

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/CS/SB 2464

SPONSOR: Criminal Justice and Education Committees and Senator Horne

SUBJECT: Juvenile Justice Education Programs

DATE: April 11, 2000 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>deMarsh-Mathues</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable/CS</u>
3.	_____	_____	<u>FP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Many of the provisions in the bill are based on recommendations of the Juvenile Justice Accountability Board's Education Task Force.

**The bill makes the following changes related to operations:**

- requires access for instructional personnel at juvenile justice facilities of a specified size to the system's database for certain student records;
- provide legislative intent for youth in the juvenile justice system and additional responsibilities for juvenile justice education program coordinators;
- specifies that educational services must be provided at times of the day most appropriate for the juvenile justice program and school programming in specified juvenile programs must be made available by the local school district during the juvenile justice school year;
- addresses uniformity for FTE counts; and
- provides an exemption for 30 days from the immunization requirements for a child who enters a juvenile justice program.

**The bill makes the following changes related to planning:**

- requires a cooperative agreement and plan for juvenile justice education service enhancement; and
- requires the Department of Juvenile Justice and the Department of Education to consult with the statewide Workforce Development Youth Council in jointly developing a multi-agency plan for vocational education, specifies the contents of the plan, requires the alignment of policies with the plan, and requires an implementation report.

**The bill makes the following changes related to mandatory education:**

- requires mandatory participation in educational programs for students of compulsory school attendance age who are on aftercare or postcommitment community control status;
- requires students of noncompulsory school attendance age who have not received a high school diploma or its equivalent to participate in the educational program; and

- specifies the youth required to participate in certain education (e.g., workforce development or other vocational or technical education or attend a community college or a university) while in the program, subject to available funding.
- requires local school districts to provide educational services to specified youths being detained in jail.

**For the facilities requirements, the bill:**

- changes the notification requirements for the Department of Juvenile Justice for the award of construction or operations contracts for commitment or detention facilities within a school district;
- requires juvenile justice educational facilities to meet the state requirements for educational facilities, as prescribed by State Board of Education rule; and
- prohibits certification for occupancy of juvenile justice facilities appropriated after July 1, 2000, which do not meet education specifications.

**Additional studies:**

The bill provides an appropriation of \$200,000 in nonrecurring funds from General Revenue to the Department of Education for two studies to:

- determine the precise funding level needed to provide specialized education programs to youth in juvenile justice education programs; and
- review and analyze existing education facilities in the Department of Juvenile Justice.

The bill imposes GED administrative fee requirements on school districts. Providers, by contract, may be responsible for these fees. The bill provides an effective date (July 1, 2000).

This bill amends s. 228.081, F.S., s. 230.02, F.S., s. 230.23, F.S., s. 230.23161, F.S., s. 232.032, F.S., s. 235.1975, F.S., and s. 985.316, F.S. The bill also creates s. 985.3155, F.S., s. 951.176, F.S., and undesignated sections of law.

**II. Present Situation:**

**Juvenile Justice and Education**

The law (s. 985.02, F.S.) provides legislative intent for the juvenile justice system and includes, in the protections for children, equal opportunity and access to quality and effective education, which will meet the individual needs of each child, and to recreation and other community resources to develop individual abilities. The 1999 Legislature made a number of changes related to juvenile justice education programs, including the following:

- defining the school year for juvenile justice programs in chapter 228, F.S., as a 12 month period, consisting of 250 days of instruction, with authorization to decrease the minimum number of days of instruction by up to 10 days for teacher planning.
- requiring the State Board of Education to adopt an administrative rule that includes specific components, including the interagency collaborative process; academic expectations; transition services; procedures for the transfer of education records; contract requirements; and the school districts' responsibilities in securing workforce development funds;

- designating the Department of Education as the lead agency for juvenile justice education programs.
- requiring the Department of Education and the Department of Juvenile Justice to each designate a coordinator for juvenile justice education programs to serve as a point of contact for resolving issues not addressed by local school boards.
- requiring the development of model contracts and model procedures.
- providing for alternative FTE surveys for Department of Juvenile Justice programs experiencing fluctuations in student enrollment.
- requiring notice for the siting of new juvenile justice facilities, requests for proposals, and award of contracts for the construction or operation of commitment or detention facilities.

### **Compulsory School Attendance**

Under s. 230.23161(7), F.S., relating to educational programs in Department of Juvenile Justice education programs, participation by students of compulsory school-attendance age, as provided for in s. 232.01, F.S., is mandatory. All students of noncompulsory school-attendance age who have not received a high school diploma or its equivalent must participate in the educational program, unless the student files a formal declaration of his or her intent to terminate school enrollment, as described in s. 232.01(1)(c), F.S., and is afforded the opportunity to attain a general education development diploma prior to release from a facility.

### **Immunizations**

Current law requires the submission of specific information at the time of enrollment in school (grades preschool through 12), including certification of immunization for the prevention of communicable diseases for which immunization is required by the Department of Health. Prior to admittance to or attendance at school, each child must present or have the certificate on file with the school. The certificate becomes a part of the student's permanent record, to be transferred when the student transfers, is promoted, or changes schools. The transfer of immunization records must be done using the Florida Automated System for Transferring Education Records and must meet the requirements in law.

There is an exemption (s. 232.032, F.S.) to the required immunizations for medical and religious reasons. Also, a temporary exemption may be issued by an authorized school official to allow a student who transfers into a new county to attend class until his or her records can be obtained. However, the temporary exemption is limited to no more than 30 school days. The public school nurse or authorized nonpublic school official is responsible for following up on each child until proper documentation or immunizations are obtained.

### **Funding and the Florida Education Finance Program (FEFP)**

The school district's planning and budgeting process must include the needs of Department of Juvenile Justice programs in the district's plan for expenditures for state categorical and federal funds. School districts are required to fund the education program in the Department of Juvenile Justice facility at the same or higher level of funding for equivalent students in the school system,

based on the funds generated by state funding through the FEFP. The school district must make school programming available during the regular school year and the summer school.

Juvenile justice education programs must be funded in the appropriate FEFP program based on the educational services needed by the student for Department of Juvenile Justice programs in accordance with s. 236.081, F.S. Education programs to receive the appropriate FEFP program funding for Department of Juvenile Justice programs must include:

- those operated through a contract with the Department of Juvenile Justice; and
- those under the purview of the Department of Juvenile Justice quality assurance standards for education.

Proviso language in the 1999-2000 General Appropriations Act (GAA) requires school districts with juvenile justice education programs to provide an amount of funds per FTE student in 1999-2000 that is no less than the amount provided for students in these programs in 1998-1999.

Funding on the basis of full-time equivalent student membership in programs beyond the regular 180-day school term in the FEFP is provided only to students in juvenile justice programs (250 days, over 12 months, with an allowable reduction of up to 10 days for teacher planning). Also, funding for Department of Juvenile Justice programs beyond the 180 day school year and summer school must be specified in the GAA. The summer school period for these students begins on the day immediately following the end of the regular school year and ends on the day immediately preceding the subsequent regular school year.

Chapter 99-398, L.O.F., created the Supplemental Academic Instruction (SAI) categorical fund. Funding for summer and dropout prevention programs was removed from the FEFP and included in the SAI fund. This fund is used for supplemental academic instructional activities that are provided beyond the 180-day regular term.

#### **Direct Instructional Time and School Day**

Chapter 99-284, L.O.F., provided that students shall be funded for no more than 25 hours per week of direct instruction. The Department of Education was required to develop a method which captures all direct instructional time provided to such students during the summer school period. The school day for students in a Department of Juvenile Justice program is the same as specified in s. 228.041(13), F.S. Educational services must be provided at times of the day most appropriate to the program.

According to the Department of Education, the time and effort associated with keeping attendance records has been burdensome on school districts and the Department of Juvenile Justice. State Board of Education Rule 6A-6.05281, F.A.C. (educational programs for youth in juvenile justice detention, commitment, day treatment, or early intervention programs) provides that student attendance must be taken once per class period or during each course reported for FTE purposes. Direct instructional time may include the time students spend in school activities (e.g., field trips, performances, and receiving school-based services such as counseling). Also, certain interruptions over which the student and teachers have no control do not have to be deducted from the direct instructional time reported for FTE (e.g., fire drills, lockdowns, bomb scares, court hearings, and meetings with law enforcement personnel during school hours). The rule is effective April 16, 2000.

**FTE Surveys**

The FTE count periods must be prescribed by State Board of Education rule. Local school districts, consistent with State Board of Education rules, must request an alternative FTE survey for Department of Juvenile Justice programs experiencing changes in student enrollment.

**GED Tests and Administrative Fees**

Current administrative rule (Rule 6A-6.021, F.A.C.) provides eligibility criteria for taking the GED tests. The candidate must be at least 18 years old. However, in extraordinary circumstances, persons who are at least 16 years old may take the tests, according to local school board rule. Also, incarcerated youth who are over 16 years of age at the time of the examination may take the test, based on the written approval of the Chief Examiner for the Department of Corrections. According to the Department of Education, the school districts are currently responsible for the GED administrative fees for juvenile justice education programs. The Department of Corrections indicated that it pays the GED administrative fees for an inmate enrolled in school.

**Related Legislative Studies**

Chapter 99-284, L.O.F., required the Juvenile Justice Accountability Board to conduct a study and make recommendations for the following:

- the types of effective juvenile vocational and work programs in the U.S. and relevant research on what makes programs effective;
- the key ingredients of effective juvenile vocational and work programs; and
- the status of these programs in juvenile facilities in the state.

The law required an additional study of the extent and nature of education programs for juvenile offenders committed by the court to the Department of Juvenile Justice and for juvenile offenders under court supervision in the community. The study was required to include the following issues:

- impact of education services on students in commitment programs;
- barriers to the timely transfer of education records;
- development and implementation of vocational programming in commitment programs;
- implementation of provisions for earning high school credits despite varied lengths of stay; and
- accountability of school districts and providers for education expenditures.

The board's education policy task force recommendations include the following:<sup>1</sup>

- A joint study by the Department of Education and the Department of Juvenile Justice to determine funding needed for specialized education programming to youth in juvenile justice education programs.
- An analysis of the condition and adequacy of existing education facilities located on the campuses of juvenile justice commitment programs, with a proposed 3-year fixed capital outlay plan to correct deficiencies.
- Timely notification by the Department of Juvenile Justice to school district superintendents within 30 days of obtaining a permit to begin construction of a new detention or commitment facility within the school district.
- Amending provisions of law to:

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<sup>1</sup> *A Study of Vocational Programming in Juvenile Justice Commitment Facilities*, Department of Juvenile Justice, Juvenile Justice Accountability Board, Education Policy Task Force, Volumes I and II, January 31, 2000.

- conform s. 230.23161, F.S., to s. 985.02, F.S., related to legislative intent for the education of youth in Department of Juvenile Justice programs and facilities;
- allow for a temporary exemption from the immunization requirements for no more than 30 school days to allow children who are transferred into a Department of Juvenile Justice residential commitment facility to attend class until their immunization records are obtained;
- require all future designs for new or renovated juvenile justice commitment or detention facilities to conform to specifications for education spaces adopted by the State Board of Education;
- provide school-based juvenile justice personnel with access to the student data base to the same extent that the records are available at any other school;
- allocate funds to jointly develop and implement a multi-agency plan for educational and vocational programming;
- require the plans to define vocational programming, designate commitment facilities by type, and align agency policies and procedures with the plan;
- facilitate the business community's involvement in vocational programming, apprenticeships, and work experience programs; and
- express intent in s. 236.08104(3), F.S., that youth in juvenile justice commitment facilities earn funding for 250 days of instruction and that up to ten days of teacher in-service days be included as days of instruction for the purpose of reporting FTE for funding.

### III. Effect of Proposed Changes:

**Section 1.** The bill amends s. 230.02, F.S., relating to the scope of the district school system, to require the district to provide access for instructional personnel at juvenile justice facilities of a specified size (50 or more beds or slots) to the system's database for the academic, immunization, and registration records of students assigned to these programs. The access must be in the same manner that is provided to other schools in the district.

**Section 2.** The bill amends s. 230.23161, F.S., to provide legislative intent for youth in the juvenile justice system. Additional responsibilities are added for the juvenile justice education program coordinators. The coordinators must develop specific protocols (academic and vocational), and prescribe interdepartmental collaboration strategies.

A cooperative agreement and plan for juvenile justice education service enhancement is required on an annual basis (by June 30). These documents must be developed by the Department of Juvenile Justice and the Department of Education and submitted to the Secretary for the Department of Juvenile Justice and the Commissioner of Education.

The bill specifies that educational services must be provided at times of the day most appropriate for the juvenile justice program. School programming in juvenile justice detention, commitment, and rehabilitation programs must be made available by the local school district during the juvenile justice school year.

The bill requires certain youth to participate in workforce development or other vocational or technical education, or community college or university courses while in the educational program,

subject to available funding. This provision applies to youth who have received a high school diploma or its equivalent but who are not employed. The bill corrects the references to the diploma and GED test.

FTE counts must be the same for Department of Juvenile Justice programs as they are for other public school programs. The bill deletes the current requirement for the Department of Education to develop a method to capture all direct instructional time provided to students in Department of Juvenile Justice programs during summer school.

The Department of Juvenile Justice and the Department of Education are required to consult with the statewide Workforce Development Youth Council in jointly developing a multi-agency plan for vocational education. The plan must describe the curriculum, goals, and outcome measures for vocational programming in juvenile commitment facilities under s. 985.3115, F.S.

**Section 3.** The bill amends s. 232.032, F.S., to allow an exemption for 30 days from the immunization requirements for a child who enters a juvenile justice program. The purpose of the exemption is to allow the child to attend class until the immunization records or the immunizations are obtained. Follow up is the responsibility of the authorized juvenile justice official.

**Section 4.** The bill amends s. 235.1975, F.S., to change the notification requirements for the Department of Juvenile Justice for the award of construction or operations contracts for commitment or detention facilities within a school district. The department must notify the superintendent within 30 days after the award of contracts and obtaining a construction permit to begin construction of a new detention or commitment facility in the district. Juvenile justice educational facilities must meet the state requirements for educational facilities as prescribed by State Board of Education rule. The bill provides that juvenile justice facilities appropriated after July 1, 2000, which do not meet education specifications after that date will not be certified for occupancy.

**Section 5.** The bill creates s. 985.3155, F.S., to require the development of a multi-agency plan for vocational education by the Department of Juvenile Justice and the Department of Education, in consultation with the statewide Workforce Development Youth Council, school districts, and others. The plan must establish the curriculum, goals, and outcome measures for vocational programming in juvenile commitment facilities. The contents of the plan include:

- provisions for maximizing state and federal funding sources;
- responsibilities of both departments, as well as others; and
- implementation schedules.

The plan must be submitted to specified members of the executive and legislative branches of government by May 1, 2001. The bill requires a definition of vocational programming based on specific criteria, including:

- age, assessed educational abilities, and goals;
- typical length of stay and custody characteristics of the commitment program;
- classifications of commitment facilities by one of three statutorily defined types (“A,” “B,” or “C”).

The plan must also address strategies to help involve business and industry in designing, delivering, and evaluating vocational programming in juvenile justice commitment facilities and aftercare programs that lead to postrelease employment. The bill states that incentives for business involvement should be investigated, implemented (as appropriate), and recommended to the Legislature for consideration.

The Department of Juvenile Justice and the Department of Education must align the plan in commitment facilities with the following by January 31, 2001:

- agency policies and practices;
- technical manuals and contracts;
- quality assurance standards; and
- measures for outcomes and performance based budgeting.

The following must also conform with the plan:

- all provider contracts executed by the Department of Juvenile Justice or the school districts after January 1, 2002;
- planning and execution of quality assurance reviews by the Department of Education or the Department of Juvenile Justice after August 1, 2002; and
- outcome measures reported by the Department of Juvenile Justice, the Department of Education, and the Juvenile Justice Accountability Board on or after January 1, 2002.

An implementation report for this section is due to specified members of the legislative and executive branches of government by August 31, 2001.

**Section 6.** The bill amends s. 985.316, F.S., relating to aftercare, to require mandatory participation in educational programs for students of compulsory school attendance age who are on aftercare or postcommitment community control status. Students of noncompulsory school attendance age who have not received a high school diploma or its equivalent must participate in the educational program.

The bill specifies the youth required to participate in certain education (e.g., workforce development or other vocational or technical education or attend a community college or a university) while in the program, subject to available funding. This provision applies to a youth who has received a high school diploma or its equivalent and who is not employed.

**Section 7.** The bill provides an appropriation of \$100,000 in nonrecurring funds from General Revenue to the Department of Education to conduct a study to determine the precise funding level needed to provide specialized education programs to youth in juvenile justice education programs. The study results may be used to establish a unique program cost factor beginning in fiscal year 2001-2002 for juvenile justice education programs. The study results must be given to the Governor and the Legislature by January 1, 2001.

**Section 8.** The bill provides an appropriation of \$100,000 in nonrecurring funds from General Revenue to the Department of Education to conduct a review and analysis of existing education facilities in the Department of Juvenile Justice. The Department of Education must consult with the Department of Juvenile Justice in performing the review and analysis. The purpose of the review is to determine the adequacy of the facilities for educational use. The information may be

used to generate a 3-year plan to provide adequate space, equipment, furnishings, and technology, including retrofitting.

The Department of Education must submit the plan to specified members of the executive and legislative branches of government by January 1, 2001. The plan must contain sufficient detail to develop a fixed capital outlay budget request.

**Section 9.** The bill amends s. 228.081, F.S., to clarify the current education option for certain students in juvenile justice residential or nonresidential facilities. The bill imposes GED administrative fee requirements on school districts. Providers, by contract, may be responsible for these fees.

**Section 10.** The bill amends s. 230.23, F.S., to provide that minors who have not graduated from high school and eligible students with disabilities under 22 years of age who have also not graduated and who are detained in jail, must be offered educational services by the local school district where the jail is located. The sheriff or chief correctional officer must notify the school district superintendent when a youth under 21 years is assigned to the jail.

**Section 11.** The bill places the same language from section 10 in a newly created section (951.176) within the county and municipal prisoners chapter.

**Section 12.** The bill also provides an effective date (July 1, 2000).

**IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

To the extent that the provisions of the bill result in a more timely delivery of educational services, students in juvenile justice programs may benefit. Providers, by contract, may be subject to the GED administrative fees.

**C. Government Sector Impact:****GED Administrative Fees**

The bill imposes GED administrative fee requirements on school districts. Providers, by contract, may be responsible for these fees. Current administrative rule (Rule 6A-6.021, F.A.C.) allows each school district to establish fees capped at \$50 for each applicant taking the entire battery of tests (5 tests). The administrative fees are specified in rule: \$17 for the entire battery of tests and \$4 or \$5 for retaking certain tests. The rule allows for waiving all or a portion of the fees.

**Access to School District Data Base**

The Department of Education noted that this occurs in some districts. However, not all DJJ programs have access. There may be some costs associated with electronic access for those districts that are not currently providing the information. According to the Department of Juvenile Justice, there are 26 residential facilities with 50 or more beds/slots and 5 non-residential programs with over 50 slots.

**Opportunity for Participation in Workforce Development Programs**

The Department of Education noted that there may be a minimal fiscal impact for participation in workforce development programs. The bill states that the allowable participation is subject to available funding.

**Facility Compliance with Educational Requirements**

The bill requires juvenile justice educational facilities to comply with the requirements for educational facilities specified in State Board of Education rules. Also, by time certain, all facility designs and substantial renovation plans must be approved by the Department prior to construction. The Department of Education noted that the agency has not approved any facility designs or substantial renovations of these facilities. There will be some fiscal impact associated with this new responsibility. The Department of Education indicated that the responsibility for approving the education portion of Department of Juvenile Justice facility designs or renovation plans can be handled within existing resources.

**Additional Studies**

The bill provides an appropriation of \$200,000 in nonrecurring funds from General Revenue to the Department of Education for two new studies.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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