

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 Appropriations

BILL: CS/SB 7014

INTRODUCER: Appropriations Committee; and Criminal Justice Committee

SUBJECT: Juvenile Justice

DATE: March 30, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
<u>Parker</u>	<u>Stokes</u>		CJ Submitted as Comm. Bill/Fav
1. <u>Atchley</u>	<u>Sadberry</u>	<u>AP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7014 creates s. 985.619, F.S., establishing the Florida Scholars Academy within the Department of Juvenile Justice (DJJ) developing a single-uniform education system that the DJJ will oversee and provide educational opportunities to students in the DJJ residential commitment programs.

The bill amends s. 20.316, F.S., to permit the Secretary of Juvenile Justice to oversee the establishment of the Florida Scholars Academy pursuant to s. 985.619, F.S. Additionally, the Secretary must identify the need for and recommend the funding and implementation of career and technical education programs and services.

The bill provides in its mission statement that the academy provide students with access to secondary and postsecondary educational opportunities to attain a high school diploma including career and technical education pathway options pursuant to s. 1003.4282(10), F.S.

The bill provides that:

- Each residential program site established, authorized, or designated by the DJJ shall be considered a campus of the Florida Scholars Academy.
- Students sentenced by a court to adult facilities under ch. 944, F.S., are not eligible to enroll in the Florida Scholars Academy.
- The DJJ shall enter into a contractual agreement with an education service provider to operate, provide, or supplement full-time instruction and instructional support services for

students to earn a high school diploma or high school equivalency diploma, enroll in a degree program at a Florida college or university, and earn industry-recognized credentials of value.

- The superintendent of the Florida Scholars Academy shall be approved by the secretary of the DJJ and is responsible for the management and day-to-day operation of the Florida Scholars Academy.
- The Florida Scholars Academy shall be governed by a board of trustees comprised of the Secretary of the DJJ, the superintendent of the Florida Scholars Academy, and three (3) board members appointed by the Governor.
- Subject to appropriation, funding may be provided for the operational and instructional services for students enrolled in the Florida Scholars Academy.
- The Florida Scholars Academy may receive all federal funds for which it is eligible.
- The secretary shall prepare and submit a legislative budget request on behalf of the Florida Scholars Academy as part of the DJJ's legislative budget request. The request of funds may be for operation and fixed capital outlay, in accordance with ch. 216, F.S.
- The credit of the state may not be pledged under any circumstances on behalf of the Florida Scholars Academy.
- The Florida Scholars Academy shall have an annual financial audit of its accounts and records conducted by an independent auditor who is a certified public accountant licensed under ch. 473, F.S.

The bill amends s. 1000.04, F.S., providing that the Florida Scholars Academy is a component of the delivery of public education within Florida's Early Learning-20 education system.

This bill will have a fiscal impact of \$12 million in recurring funds from the General Revenue Fund for the DJJ in year one. Funding is included in the bill. The bill will also result in an indeterminate cost savings to the Florida Education Finance Program (FEFP). See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2023.

II. Present Situation:

The Florida Legislature has determined that education is one of the most important factors in the rehabilitation of adjudicated delinquent youth.¹ The overall number of students served in juvenile justice programs during SY 2020-2021 was 9,461 students.² In FY 2021-22, residential commitment programs served 2,338 youth.³ Educational services for youth are provided by the local school district where the residential program is located.⁴ Residential youth have been

¹ Florida Department of Juvenile Justice 2020-21 Comprehensive Accountability Report, available at <https://www.djj.state.fl.us/content/download/88718/file/%282020-21%20CAR%29%20Education.pdf> (last visited March 6, 2023).

² Florida Department of Juvenile Justice 2021-22 Annual Report, *Developing Effective Educational Services in the Department of Juvenile Justice Programs*, (on file with the Senate Committee on Criminal Justice).

³ *Id.*

⁴ Section 1003.52(3), F.S.

deemed a risk to public safety and are placed in a rehabilitative program where they receive education, counseling, and workforce training until they complete their treatment plan.⁵

The Florida Department of Education works in partnership with the DJJ to provide a variety of education models throughout the continuum of services provided to juvenile justice involved youth, and each of these programs is a separate school with continuity of youth education, with a consistent theme related to educational standards, monitoring, and reporting.⁶ The Department of Education serves as the lead agency for juvenile justice education programs, curriculum, support services, and resources.⁷ “Based on new and emerging research, a study conducted by Florida State University indicates that a youth’s commitment to education and attainment of a post-secondary credential are the top two protective factors with evidence in reducing recidivism.”⁸

Requirements for juvenile justice education are specified in s. 1003.52, F.S. Section 1003.52, F.S., designates the Florida Department of Education as the lead agency for juvenile justice education programs, curriculum, support services, and resources. Additionally, s. 1003.52, F.S., stipulates that the “district school board of the county in which the juvenile justice prevention, day treatment, residential, or detention program is located shall provide or contract for appropriate educational assessments and an appropriate program of instruction and special education services.”⁹

Section 1003.52(5), F.S., states:

Prevention and day treatment juvenile justice education programs, at a minimum, shall provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services. Residential juvenile justice education programs with a contracted minimum length of stay of 9 months shall provide Career and Professional Education (CAPE) courses that lead to preapprentice certifications and industry certifications.¹⁰ Programs with contracted lengths of stay of less than 9 months may provide career education courses that lead to preapprentice certifications and CAPE industry certifications.¹¹

Students come into the DJJ system at varying points in their educational career and the services they receive varies widely throughout the state due to the current decentralized framework.¹² 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

⁵ Presentation by Dr. Eric S. Hall, DJJ Secretary, before the Criminal Justice Committee on January 23, 2023, available at https://www.flsenate.gov/Committees/Show/CJ/MeetingPacket/5600/10032_MeetingPacket_5600_2.pdf.

⁶ *Supra* Note 2.

⁷ *Supra* Note 1.

⁸ Florida Department of Juvenile Justice, *2023 Agency Legislative Bill Analysis* (February 9, 2023), at 2 (on file with the Senate Committee on Criminal Justice).

⁹ Section 1003.52, F.S.

¹⁰ Section 1003.52(5), F.S.

¹¹ *Supra* Note 8.

¹² *Id.*

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.¹³

Florida law requires district school boards to provide basic, career education, and exceptional student programs to delinquent youth as appropriate.¹⁴ These educational programs must include appropriate curricula and related services that support treatment goals, aid reentry into the community, and may lead to completing a high school diploma or its equivalent. Juvenile justice students must also have access to the appropriate courses and instruction to prepare them for the General Educational Development (GED) test.¹⁵

Florida statutes require juvenile justice programs to provide students with information and activities that can lead to meaningful employment after release.¹⁶ The types of career programming are in s. 985.622, F.S., and are as follows:

- Type 1: Programs that teach personal accountability skills and behaviors that are appropriate for students in all age groups and ability levels and that lead to work habits that help maintain employment and living standards.¹⁷ A Type 1 program may offer competencies in communication skills, interpersonal skills, decision-making skills, and lifelong learning skills.¹⁸
- Type 2: Programs that include Type 1 program content and an orientation to the broad scope of career choices, based upon personal abilities, aptitudes, and interests. Exploring and gaining knowledge of occupation options and the level of effort required to achieve them is an essential prerequisite to skill training.¹⁹ Type 2 curriculum may include conflict resolution skills, identifying skills and interests, interests and aptitude surveys, personal accomplishments and qualifications, preparation and job seeking and coping with stress.²⁰
- Type 3: Programs that include Type 1 program content and the competencies or the prerequisites needed for entry into a specific occupation.²¹ A Type 3 program may include industry-recognized certification, statewide or local articulation agreements, or both, in place for continuity of educational initiatives. Additionally, Type 3 programs may offer certifications in numerous areas, including culinary arts, carpentry, welding, building technology, automotive technology, building ground maintenance, and information technology.²²

Reports show that about half of high school youth are substantially academically behind when they enter the juvenile justice system, and these students do not earn credits at a sufficient rate to reduce their academic deficit increasing their risk of dropping out of school when they complete

¹³ Rule 6A-05281(2), F.A.C.

¹⁴ Section 1003.52(5), F.S., provides that if the duration of a program is less than 40 days, the educational component may be limited to tutorial activities and career employability skills.

¹⁵ The American Council on Education's General Educational Development Testing Service develops the GED test, delivery system, and standards.

¹⁶ Section 985.622, F.S.

¹⁷ Section 985.622(3)(a), F.S.

¹⁸ Department of Juvenile Justice, Education Programs Overview, available at <https://www.djj.state.fl.us/services/office-of-education/education-programs> (last visited March 6, 2023).

¹⁹ Section 985.622(3)(b), F.S.

²⁰ *Supra*, Note 18

²¹ Section 985.622(3)(c), F.S.

²² *Supra*, Note 18

the delinquency program.²³ The median credits earned by high school students per semester varied substantially by the type of juvenile justice program they attended.²⁴

Educational risk factors are associated with juvenile and adult offending, justice system involvement, and recidivism. These risk factors include low academic achievement, academic failure, negative attitudes toward school, low bonding to school, low school attachment and commitment to school, frequent school transitions, low academic aspirations, suspensions and expulsions, truancy and absenteeism, inadequate school climate, and school dropout.²⁵ Older students with significant credit deficiencies are not likely to complete high school, therefore for many of these students it is suggested that GEDs and job training are critical to preparing them for self-sufficiency.²⁶

Academic measures are indicated to predict recidivism among system-involved youth. GED attainment rates of juvenile justice students who were most at risk of dropping out varied widely among programs. The most significant difference between programs with high GED attainment rates and other programs appears to be the criteria they follow in deciding which students take the examination.²⁷

In research on juvenile justice residential facilities in Florida, it was found that only 9 percent of returning youth earned a diploma during their commitment.²⁸ Similarly, in another study it was found that only 7 percent of the more than 10,000 delinquent youth returning from residential facilities in Florida had earned a high school diploma or GED before their reentry into the community.²⁹

In SY 2020-21, the DJJ had 1,337 exiting twelfth graders who received a standard high school diploma or high school equivalency diploma accounting for 58 percent of graduates.³⁰ According to reports, 38 percent of students reoffended within one year after the completion of a day treatment or residential commitment program.³¹

A recent study conducted by Florida State University College of Criminology and Criminal Justice predicting reoffending and informing treatment for Florida residential youth found that high quality programming in areas of education, employment, and vocational services may

²³ Policy Review of Educational Programs of the Department of Juvenile Justice, OPPAGA Report No.10-55, October 2010 available at <https://oppaga.fl.gov/Documents/Reports/10-07.pdf> (last visited February 6, 2023).

²⁴ *Id.*

²⁵ Office of Juvenile Justice and Delinquency Prevention, Literature Review, *Education for Youth Under Formal Supervision of Juvenile Justice System*, January 2019, available at https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/education_for_youth_under_formal_supervision_of_the_juvenile_justice_system.pdf (last visited March 6, 2023).

²⁶ *Id.*

²⁷ OJJDP Literature Review, *Education for Youth Under Formal Supervision of the Juvenile Justice System*, January 2019, available at https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/education_for_youth_under_formal_supervision_of_the_juvenile_justice_system.pdf (last visited March 6, 2023).

²⁸ Cavendish, W. 2014. *Academic attainment during commitment and postrelease education-related outcomes of juvenile justice-involved youth with and without disabilities*. *Journal of Emotional and Behavioral Disorders* 22(1): 41-52.

²⁹ Blomberg, T. G., Bales, W.D., and Piquero, A.R. 2012. *Is educational achievement a turning point for incarcerated delinquents across race and sex?* *Journal of Youth and Adolescence* 41(2):202–216.

³⁰ *Supra*, Note 3.

³¹ *Id.*

reduce reoffending because it may increase youth social bonds to conventional social institutions and goals.³²

Barriers to Performance Outcomes for Students in the DJJ Programs

Youth reentering the education system after secure confinement in a residential facility face many barriers that put them at risk of dropping out of school.³³ According to the U.S. Department of Education, while most youth returning to their communities from a residential facility wish to reenroll in school, only about one third actually do so.³⁴ Other studies report that two thirds of youth do not return to school after they are released from confinement.³⁵ Some found that only 44 percent of youth released from juvenile residential facilities in Florida returned to school, and only 8 percent leaving the facility without a high school diploma earned a diploma within 3 years after release.³⁶ Additionally, more than a quarter of youth housed in juvenile justice facilities drop out of school within 6 months, and only 15 percent of students in ninth grade released from confinement graduate from high school in 4 years.³⁷

Reports have identified the following as barriers to educational performance outcomes for students enrolled in the DJJ residential programs:

- Collaboration and coordination between sending school district and program school district
- Comprehensive district support in the form of school counselors, professional development opportunities and accountability.
- Provisions for educational related services.³⁸

III. Effect of Proposed Changes:

The bill amends s. 20.316, F.S., modifying the role of the Secretary of the DJJ to permit the secretary to oversee the establishment of the Florida Scholars Academy. Additionally, the Secretary must identify the need for and recommend the funding and implementation of career and technical education programs and services.

The bill creates s. 985.619, F.S., establishing the Florida Scholars Academy, to deliver educational opportunities to students served in residential commitment programs. The bill establishes that each residential program site established, authorized, or designated shall be considered a campus of the Florida Scholars Academy.

³² Florida State University College of Criminology & Criminal Justice, *Predicting Reoffending and Informing Treatment for Florida Residential Youth*, Final Project Report, June 30, 2020, at 22, (on file with the Senate Committee on Criminal Justice).

³³ Wallace, P. 2012. *Juvenile justice and education: Identifying leverage points and recommending reform for reentry in Washington, DC*. Georgetown Journal on Poverty Law & Policy 19:159–179.

³⁴ U.S. Department of Education. 2016b. You Got This: Educational Pathways for Youth Transitioning from Juvenile Justice Facilities. Washington, DC: U.S. Department of Education. Retrieved January 15, 2019, available at <https://www.pathwayswv.org/docs/pathways-transitioning-justice-facilities.pdf> (last visited March 6, 2023).

³⁵ Sweeten, G. 2006. Who will graduate? Disruption of high school education by arrest and court involvement. *Justice Quarterly* 23(4):462–480.

³⁶ *Supra* Note 18.

³⁷ *Id.*

³⁸ Florida Department of Education – Juvenile Justice Youth report available at <https://www.fldoe.org/core/fileparse.php/7506/urlt/CompSERARSJJP.pdf> (last visited March 6, 2023).

The bill specifies that students sentenced by a court to adult facilities under ch. 944, F.S., are not eligible to enroll in the Florida Scholars Academy.

Collaboration and Coordination of Services

The bill creates provisions that permit the DJJ to enter into contractual agreements with education service providers to operate, provide, or supplement full time instruction and instructional support services for students to earn a high school diploma or high school equivalency diploma, enroll in a degree program at a state college or university, and earn industry-recognized credentials of value from the Master Credentials list. The contracted provider will also be responsible for the administration of all educational services to students enrolled in the academy.

The bill provides that the superintendent of the Florida Scholars Academy is responsible for managing the day-to-day operations of the academy and must be approved by the secretary of the DJJ.

Governing Body

The bill provides that the Florida Scholars Academy shall be governed by a board of trustees, comprised of five members, which must include the Secretary of the DJJ, the superintendent of the Florida Scholars Academy, and three (3) board members appointed by the Governor. The secretary or his or her designee will be the initial chair of the board and must serve a term of 4 years. The board of trustees have the following duties:

- Meet 4 times each year, upon the call of the chair, or at the request of a majority of the membership.
- Be responsible for the Florida Scholars Academy's development of an education delivery system that is sustainable, high-quality, and educationally sound.
- Identify appropriate performance measures and standards based on student achievement that reflects the school's mission and priorities.
- Implement an accountability system approved by the Florida Board of Education that includes an assessment of the boards' effectiveness and efficiency in providing quality services by the 2024-2025 school year.
- Administer and maintain the educational programs for the academy in accordance with laws and rules established by the DJJ in consultation with the Florida Department of Education.
- Maintain financial records and accounts.
- Provide for the content and custody of student records pursuant to s. 1002.22, F.S.

The board is a body corporate with all the powers of a body corporate and may exercise authority as needed for the proper operation and improvement of the Florida Scholars Academy. The board is authorized to adopt rules, policies, and procedures, consistent with the law and State Board of Education rules.

Staffing

The bill provides that the board of trustees of the Florida Scholars Academy shall with the approval of the secretary or his or her designee, determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel, in alignment with the Florida Scholars Academy's provider contracts.

The employment of all Florida Scholars Academy administrative and instructional personnel are subject to rejection for cause by the secretary of the DJJ and are subject to policies established by the board of trustees.

Funding

The bill provides that funding may be provided for the operational and instructional services for all students enrolled in the Florida Scholars Academy subject to appropriation. The Florida Scholars Academy may receive all federal funds for which it is eligible.

The secretary shall prepare and submit a legislative budget request on behalf of the Florida Scholars Academy as part of the DJJ's legislative budget request. The request of funds may be for operation and fixed capital outlay, in accordance with ch. 216, F.S.

The fiscal year for the Florida Scholars Academy shall be the state fiscal year.

State Credit Limitation, Audit, and Rulemaking

The bill provides that the credit of the state may not be pledged on behalf of the Florida Scholars Academy.

The Florida Scholars Academy must have an annual financial audit of its accounts and records conducted by an independent auditor, who must conduct the audit in accordance with rules.

The independent auditor shall submit the audit report to the board of trustees and the Auditor General no later than 9 months after the end of the preceding fiscal year.

The board of trustees must respond to recommendations included in the audit report or received directly from the Auditor General with evidence of corrective action within 45 days after receipt of the recommendations.

The bill permits the DJJ to establish necessary rules.

The bill amends s. 1000.04, F.S., to state that the Florida Scholars Academy is a component of the public education system within Florida's Early Learning-20 education system.³⁹

The bill makes conforming changes to s. 1013.3, F.S., related to cooperative agreements that would no longer be required.⁴⁰

³⁹ Section 1000.04, F.S.

⁴⁰ Section 1013.3, F.S.

The bill provides for a recurring appropriation of \$12 million for year one startup costs.⁴¹

The bill is effective July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DJJ estimates that the bill will have a fiscal impact of \$12 million in recurring funds from the General Revenue Fund for start-up and early implementation costs, including education management and support services, staff development, travel, and contracted services, and school operation costs. This funding is appropriated in Section 5 of the bill. Once fully implemented, the DJJ anticipates the total 12-month operating costs of the Florida Scholars Academy to total \$24.1 million in recurring funds from the General Revenue Fund.⁴²

⁴¹ *Supra* Note 8.

⁴² Florida Department of Juvenile Justice, 2023 *Agency Legislative Bill Analysis* (February 9, 2023), at 2 (on file with the Senate Committee on Criminal Justice).

The bill provides that school districts are no longer responsible for providing educational services to youth within the residential programs and therefore would not draw down Florida Education Finance Program (FEFP) funding. The cost savings associated with this provision is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.316, 1000.04, and 1013.53.

This bill creates section 985.619 of the Florida Statutes.

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 Appropriations on March 28, 2023:

The committee substitute:

- Clarifies language relating to the appropriation of funds and provides the FSA may receive all federal funds for which it is eligible.
- Removes the requirement that all unexpended funds appropriated for FSA must be carried forward and included as the balance forward for that fund.
- Removes the requirement that FSA maintain at least a 3 percent general fund ending balance.
- Removes the requirement that the secretary of the department provide written notification to the Commissioner of Education when funds not classified as restricted, committed, or non-spendable fall below 2 percent of the projected general fund.
- Provides that the board of trustees must respond to recommendations in the audit within 45 days of receipt.

- B. **Amendments:**

None.