

STORAGE NAME: h2107s1z.ei
DATE: May 17, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER #:2000-137, Laws of Florida

HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
EDUCATION INNOVATION
FINAL ANALYSIS

BILL #: CS/HB 2107 (passed as CS/CS/CS/SB 2464)
RELATING TO: Juvenile Justice Education Programs
SPONSOR(S): Committee on Education Innovation and Representative Bainter
TIED BILL(S): none

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION INNOVATION YEAS 10 NAYS 0
 - (2) CRIMINAL JUSTICE APPROPRIATIONS YEAS 10 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

CS/HB 2107 provides for a more coordinated environment for the educational services provided for juvenile justice programs. The committee substitute specifically does the following:

- Requires district school systems to provide district school database access to certain juvenile justice programs through a cooperative agreement
- Requires DOE and DJJ to prescribe the collaboration strategies between departments, local schools districts, or providers
- Allows full time certified teachers in juvenile justice schools to apply and become eligible to participate in the critical teacher shortage program
- Requires that an annual cooperative agreement and plan for education service developed by DOE and DJJ be submitted to the DJJ Secretary and the Commissioner of Education
- Authorizes youth with high school diplomas or GED's to participate in higher level education programs subject to available funding
- Requires FTE counts of juvenile justice students be conducted in the same manner as for other public schools
- Requires the development of a multi-agency plan for vocational education
- Provides a 30 day exemption for immunization records for youth that enter into juvenile justice programs
- Requires DJJ to notify DOE regarding certain actions taken in the construction of new facilities
- Requires DJJ and DOE to develop a plan for vocational education in juvenile justice facilities which states powers, duties and guidelines.
- Requires mandatory participation in educational programs by youths on aftercare or postcommitment community control status unless otherwise exempted
- Requires educational services be offered to incarcerated minors and students with disabilities under 22 who have not graduated from high school
- Requires a cooperative agreement to address notification requirements and provisions of educational services
- Requires studies to determine the funding level needed to provide specialized education to youths in juvenile justice programs; and to review and analyze existing education facilities in DJJ facilities

The committee substitute appropriates \$200,000 in nonrecurring general revenue to DOE for the purpose of conducting the 2 studies.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

The committee substitute requires school districts to provide instructional personnel for certain juvenile justice programs. Both DOE and DJJ are to develop jointly, in consultation with the State Workforce Development Youth Council, school board districts, providers, and others, a multi-agency plan for vocational education.

B. PRESENT SITUATION:

The growing concerns about the educational services available and delivered to youths in juvenile justice facilities was the subject of a study conducted by the Juvenile Justice Accountability Board. The board created a representative task force whose recommendations were incorporated into HB 349, which passed during the 1999 Legislative Session. Chapter 99-284, LOF, (HB 349) required the continuation and expansion of the task force duties to include a national study of effective vocational and work programs, an inventory of the effectiveness of vocational programs in Florida's juvenile justice commitment facilities, and the accountability of school districts and juvenile justice providers for the expenditures of education funds. The task force was also required to review the progress made in regard to the transfer of education records for committed youth and their access to the GED.

Scope of District School System

Pursuant to s. 230.02, F.S., a district school system includes alternative site schools for disruptive or violent youth. These schools may be funded by the district or provided by a consortium of districts, private providers, state and local law enforcement agencies, and the DJJ. Since access to education records of youth entering the juvenile justice system can be an issue, and delays in accessing this information can significantly deter the provisions of appropriate instruction, school districts as of 2000-01, must provide such records within five days of a request. Not all juvenile justice programs have access to the district's data base to gather this information.

Educational Services in the DJJ

Section 985.02, F.S., establishes legislative intent for the juvenile justice system, including a purpose of the Legislature that children of the state are provided with the protection of, "Equal opportunity and access to quality and effective education, which will meet the

individual needs of each child...". School districts are required by s. 230.23161, F.S., to provide appropriate services and programs to students in DJJ programs. The DOE serves as the lead agency for juvenile justice education programs. DOE and DJJ are each required to designate a Coordinator for Juvenile Justice Education Programs to serve as a contact point for resolving issues not addressed by the districts and to ensure each department's participation in:

- training, collaborating, and cooperating with DJJ, districts, and providers
- collecting academic and performance information on juvenile justice students
- developing protocols for districts and providers
- prescribing roles of program personnel

DOE and DJJ produce numerous technical assistance materials and documents that may be considered "protocols" and the agencies have informal mechanisms of collaboration. Currently, there is a joint system (DJJ and DOE participating) of conducting quality assurance review in all DJJ educational programs. Beginning with the 2000 review cycle, there are standards that address program compliance. However, there is no system for continuous "monitoring" of the educational programs in the DJJ detention centers.

A school day for a DJJ program student is a portion of the day in which school is actually in session, pursuant to s. 228.041 (13), F.S. Educational services *must* be provided at times of the day most appropriate for the program. School programming in juvenile justice detention, commitment, and rehabilitation programs must be made available during the regular school year defined for justice programs and during summer school by the district.

Currently, DJJ programs are funded on the basis of "direct instructional time" for a maximum of 25 hours per week for 250 days in the FEFP. According to the Juvenile Justice Accountability Board (JJAB) Task Force report, the time and effort associated with keeping such attendance records has been burdensome for school districts and DJJ program staff. DJJ students are not currently funded for time not spent in educational classes. However, Rule 6A-6.05281, FAC, provides for exceptions to the definition of "direct instructional time" to minimize the negative fiscal impact of non-attendance in prescribed circumstances.

Students who are of the compulsory school attendance age, which is between the ages of 6 and 16, must participate in the program. If a student is 16 but not yet 18, he or she must participate unless the student files a formal declaration of intent to terminate school with the district school board and is given the opportunity to attain a GED before release from the facility.

Currently, there are no requirements for a multi-agency plan for vocational education in juvenile commitment facilities.

Immunization Against Communicable Diseases

In DJJ programs, such as detention centers, it is difficult to verify that students have had the required immunization for school attendance within 1 to 2 days of entry. Therefore, some students do not receive instruction while efforts are being made to verify their immunization status. The current statutory language provides for a temporary exemption for up to 30 days for students who transfer to another county.

Cooperative Developments of Educational Facilities in Juvenile Justice Programs

DJJ is required to provide early notice to school districts regarding siting of juvenile justice facilities. School districts must include the projected number of students in the districts annual estimates. Although the statute states that school districts *should* be consulted regarding the types of students expected to be assigned to commitment facilities, the statute does *not* require the district to be consulted. The DJJ is required to notify DOE when such a request for proposal is issued for the construction or operation of a facility; and the school district when a county or site is specifically identified. Additionally, DJJ is required to notify the superintendent within 30 days of the award of a contract for the construction or operation of a facility within that district.

Currently, DOE has not approved any DJJ facility designs or substantial renovations, and DJJ facilities do not currently meet the requirements of DOE facilities' specifications.

Supplemental Academic Instruction

DJJ students are funded through the FEFP, for up to 250 days and 25 hours per week, for the time students are in attendance and provided direct instruction. The maximum ten inservice days are not funded through the FEFP. All other K-12 students are funded for instruction beyond the regular 180-day school year through the supplemental academic instruction categorical fund.

Federal Funding Program

Vocational programs in the juvenile justice facilities can be supported through federal funding allocated to each state through the Carl D. Perkins Vocational and Applied Technology Education Act. In the survey conducted as a part of the JJAB study, none of the 31 responding facilities reported Perkins funds as a source of support for their vocational programs.

Another source of support for vocational programming for youth committed to DJJ is the federal Workforce Investment Act (WIA).

C. EFFECT OF PROPOSED CHANGES:

Scope of District School System

The committee substitute provides that, pursuant to a cooperative agreement, school districts must provide access to the district school system database for juvenile justice facilities with 50 or more beds or slots. The purpose is to enable personnel access to student academic, immunization and registration records for students assigned to the programs. Access must be in the same manner as provided to other schools in the district. The cooperative agreement could expedite access to student records by those responsible for providing educational programs and services.

Educational Services in the DJJ

It is the intent of the Legislature that youths in the juvenile justice system be provided with equal opportunity and access to quality and effective education that will meet the individual needs of each child.

The committee substitute specifies and expands coordination activities by DOE and DJJ by:

- Specifying that protocols to be developed are *academic* and *vocational*.
- Prescribing the role of collaboration strategies between departments, local school districts, or providers.

The committee substitute requires an annual cooperative agreement and plan for juvenile justice education services enhancement, by DOE and DJJ, that is submitted to the Secretary of Juvenile Justice and the Commissioner of Education by June 30.

Educational services are required to be provided at a time of the day that is most appropriate for the *juvenile justice* program. The programs required to be made available by the local school district must be made available during the juvenile justice school year, which is 250 days over 12 months.

The committee substitute requires that FTE count periods be the same for the DJJ programs as for other public school programs.

Immunization Against Communicable Diseases

The committee substitute allows an exemption of 30 days for any child who enters a juvenile justice program without documentation of immunizations.

Cooperative Developments of Educational Facilities in Juvenile Justice Programs

The committee substitute *requires* DJJ to consult school districts regarding the types of students expected to be assigned to commitment facilities for educational planning and budgeting purposes. DJJ is also required to notify the school superintendent within 30 days *after* obtaining a permit to begin construction of a new detention or commitment facility within that school district.

Incarcerated Minors

The committee substitute requires local school districts to provide educational services in county jails to incarcerated minors who have not graduated from high school and eligible students with disabilities under the age of 22 who have not graduated with a standard diploma or its equivalent. The educational services are based on the estimated length of time the youth will be in the county jail and the youth's current level of functioning. Notification is required by the superintendent or their designees to the sheriff upon the assignment of a youth under the age of 21 to the county jail. A cooperative agreement with the local school district and law enforcement is required to be developed to address the notification requirements and the provisions of educational services.

Critical-Teacher-Shortage Tuition-Reimbursement Program

The committee substitute allows full-time certified teachers in juvenile justice schools, either employed by school districts or juvenile justice providers to apply and become eligible to participate in the critical-teacher-shortage tuition-reimbursement program.

Multi-Agency Plan for Vocational Education

The committee substitute creates s. 985.3155, F.S., requiring a multi-agency plan for vocational education which requires DJJ, DOE, the Workforce Development Youth Council, schools districts, providers, and others to jointly develop a multi-agency plan for vocational education that establishes the curriculum, goals, and outcome measures for vocational programs in juvenile commitment facilities.

It specifies that the plan include:

- Provisions for maximizing appropriate state and federal funding sources, including funds under the Workforce Investment Act and the Perkins Act
- Responsibilities of both departments and all other appropriate entities
- Detailed implementation schedule

By May 1, 2001, the plan must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

It further specifies that the plan define vocational programming that is appropriate based upon:

- Age and assessed educational abilities and goals of the youths to be served
- Typical length of stay and custody characteristics at the commitment program to which each youth is assigned
- Definition of vocational programming that includes prescribed classification of commitment facilities that will offer vocational programming by different types
- Addresses strategies to facilitate involvement of business and industry
- Investigation of incentives for business involvement, and implementation of these where appropriate, or recommendation to the Legislature for consideration

Other requirements include:

- By July 31, 2001, alignment by the DJJ and the DOE of respective agencies, policies, practices, technical manuals, contracts, quality assurance standards; performance-based-budgeting measures, and outcome measures with the plan in commitment facilities.
- By August 15, 2001, a report by each agency on the implementation of the multi-agency plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives
- After January 1, 2002, all provider contracts executed by the department must be aligned with the plan
- After August 1, 2002, the planning and execution of quality assurance reviews conducted by DOE or DJJ, must be aligned with the plan
- Outcome measures reported by the department and the JJAB for youth released on or after January 1, 2001, should include outcome measures that conform to the plan

Compulsory Participation

Under current law, participation is required of students of noncompulsory school age when they do not have a high school diploma. An exception, under current law requires two conditions:

- Student files a formal declaration of intent to terminate school; and
- Student is afforded the opportunity to attain a general education development diploma.

The bill changes the language for the second condition of the exception; the student "is afforded the opportunity to take the general educational development test and attain a Florida high school diploma."

Other students who must participate in the juvenile justice educational program are:

- Students of compulsory school attendance age on aftercare or postcommitment community status
- Students in after care of noncompulsory attendance age who do not have a high school diploma or its equivalent

The committee substitute also provides that a youth in aftercare who has received a high school diploma or its equivalent and is not employed *must participate* in workforce development or other vocational or technical education or attend a community college or university subject to available funding.

Specialized Education Program

CS/HB 2107 requires DOE, in consultation with DJJ, to conduct a study to determine the precise funding level needed to provide specialized education programs to youths in juvenile justice programs. The result of the study may be used to establish a unique cost factor for the education of the DJJ youth beginning in fiscal year 2001-02. The results of the study must be presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2001.

The committee substitute appropriates \$100,000 in nonrecurring general revenue from the General Revenue Fund to the DOE for the purposes of conducting this study.

Review and Analysis of Existing Education Facilities

The committee substitute requires DOE, in consultation with DJJ, to conduct a review and analysis of existing education facilities in DJJ facilities to determine the adequacy of the facilities for educational use. This information must be used to generate a 3 year plan to provide adequate space, equipment, furnishings, and technology including retrofitting. The DOE must submit this plan to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Juvenile Justice by January 1, 2001.

The plan must contain sufficient detail for the development of a fixed capital outlay budget request.

The committee substitute appropriates \$100,000 in nonrecurring general revenue from the General Revenue Fund to the DOE for the purposes of conducting this study. The study could provide information for future planning and refurbishing projects.

D. SECTION-BY-SECTION ANALYSIS:

- Section 1.** Amends s. 230.02, F.S., providing that, pursuant to cooperative agreement, school district systems provide instructional personnel and access the schools database for records of students assigned to programs of 50 or more beds or slots in the same manner as that of other schools in the districts.
- Section 2.** Amends s. 230.23161, F.S., providing legislative intent; requiring that a cooperative agreement and plan for education services be submitted to the DJJ Secretary and Commissioner of Education by June 30; specifying that educational services shall be provided at times of the day most appropriate for the juvenile justice program; providing youths with high school diploma's or GED's to participate in higher level education programs subject to available funding; providing that certain full-time teachers are eligible for the critical-teacher-shortage tuition-reimbursement program; requiring FTE counts to be conducted in the same manner as for equivalent students in the other public schools; providing that DJJ and DOE, in consultation with others, develop a multi-agency plan for vocational education.
- Section 3.** Amends s. 232.032, F.S., providing that an exemption for 30 days may be issued for a child who enters to a juvenile justice program without documentation of immunization.
- Section 4.** Amends s. 235.1975, F.S., requiring that DJJ notify the district school superintendent within 30 days after obtaining a permit to begin construction of a new detention or commitment facility within that school district and that all facilities must meet the state requirements for educational facilities in State Board of Education rules.
- Section 5.** Creates s. 985.3155, F.S., requiring a multi-agency plan for vocational education which requires DJJ, DOE, the Workforce Development Youth Council, school districts, providers, and others to jointly develop a plan for vocational education; providing powers, duties, and guidelines for the plan.
- Section 6.** Amends s. 985.316, F.S., requiring that participation in the educational program by students of compulsory school attendance age is mandatory for youth on aftercare or postcommitment community control status.
- Section 7.** Appropriates \$100,000 in nonrecurring GR to DOE for a study to determine the precise funding level needed to provide specialized education programs to youths in juvenile justice programs.
- Section 8.** Appropriates \$100,000 in nonrecurring GR to DOE to conduct a review and analysis of existing education facilities in DJJ facilities to determine the adequacy of the facilities for educational use.
- Section 9.** Amends s. 228.081, F.S., clarifying the educational option available to certain students; establishing responsibility for certain fees.

Section 10. Amends 230.23, F.S., requiring that certain incarcerated minors be offered educational services.

Section 11. Amends s. 985.227, F.S., requiring that certain incarcerated minors be offered educational services.

Section 12. Provides an effective date of July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

The sum of \$200,000 in nonrecurring general revenue is appropriated from the General Revenue Fund to DOE for the purposes of conducting 2 studies (\$100,000 each).

The provision that requires districts to provide DJJ sites with 50 or more beds access to the district database requires some additional costs for the electronic access. A survey of districts will be required to estimate this cost, according to DOE.

The provisions allowing some youth the opportunity to participate in workforce development programs are subject to the availability of funding.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

E. APPLICABILITY OF THE MANDATES PROVISION:

This committee substitute does not require counties or municipalities to expend funds.

F. REDUCTION OF REVENUE RAISING AUTHORITY:

This committee substitute does not reduce the authority of counties or municipalities to raise funds

G. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This committee substitute does not reduce the percentage of state tax shared with counties and municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

Provisions for educational services for youths in detention facilities are established in sections 230 (District School System) and 951 (County and Municipal Prisoners) of Florida Statutes.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

HB 2107 was passed as a CS by the Committee on Education Innovation on April 3, 2000. The Committee Substitute made the following revisions:

- Removes duplicative language which is stated elsewhere in the statutes.
- Clarifies that DOE and DJJ will prescribe the collaboration strategies between department, local districts, or providers.
- Allows full time certified teachers in juvenile justice schools, either employed by school districts or juvenile justice providers, to apply and become eligible to participate in the critical teacher shortage program.
- Requires that educational services be offered to incarcerated minors in county jails who have not graduated and eligible students with disabilities under 22. A cooperative agreement between school districts and law enforcement must be developed to address notification requirements and provisions of educational services.

On April 18, 2000, the Criminal Justice Appropriations Committee adopted two amendments which made the following changes:

STORAGE NAME: h2107s1z.ei

DATE: May 17, 2000

PAGE 11

- Strikes language that would establish a new subsection in s. 235.1975, F.S. This subsection would require juvenile justice educational facilities to meet standards set by the state Board of Education.
- Adds language to s. 230.23 that essentially mirrors language added to s. 985.227 regarding educational services for minors incarcerated in county jails. This corrects a technical problem with the committee substitute.

On April 28, 2000, CS/CS/CS/SB 2464, which was similar to CS/HB 2107, passed the Senate by 40 to 0. On May 5, 2000, the House took up CS/CS/CS/HB 2464, which passed 119 to 0 and was subsequently ordered enrolled. CS/HB 2107 subsequently died on the calendar on May 5, 2000. CS/CS/CS/SB 2464 was approved by the Governor on May 17, 2000.

VI. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

Staff Director:

Alex Amengual

Ouida Ashworth

AS REVISED BY THE COMMITTEE ON CRIMINAL JUSTICE APPROPRIATIONS:

Prepared by:

Staff Director:

James P. DeBeaugrine

James P. DeBeaugrine

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

Staff Director:

Alex Amengual

Ouida Ashworth