴ 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 Feb. 6, 2012).

¹⁵ Section 1003.52(1), F.S.

¹⁶ Section 1003.52(13), F.S.

¹⁷ Section 1003.52(1), F.S.

¹⁸ Florida Department of Education, Florida Education & Training Placement Information (FETPIP), <http://www.fldoe.org/fetpip/> (last visited Jan. 20, 2012).

from DJJ are returning to school at progressively lower rates over time. In addition, DJJ youth are similar to dropouts in that low percentages enroll in postsecondary education. Youth released from DJJ were also less likely to be employed than dropouts or high school graduates. Finally, DJJ youth, following release, are more likely to be incarcerated as adults than dropouts or high school graduates.¹⁹

DOE and DJJ, after consulting with the district schools boards and local providers, must report annually to the Legislature on the progress towards 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.²⁰ In its annual report to the Legislature, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, DOE made several recommendations to address educational accountability and improvement such as:

- Continue to develop a juvenile justice education accountability system for programs and explore a process in which high-performing programs are recognized and low-performing programs receive assistance.
- Develop a customized school improvement plan template for programs.
- Continue to support improvement in transition services for youth in juvenile justice education through the maintenance of an accurate statewide transition contact list.
- Provide additional training and support to programs to improve their efforts with 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 collaborative efforts among DOE, DJJ, school districts, and private providers to ensure appropriate and effective education for youth in juvenile justice programs.²¹

In 2010, the Office of Program Policy Analysis & Government Accountability (OPPAGA) issued a report examining educational services provided to youth in DJJ residential and day treatment programs. OPPAGA found that most students entering juvenile justice programs were older, academically behind their peers, and were likely to have had attendance problems at school. OPPAGA found that DOE had not collected sufficient information to assess the learning gains (or lack thereof) of students in juvenile justice programs. Only 48 of the 141 programs (34%) reported complete information for at least half of their students. For those programs that did report data, the nature of the assessment instrument made it difficult to determine whether students were making appropriate educational progress. OPPAGA recommended that the Legislature amend s. 1003.52(3)(b), F.S., to require that DOE make annual status reports to the Legislature on the learning gains of students in juvenile justice facilities and the steps it has taken to ensure the completeness and reliability of juvenile justice student performance data.²²

Effect of Proposed Changes

The bill creates the Stephen R. Wise Commission for Juvenile Justice Education and Workforce Programs to evaluate the way juvenile justice education programs are providing educational services to students in DJJ programs. The Commission must submit the report by December 31, 2012, to the Governor, the President of the Senate, the Speaker of the House of Representative, the Board of Governors, the State Board of Education (SBE), and DJJ. Once the Commission submits its report it will be dissolved.

¹⁹ Email, Florida Department of Education, Division of Accountability, Research, and Measurement (Dec. 20, 2011).

²⁰ Section 1003.52(19), F.S.

²¹ 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 (last visited Feb. 23, 2012).

²² Office of Program Policy Analysis and Government Accountability, *Youth Entering the State's Juvenile Justice Program Have Substantial Educational Deficits; Available Data is Insufficient to Assess Learning Gains of Students*, Report No. 10-07, at 8 (Jan. 2010), available at www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1007rpt.pdf (last visited Feb. 23, 2012).

The report must provide specific legislative recommendations relating to:

- A juvenile justice educational program accountability system.
- Performance standards for juvenile justice educational program providers and a system for evaluating school districts and providers based upon those standards. Student performance expectations must be based upon length of a student's stay in a program.
- Requirements for educational services that increase opportunities for juveniles to continue their education and gain employment.
- Identification of effective program practices and resources for students in need of academic remediation, credit recovery, and workforce training.
- Elimination of duplicative processes and reporting requirements.
- Funding mechanism for local, state, and federal funding related to juvenile justice education and workforce programs.

The Commission is comprised of the following members: the Commissioner of Education or a designee; the Secretary of DJJ or a designee; two representatives of the business community, one appointed by the Commissioner and one appointed by the Secretary of DJJ; one school district provider of juvenile justice education program appointed by the Commissioner of Education; and one contract provider of juvenile justice education program appointed by the Secretary of DJJ.

The Commissioner of Education or a designee and the Secretary of the Department of Juvenile Justice or a designee must serve as co-chairs of the Commission. The bill also requires that the Commission meet monthly or at the call of the co-chairs. The meetings may be conducted by teleconference or other electronic means and must be noticed and open to the public. The Commission is required to conduct at least three public hearings.

Transition Plan

Present Situation

Current law and SBE rule requires that an individual transition plan is developed for each student entering a DJJ commitment, day treatment, early delinquency intervention, or detention program.²³ The transition plan is based on the student's post-placement goals that are developed cooperatively with the student, his or her parents, school district and or contracted provider personnel, and DJJ program staff. Re-entry counselors, probation officers, and personnel from the student's "home" school district must be involved in the transition planning to the extent practicable.²⁴ The transition plan also includes a student's academic record, career re-entry goals, 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.²⁵

According to DOE, a web-based transition contact list is also available that identifies one person in each school district who will support students returning from a DJJ program with re-entering into school, assisting with transferring and receiving educational records, and providing information to other districts on local school options for returning DJJ students. DJJ education program staff is responsible for notifying the transition contact in the receiving school district at least one week prior to that students scheduled release from the DJJ program and transmit the students' exit plan.²⁶

Effect of Proposed Changes

The bill clarifies the requirements that are to be included in an individual transition plan developed for each student in a juvenile justice education program. The plan must include:

- Results of student assessment;

²³ Section 1003.52(13)(i), F.S.; Rule 6A-6.05281, F.A.C.

²⁴ Email, Florida Department of Education, Governmental Relation Office (Feb. 8, 2012); Rule 6A-6.05281, F.A.C.

²⁵ Florida Department of Education, Legislative Bill Analysis for SB 834 (2011).

²⁶ Email, Florida Department of Education, Governmental Relation Office (Feb. 8, 2012); Rule 6A-6.05281, F.A.C.

- Individual Academic Plan;
- Academic transcripts;
- Academic re-entry goals;
- Career and employment goals;
- Recommended educational placement;
- Industry certification completions information;
- Occupational completion points; and
- Treatment, intervention, and support services that are accessible upon exiting the program.

Quality Assurance and Cost-effectiveness

Present Situation

DJJ is required to annually collect and report cost data for every program state-operated or contracted by the department. DJJ is responsible for accurate cost accounting for state-operated services including market-equivalent rent and other shared cost. The cost of the educational program provided to a residential facility must be reported and included in the cost of a program. The cost-benefit analysis for each educational program will be developed and implemented in collaboration with DOE, local providers, and local school districts. Cost data for the report must include data collected by DOE for the purpose of preparing the annual report required pursuant to s. 1003.52(19), F.S., relating to developing effective educational progress for juvenile delinquents.²⁷

Effect of Proposed Changes

The bill requires DJJ, in consultation with DOE, to submit a report by March 1 each year on program costs and effectiveness for each program operated by DJJ or by providers under contract with DJJ. DOE is also required to provide the cost data on each education program operated by a school district or a provider under contract with a school district. The report must also include data on student learning gains, and recommendations for modification or elimination of programs or program activities.

Quality Assurance Review

Present Situation

DOE in consultation with DJJ, district school boards, and providers must establish objective and measurable quality assurance standards for the educational components of residential and nonresidential juvenile justice facilities.²⁸ 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.²⁹ These standards are required to rate the district school boards' performance both as a provider and contractor.³⁰

DOE has developed a quality assurance review process to examine juvenile justice educational programs in four general areas: entry transition, service delivery, exit transition, and contract management. These areas are the same across all juvenile justice educational programs, but specific indicators vary for detention, day treatment, and residential commitment programs.³¹ The Juvenile Justice Educational Enhancement Program quality assurance review process is evidence-based, using the same data source to evaluate the quality of educational services provided in each juvenile justice educational program. To determine quality assurance rating, reviewers consider the preponderance of evidence from multiple sources, such as self-report documents; files maintained on site; interviews of

²⁷ Section 985.632, F.S.

²⁸ Section 1003.52(15)(a), F.S.

²⁹ 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 (last visited Feb. 6, 2012).

³⁰ Section 1003.52(15)(a), F.S.

³¹ 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 (last visited Feb. 6, 2012).

educational program and school district administrators, support personnel, teachers, and students; and observation of classrooms, educational activities, and services.³²

According to DOE funding for the quality assurance reviews was eliminated at the conclusion of the 2009-10 school year.³³

Effect of Proposed Changes

The bill requires that DOE, in consultation with DJJ, district school boards, and providers, adopt by rule objective and measurable quality assurance standards, a quality assurance review process and schedule, and minimum thresholds for standards used to evaluate the educational component of juvenile justice programs. The bill also requires that as part of the quality assurance review process, DOE and DJJ monitor and report on the educational performance of youth in commitment, day treatment, early delinquency intervention, and detention programs. The report must include, at a minimum, the number and percentage of students:

- Returning to middle school or high school upon release.
- Receiving a standard high school diploma or a general equivalency diploma.
- Receiving industry certification.
- Receiving occupational completion points.
- Enrolling in a postsecondary educational institution.
- Completing a juvenile justice education program without reoffending.
- Reoffending within 1 year after completion of a juvenile justice education program.
- Remaining employed 1 year after completion of a juvenile justice education program.

B. SECTION DIRECTORY:

Section 1. Amends s. 985.632, F.S., relating to quality assurance and cost-effectiveness; to require the Department of Juvenile Justice to provide cost and effectiveness information on programs and programs activities and to implement an accountability system; to require the department, in consultation with the Department of Education, to submit a report to the Governor and Legislature regarding program cost and effectiveness; to require the report to include uniform cost data for programs, data on student learning gains, and recommendations for modification and elimination of programs and programs activities.

Section 2. Amends s. 1001.42, F.S., relating to powers and duties of district school board; to conform a cross-reference.

Section 3. Amends s. 1003.52, F.S., relating to educational services in Department of Juvenile Justice programs; to provide qualifications for instructional personnel; to require the State Board of Education to adopt rules relating to quality assurance standards and review; to require the Department of Education to monitor and report on the educational performance of youth in juvenile justice programs; to require an individualized transition plan to be developed for each student receiving services in a juvenile justice education program.

Section 4. Creates The Stephen R. Wise Commission for Juvenile Justice Education and Workforce Programs; to provide membership, administrative support, and meeting requirements; to require the commission to submit a report and legislative recommendations relating to juvenile justice education program accountability, performance standards and evaluation, increase opportunities for juveniles in education and employment, effective program practices, duplicative processes, and funding mechanisms; to provide for the dissolution of the Commission.

Section 5. Provides an effective date upon becoming a law.

³² 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 (last visited Feb. 6, 2012).

³³ Florida Department of Education, Legislative Bill Analysis for SB 834 (2011).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 25, 2012, the Criminal Justice Subcommittee adopted one strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Moved substantive portions of the bill to more appropriate statutes;
- Provided a definition for "Juvenile Justice Education Programs";
- Required DJJ in collaboration with DOE to annually verify specified requirements of juvenile justice education programs;
- Required DOE to ensure that there is accurate cost accounting for educational programs operated by the school districts, including programs operated by contracted private providers;

- Required juvenile justice residential and nonresidential education programs to be held accountable for student performance outcomes no longer than six months following the youths' release from the program;
- Required DOE in collaboration with DJJ to monitor the education performance of youth in juvenile justice facilities; prohibit school districts or private providers that have failing performance ratings from delivering the education services; and verify that a school district is operating or contracting with a private provider to deliver education services;
- Removed provisions authorizing DJJ to use its statutory authority to sanction or prohibit a private provider from delivering education services due to non-education reasons;
- Required academic instructional personnel to be certified by the Department of Education, unless exempt as specified; and
- Provided payment exemption for tuition and fees of state postsecondary institutions for specified youth under s. 1003.515(5)(b)3., F.S.

On February 23, 2012, the Education Committee adopted one strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Created the Stephen R. Wise Commission for Juvenile Justice Education and Workforce Programs. The Commission must submit a report by December 31, 2012, that provides specific legislative recommendations relating to the education and workforce needs of juveniles within the Department of Juvenile Justice.
- Required that DOE, in consultation with DJJ, district school boards, and providers, adopt by rule objective and measurable quality assurance standards, a quality assurance review process and schedule, and minimum thresholds for standards used to evaluate the educational component of juvenile justice programs.
- Required that as part of the quality assurance review process, DOE and DJJ monitor and report on the educational performance of youth in commitment, day treatment, early delinquency intervention, and detention programs.
- Required that a report be submitted by March 1 each year on program costs and effectiveness for each program operated by DJJ or by providers under contract with DJJ. The report must also include data on student learning gains and recommendations for modification or elimination of programs or program activities.
- Required an individual transition plan be developed for each student in a juvenile justice education program.
- Provided collaboration between the district school board and the director of the juvenile justice facility for the selection of instructional personnel.

The Strike All Amendment removed the provisions in CS/HB 949 that created the Florida Juvenile Justice Education Act and the repeal of s. 1003.52, F.S., relating to educational services in Department of Juvenile Justice program.