

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 486

INTRODUCER: Education Committee and Senator Bradley

SUBJECT: Juvenile Justice Education Programs

DATE: March 4, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 486 modifies the way juvenile justice education programs may be operated and funded. These modifications include how instructional time is defined and how funds are allocated between school districts and educational providers. Specifically, the bill:

- Provides for equivalent hours of instruction in the definition of “juvenile justice education programs or schools” for nonresidential programs.
- Requires that at least 95 percent of Florida Education Finance Program (FEFP) funds generated by student in Department of Juvenile Justice programs or specified education program for juveniles must be spent on instructional costs.
- Requires all contracts between district school boards and juvenile justice education programs to be in writing.
- Requires timely satisfaction of invoices by district school boards, with a penalty for late payments.
- Specifies that district school boards may not delay payment of funds owed to juvenile justice education programs pending receipt of local funds.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2021.

II. Present Situation:

Juvenile Justice Education Programs and Schools

Juvenile justice education programs or schools operate for the purpose of providing educational services to youth in Department of Juvenile Justice (DJJ) programs, for a school year comprised of 250 days of instruction distributed over 12 months.¹ At the request of the provider, a district school board may decrease the minimum number of days of instruction by up to 10 days for teacher planning for residential programs and up to 20 days for teacher planning for nonresidential programs, subject to the approval of the DJJ and the Department of Education (DOE).²

A juvenile justice provider is the DJJ, the sheriff, or a private, public, or other governmental organization under contract with the DJJ or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.³

Educational Services in DJJ Programs

The DOE acts as the lead agency for juvenile justice education programs and sets the standards for curriculum and other support services.⁴

Students who do not attend a local public school due to their placement in a DJJ detention, prevention, residential, or day treatment program are provided high-quality and effective educational programs by the local school district in which the DJJ facility is located or by an education provider through a contract with the local school district.⁵ Each program must be conducted according to applicable law providing for the operation of public schools and rules of the State Board of Education.⁶

The district school board must make provisions for each student to participate in basic, Career and Professional Education (CAPE), and exceptional student programs as appropriate. Students served in DJJ education programs have access to the appropriate courses and instruction to prepare them for the high school equivalency examination. School districts must provide the high school equivalency examination exit option for all juvenile justice education programs.⁷

With the assistance of the school districts and juvenile justice education providers, the DOE must select a common student assessment instrument and protocol for measuring student learning gains and student progression while a student is in a juvenile justice education program.⁸

¹ Section 1003.01(11)(a), F.S.

² *Id.*

³ Section 1003.01(11)(b), F.S.

⁴ Section 1003.52(1), F.S.

⁵ Rule 6A-6.05281(2), F.A.C.

⁶ Section 1003.52(3)(a), F.S.

⁷ *Id.*

⁸ Section 1003.52(3)(b), F.S.

Funding of Students Enrolled in Juvenile Justice Education Programs

Funding for eligible students enrolled in juvenile justice education programs is provided through the Florida Education Finance Program (FEFP).⁹ Students participating in high school equivalency examination preparation programs are funded at the basic program cost factor for DJJ programs in the FEFP.¹⁰

At least 90 percent of the FEFP funds generated by students in DJJ programs or in an education program for juveniles must be spent on instructional costs for those students.¹¹

One hundred percent of the formula-based categorical funds¹² generated by students in DJJ programs must be spent on appropriate categoricals such as instructional materials and public school technology for those students.¹³

Contracts with Providers

Each school district that provides educational services to students in a DJJ facility must negotiate a cooperative agreement with DJJ and may negotiate educational service contracts with private education service providers if they do not directly provide the education services.¹⁴ The district school board of the county in which the juvenile justice education prevention, day treatment, residential, or detention program is located must provide or contract for appropriate educational assessments and an appropriate program of instruction and special education services.¹⁵ Such contracts must include the following:¹⁶

- Payment structure and amounts;
- Access to district services;
- Contract management provisions;
- Data maintenance and reporting requirements;
- Administrative guidelines and oversight of federal programs; and
- Require that all educational services comply with this rule.

III. Effect of Proposed Changes:

CS/SB 486 modifies the way juvenile justice education programs may be operated and funded. These modifications include how instructional time is defined and how funds are allocated between school districts and educational providers.

The bill modifies the definition of “juvenile justice education programs or schools” by allowing for the number of instructional days, currently 250 days over 12 months, to be expressed in equivalent hours for nonresidential programs. These hours must be specified by the State Board

⁹ Section 1011.62, F.S.

¹⁰ Section 1003.52(3)(a), F.S.

¹¹ Section 1003.51(2)(i), F.S.

¹² Section 1011.62(10), F.S.

¹³ Section 1003.51(2)(i), F.S.

¹⁴ Florida Department of Education, *Developing Effective Education in the Department of Juvenile Justice Annual Report 2019-2019* available at <http://www.fldoe.org/core/fileparse.php/7567/urlt/DevEffEduDJJ1819.pdf>.

¹⁵ Section 1003.52(3), F.S. and Rule 6A-6.05281(9), F.A.C.

¹⁶ Rule 6A-6.05281(9), F.A.C.

of Education (SBE) and reviewed annually. Further, the bill specifies that current law authorizing a district school board to decrease the minimum number of days of instruction by up to 20 days for nonresidential programs may also be expressed in hours, subject to SBE rule.

The bill adjusts the requirements for Florida Education Finance Program (FEFP) funds generated by students in Department of Juvenile Justice (DJJ) or juvenile delinquency education programs. The bill increases the funding requirement that must be spent on instructional cost for students from 90 percent to 95 percent of the funds generated. Increasing the percentage of FEFP dollars that must be provided to a DJJ educational program for instructional cost from 90 percent to 95 percent would have a 5 percent reduction for school districts in administrative dollars which are often used to provide accountability oversight.¹⁷

The bill clarifies that DJJ education programs are entitled to 100 percent of the categorical funds generated by DJJ students, and such funds must be spent on the appropriate categorical, such as instructional materials and public school technology for those students.

The bill provides additional requirements for contracts between district school boards and juvenile justice education programs. Specifically, the bill requires:

- All contracts to be in writing between district school boards desiring to contract directly with juvenile justice education programs to provide academic instruction.
- New or renewal contracts to be executed and negotiated within 40 days after the district school board provides the proposal, unless both parties agree to an extension.
- District school boards to satisfy invoices issued by the juvenile justice education program within 15 working days after receipt; and
 - If a district school board does not timely issue a warrant for payment, it must pay to the juvenile justice education program interest at a rate of one percent per month, calculated on a daily basis, on the unpaid balance until such time as a warrant is issued for the invoice and accrued interest amount.
 - District school boards may not delay payment to a juvenile justice education program of any portion of funds owed pending the district's receipt of local funds.

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁷ Department of Juvenile Justice, *Legislative Bill Analysis for SB 486* (Jan. 25, 2021).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.01, 1003.51, and 1003.52.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education on March 2, 2021

The committee substitute:

- Clarifies that the use of equivalent instructional days expressed in hours is only applicable to nonresidential programs.
- Removes redundant language regarding equivalent hours as specified in the State Board of Education rule.
- Modifies the length of time district school boards must satisfy invoices issued by juvenile justice programs from 10 working days to 15 working days.
- Removes the requirement that district school boards provide proposed contracts to juvenile justice education programs by April 1.

B. Amendments:

None.

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