

CHAPTER 2

HOUSE BILL 349

2.1 Introduction

In 1999, the Florida Legislature enacted timely and comprehensive legislation in HB 349 for Florida juvenile justice education. This legislation mandated a series of interrelated steps and activities aimed at achieving and maintaining quality juvenile justice education throughout Florida. This chapter reviews the major mandates included in HB 349 and the 1999 implementation of these mandates.

2.2 Summary of Legislation Prior to 1999

In 1996, the Florida Legislature created s.230.23161, F.S., Educational Services in DJJ Programs, which authorized DOE to conduct QARs, annually revise the QAR standards and key indicators, and write an annual report on the status of juvenile justice educational programs. This legislation defined the educational services that must be provided by a local school district to each DJJ detention center and commitment program. It also contained additional requirements for school districts and for the evaluation of juvenile justice programs, including allocations of resources and teacher competencies. This legislation became effective on July 1, 1996.

The 1998 Florida Legislature created Senate Bill 2288, which amended s.230.23161, F.S. by providing procedures for sanctioning DJJ operated programs that do not meet QAR standards. This legislation became effective May 24, 1998.

2.3 Summary of HB 349 Enacted in 1999

The 1999 Florida Legislature enacted HB 349, which became effective July 1, 1999. This legislation amends several statutes by adding the clarification, “which shall include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, to all public school organization and funding, statewide assessment, and school improvement and education accountability statutes.” The legislation also provides amendments and new sections to s230.23161, F.S. The bill defines that a “school year for juvenile justice programs” shall be comprised of 250 days of instruction distributed over 12 months; however, a district school board may decrease the minimum number of days of instruction by up to 10 days for teacher planning.

HB 349 amended and created new subsections of s.230.23161, F.S. The major changes include allowing students to prepare for and take the GED, requiring students to have an academic improvement plan, specific requirements for academic records and transition

activities, funding, and QAR reviews and sanctions. These changes will have an impact on the school district and the on-site educational programs.

2.4 The Impact of HB 349

HB 349 is intended to impact of the delivery of educational services in DJJ programs at the school district, for public and private providers at the facility levels, and for student services providers. It also is intended to impact the operation of DJJ programs for DOE and DJJ.

The intended impact for school districts is to clearly establish their responsibility for overseeing the DJJ educational programs and assuring that the students enrolled in these programs are provided the same services as students in every public school in the school district. This includes, but is not limited to, student services, assessment services, record maintenance, and transmission of student records. It also requires school districts to assure that every DJJ educational program has a school improvement plan (SIP) and that the results of school improvement of these schools are included in their annual school improvement and education accountability report to the Commissioner of Education.

The intended impact at the facility level includes transition activities (entry and exit), the development of an SIP, the delivering of instruction for 250 days a year over a 12-month period, and the delivery of appropriate curriculum and instruction to every student based on their individual requirements and needs.

The intended impact at the state level is to assure that QARs are conducted, that sanctions are placed on low achieving schools, that technical assistance is provided to programs as needed, and that the necessary research is conducted to ensure quality education for Florida's juvenile justice youth.

Table 2.4-1 identifies the context of HB 349 as it applies to juvenile justice education. The table is organized numerically by the statutes that are affected. A copy of HB 349 can be downloaded from the Internet at <http://www.leg.state.fl.us/session/1999>.

In the table, the following abbreviations are used in the "affected parties" column: PA = Program Administrator; SDA = School District Administrator; SS = Student Services; and JJEEP/DOE = Juvenile Justice Educational Enhancement Program and Department of Education.

Table 2.4-1 Analysis of HB 349

Statute	Context	Affected Parties				Impact and Definition Summary
		PA	SDA	SS	JJEEP/DOE	
228.041(43) Definitions	Length of School Year	X	X			The minimum school year must be 250 days distributed over a 12-month period. Up to 10 days are allowed for teacher planning.
228.041(43) Definitions	Juvenile Justice Provider	X	X			A juvenile justice provider to include DJJ or a private, public, or other governmental organization contracting with DJJ to provide treatment, care and custody, or educational programs. Might affect the cooperative agreement or contract.
228.051(2) Public School Organization and Funding	Adds “Youth in DJJ programs”	X	X			Requires 13 consecutive years of instruction (K-12).
228.081(2) Other Public Educational Services <i>SBE Rule</i>	Requires the DOE to adopt an administrative rule impacting JJ education programs				X	The requirements for the content of the administrative rule follow.
228.081(2)(a)	Interagency Collaborative process	X	X		X	Outlines requirements for interagency collaborative procedures.
228.081(2)(b)	Responsibilities of Involved Parties		X		X	Defines responsibilities of DOE, DJJ, school districts, and providers of education services.
228.081(2)(c)	Academic Expectations	X	X	X		Academic expectations of youth served in juvenile justice educational programs.
228.081(2)(d)	Service Delivery Options	X	X			Outlines service delivery options available to school districts and/or providers.
228.081(2)(e)	Assessments	X	X X X	X	X	<ul style="list-style-type: none"> • Appropriate academic and vocational assessments (entry/exit); • School districts to be responsible for ensuring the completion of the assessment process; • Assessments for students in detention who will move on to commitment facilities; • Assessments of students sent directly to commitment.
228.081(2)(f)	Instructional Programs	X	X			Defines and recommends instructional programs including, but not limited to, vocational training and job preparation.
228.081(2)(g)	Funding Requirements	X	X			<ul style="list-style-type: none"> • At least 80% of the FEFP funds generated by students are spent on instructional costs for those students. • 100% of the formula-based categorical funds generated by students must be spent on appropriate categoricals such as instructional materials and public school technology for those students
228.081(2)(h)	Year Round Instructional Staff Qualifications	X	X			Qualifications of instructional staff, procedures for the selection of instructional staff, and procedures to ensure consistent instruction and qualified staff year round.

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Statute	Context	Affected Parties				Impact and Definition Summary
		PA	SDA	SS	JJEEP/DOE	
228.081(2)(i)	Transition Services	X	X			Transition services, including the roles and responsibilities of appropriate personnel in school districts, provider organizations, and DJJ.
228.081(2)(j)	Transfer of Education Records	X	X			Procedures and timeframe for transfer of education records when a youth enters and leaves a facility.
228.081(2)(k)	Academic Transcripts	X	X			Each school district must maintain an academic transcript delineating courses completed by the student.
228.081(2)(l)	Transcript in Discharge packet	X	X	X		Each school district must make available and transmit a copy of a student's transcript in the discharge packet.
228.081(2)(m)	Contract Management	X	X			Minimal requirements for contract management.
228.081(2)(n)	Performance Expectations	X	X			Performance expectations for providers and school districts, including the provision of academic improvement plan as required in s.232.245.
228.081(2)(o)	Workforce Development Funds		X			Role and responsibility of the school district in securing workforce development funds.
228.081(2)(p)	School District Sanctions	X	X		X	Defines a series of sanctions for school districts whose educational programs in DJJ facilities are considered to be unsatisfactory and for instances in which a school district fails to meet standards prescribed by law, rule, or SBE policy.
228.081(2)(q)	Other Aspects					The rule may specify other aspects of program operations.
228.081(3)(a) Model Contracts	Develop Model Provider Contracts		X		X	<ul style="list-style-type: none"> Develop model contracts to be used for the development of future contracts and Ensure that appropriate school district personnel are trained and held accountable for the management and monitoring of contracts.
228.081(3)(b)	Develop Model Transition Procedures	X	X		X	Develop model procedures for transitioning youth into and out of DJJ programs.
228.081(3)(c)	Educational Records Content	X	X	X	X	Develop standardized required content of educational records to be included as part of a youth's commitment records.
228.081(3)(d)	Securing Education Records	X	X		X	Develop model procedures for securing the education records and the roles and responsibilities of those involved in the withdrawal of the student from school and assignment to a commitment or detention facility.
228.081(4)	GED Options	X	X		X	Notify students in juvenile justice residential or nonresidential facilities who attain the age of 16 years of the provisions of s.232.01(1)(c) regarding compulsory school attendance and make available the option of enrolling in a program to attain a GED diploma prior to release from the facility.

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Statute	Context	Affected Parties				Impact and Definition Summary
		PA	SDA	SS	JJEEP/DOE	
228.081(5)	QARs, Technical Assistance, and Research				X	DOE shall provide QARs of all juvenile justice educational programs and shall provide technical assistance and related research to school districts and providers.
229.57(3)	Statewide Assessment	X	X	X		Adds "including schools operating for the purpose of providing educational services to youth in DJJ programs."
229.57(3)(c)(6)	Statewide Assessment	X	X	X		Participation in the testing program is mandatory for all students, including students served in DJJ programs.
229.57(3)(c)(8)	Common Battery of Assessment Tools for Juvenile Justice Programs	X			X	By January 1, 2000, the DOE must develop, or select, and implement a common battery of assessment tools, which will be used in all juvenile justice programs.
229.58(1)	District and School Advisory Councils	X	X			School boards may establish a district advisory council.
229.592(1)	School Improvement and Education Accountability	X	X			Must have an SIP, as required by s.230.23(16).
229.592(2)	School Improvement and Educational Accountability	X	X		X	Adds "including schools operating for the purpose of providing educational services to youth in DJJ programs" requiring juvenile justice schools to participate in the state system of school improvement.
230.23(16)(a)	School Improvement Plans		X			Local school boards must annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district; school boards may establish a district SIP for all DJJ schools in the school district.
230.23(16)(e)	Public Disclosure		X			Local school boards must annually provide information regarding performance of students and educational programs as required pursuant to s.229.555.
230.23161	Educational Services in DJJ Programs					<i>A copy of s.230.12161 is included in this report. Only the created or amended sections of the statute are addressed in this chart. All subsections of the statute have been renumbered.</i>
230.23161(1)	Intent for juvenile Justice Educational Programs and DOE				X	Identifies the importance of education for youth in DJJ facilities, declares DOE as the lead agency for juvenile justice educational programs, requires DOE and DJJ to identify juvenile justice education.
230.23161(7)	GED	X	X			Allows students to terminate school enrollment pursuant to s.232.01(1)(c), F.S. and be afforded the opportunity to attain a GED diploma.
230.23161(8)	Academic Improvement Plan (AIP)	X	X			Requires AIPs.
230.23161(9)	Academic Records	X	X			Maintenance of academic records for each student enrolled in a juvenile justice facility as prescribed by s. 228.081.

Statute	Context	Affected Parties				Impact and Definition Summary
		PA	SDA	SS	JJEEP/DOE	
230.23161(12)	Contracting With a Private Provider		X			School district's planning and budgeting process shall include the needs of DJJ programs in the district plan for expenditures for state categorical and federal funds.
230.23161(13)			X			<p>Adds:</p> <ul style="list-style-type: none"> • (a) juvenile justice educational programs shall be funded in the appropriate FEFP program based on the educational services needed. • (b) juvenile justice educational programs to receive the appropriate FEFP program funding for DJJ. • (c) Local school districts may request an alternative FTE survey for DJJ programs experiencing fluctuations in student enrollment. • (d) FTE count periods shall be prescribed in rules of the SBE. Identifies summer school funding.
230.23161(16)	<p>QAR Standards</p> <p>QA Visits</p> <p>QA Sanctions</p>					<ul style="list-style-type: none"> • (a) The QA rating for the educational component shall be disaggregated from the overall QA score and reported separately. • (b) QA site visit shall be conducted during the same visit. • (c) Minimum thresholds for the standards and key indicators for education.
230.23161(21)	Annual Report by DOE to Legislature				X	Requirement for information in the annual report to the legislature to contain ESE student information.
235.1975	Educational Facilities in Juvenile Justice Programs			X	X	Specifications for the cooperative development of juvenile justice educational facilities by DJJ, DOE, and school districts.
237.34	Program Expenditure Requirements		X			
985.401	Juvenile Justice Accountability Board					Responsible for studying the extent and nature of education programs for juvenile offenders.
985.413	District Juvenile Justice Boards					Responsibilities for the district juvenile justice boards.
Section 53	Plan for Educational Programs in Detention Centers				X	DOE to work with local school districts to develop a plan for educational programs in detention centers.

2.5 Specific DOE Requirements in the Implementation of HB 349

Included in HB 349 are specific requirements for DOE to fulfill. This section outlines the major statutory requirements that are the responsibility of DOE and their current status of implementation. In July 1999, shortly after HB 349 was signed into law, DOE's Bureau of

Instructional Support and Community Services (BISCS) established a committee to oversee the implementation of some of the major DOE responsibilities included in HB 349. The committee existed of members from the DOE, DJJ, JJEPP, JJAB and school district personnel. The following is a summary of the major statutory requirements and the committee's status concerning the implementation of those activities.

Requirement—DOE shall recommend an administrative rule to the SBE articulating expectations for high-quality, effective educational programs for youth in DJJ programs.

Status—DOE, with assistance from JJEPP, JJAB, and DJJ, has developed Rule 6A-6.05281, FAC, which was presented to the SBE on February 7, 2000. A first draft of the rule was advertised in Volume 25, Number 40 of the Florida Administrative Weekly on October 8, 1999. Three public hearings were held concerning the draft rule on October 22 in Tallahassee and on October 25 in Tampa and Fort Lauderdale. The rule contains requirements for school districts and educational programs within juvenile justice facilities in several areas, including student eligibility, student records, student assessment, IAPs, transition services, instructional program and academic expectations, qualifications and procedures for selection of instructional staff, funding, contracts with private providers, interventions and sanctions, and coordination.

Requirement—Model contracts must be developed for educational services in DJJ programs.

Status—School district consultants from Broward County were contracted through DOE to develop a technical assistance paper (TAP) on contracts and contract management in early 1999, prior to HB 349. JJEPP assisted DOE with refining this TAP to include all of the statutory and rule language regarding contracts in sections 230.23161 and 228.081, F.S., and Rule 6A-6.05281, FAC. The TAP is currently in draft form and is anticipated to be disseminated for final input to school districts and educational program providers in February 2000, prior to final publication by DOE. The current TAP includes the following:

- an explanation of the differences between a direct service cooperative agreement between DJJ and school districts and a purchase service contract between a school district and private provider for the delivery of educational services
- DOE's involvement in monitoring juvenile justice educational programs
- procedures and requirements for writing cooperative agreements between school districts and DJJ as defined in s.230.23161(14–15), F.S.
- procedures and requirements for writing purchase service contracts between school districts and private providers as defined in Rule 6A-6.05281, FAC
- strategies to assist school districts in managing purchase service contracts with private providers including assigning school district personnel as contract managers

The 2000 Educational Quality Assurance Standards also address contracts and contract management. Standard Four contains three indicators that require cooperative agreements

and purchase service contracts to reflect the contract requirements stated in s.230.23161(14), F.S. and require school districts to provide contract management services to all private providers operating under their jurisdiction.

Requirement—A standardized content of educational records must be developed as part of the student’s commitment record.

Status—The current draft of Rule 6A-6.05281, FAC defines the content requirements of student records in juvenile justice educational programs. The guidebook for model transition procedures described below also includes statutory and rule requirements for the content of educational records.

Requirement—Model procedures for securing educational records in DJJ programs must be developed.

Status—The current draft of Rule 6A-6.05281, FAC defines the procedures for securing educational records in juvenile justice educational programs. The guidebook for model transition procedures described below also includes statutory and rule requirements for the procedures of securing educational records.

Requirement—Model transition procedures must be developed for students moving into and out of DJJ programs.

Status—JJEPP assisted DOE with developing a guidebook for transitioning students in DJJ programs. JJEPP began the development of model transition procedures by initially surveying school district and provider personnel during a meeting regarding the QA standards on September 22-23, 1999 in Tampa. Other information regarding model transition procedures included literature reviews, most promising practice site visits, and evaluating the transition services of Florida’s top rated programs. The current guidebook includes the following:

- a list of program, school district, and DJJ personnel that should be involved in the transition process for students moving into and out of juvenile justice programs
- a description of a model transition process for students, including the roles of detention centers, probation officers, commitment programs, aftercare programs, and school districts
- parental and family involvement in the transition process
- the use of community resources in the transition process
- TAP on developing IAPs for non-ESE students
- samples of transition plans for students
- the purpose of and personnel involved in treatment teams and transition teams
- definition of a student portfolio
- the content of educational records as defined by the Florida Statutes and SBE Rules

- procedures for requesting and transferring educational records

The 2000 Educational Quality Assurance Standards also contain new transition indicators that address many of the requirements stated in the Florida Statutes and SBE Rules.

Requirement—The waiving of GED testing fees for students in DJJ programs.

Status—DOE mailed a memorandum to school district superintendents, community college presidents, and DJJ residential facilities on September 14, 1999 regarding the waiving of GED testing fees. Division of Workforce Development Memorandum #99-35 and Community College Memorandum #99-103 clarifies that the party receiving the educational funding for the students in each DJJ program is responsible for paying, at a minimum, the state and national portion of the GED testing fees. Each school district should negotiate with their local GED testing center to determine if the center is willing to waive part or all of the local testing fees.

Requirement—Designate a coordinator for juvenile justice educational programs to serve as the DOE point of contact.

Status—Currently, the Chief of BISCS is the DOE official contact in juvenile justice education. Through BISCS, DOE has a contract with FSU (JJEPP) to conduct QARs, provide technical assistance to school districts and providers, and conduct research related to juvenile justice education.

Requirement—The development or selection and implementation of a common battery of assessment tools for DJJ programs.

Status—DOE, through the Student Support Services Project (SSSP) at the University of South Florida, has initiated several activities in response to the legislative language regarding assessment testing in DJJ programs. A draft of a TAP on assessment testing for DJJ programs has been completed and will be disseminated to school districts and providers for final input in February 2000, prior to its publication by DOE. Twelve DJJ programs have been selected as model sites for the SSSP to field-test Curriculum Based Measurement (CBM) as a procedure for entry and exit assessment testing and monitoring of student progress. This pilot will begin in spring 2000 and operate for six months. After completing the pilot, the SSSP will provide DOE with a summary report on the benefits and limitations of CBM in DJJ programs and provide recommendations for its possible implementation in other DJJ educational programs. SSSP has also begun to develop a guidebook on assessment issues and a compilation of materials regarding assessment testing for DJJ programs.

Requirement—The development of a plan for educational programs in detention centers.

Status—School district personnel were initially surveyed by JJEEP concerning an educational plan for detention centers during the Juvenile Justice Detention Summit, on August 23-24, 1999. (Thirteen school districts out of twenty that operate a detention center and thirty educational representatives participated.) DOE personnel are currently developing a draft of an educational plan for detention centers.

2.6 Implementation Plan for a Separate Educational System

The 1999-2000 General Appropriations Act contained proviso language, which required that DOE, in consultation with DJJ, develop an implementation plan for the operation of an educational system for youth who cannot function within the existing public school structure. The funding for this system shall be independent of the funding for any other educational system. This initiative was commonly known as the 68th school district. In response to this proviso language, JJEEP conducted an extensive, national telephone survey of the educational operating system of juvenile justice systems in other states. The following are the results of that survey.

States with separate state-administered educational services: Centralized Model

Thirteen states administer educational services through a separate state agency. The state agencies that oversee juvenile justice facilities include DJJ, Department of Youth Services (DYS), Department of Corrections (DOC), and one by DOE.

The number of juvenile justice facilities receiving state-administered educational services ranges from 2 to 40. The total number of students in these facilities ranges from 200 to 2,100. The average number of facilities is 14; and the average number of students served is 1,164. The number of days that students are in school ranges from 200-240, with an average of 221 days spent in school per year. Per pupil cost of educational services ranges from \$2,300 to \$10,000 per year, and the average cost is \$5,260 per year.

States with both locally administered educational services and educational services provided by a separate state agency

Twenty-five states administer educational services both locally and through a separate state agency. In general, these states provide educational services to detention centers and other short-term facilities at the local level. Educational services for residential facilities are provided by a separate state agency. Educational services in two states are overseen by the state's DOE, and twenty are run by other state agencies such as DJJ, DYS, or DOC.

For those states with both locally and state operated juvenile justice educational services, between 1 and 41 programs are operated by a separate state agency. The number of students in these facilities ranges from 20 to 7,703. The average number of facilities is 7; and the average number of students is 1,241. Students spend between 146 and 250 days in school;

with an average of 226 days spent in school per year. Per pupil cost of educational services ranges from \$4,800 to \$10,000 per year, and the average cost is \$7,117 per year.

States with locally administered educational services: Decentralized Model

Nine states provide all educational services for youth in juvenile justice facilities at the local level. These 9 states have between 4 and 28 programs and between 265 and 4,987 juvenile justice students. The average number of facilities is 13; and the average number of students is 1,503.

The number of days that students are in school ranges from 180 to 230, with an average of 210 days in school per year. Per pupil cost ranges from \$8,225 to \$9,400 for educational services per year, and the average annual cost is \$8,875 for educational services per pupil.

Florida

Florida serves approximately 10,000 students in 210 juvenile justice facilities. Educational services are administered at the local level for all long-term, short-term, and detention facilities. The number of days that students spend in school is 240 per year. The average annual cost for educational services for juvenile justice youth is \$5,708 per student.

Table 2.6-1 Characteristics of Three Models for Delivering Educational Services to Juvenile Justice Students: Centralized (state-operated); Both (state and locally-operated); and, Decentralized (locally-operated)

	# of facilities	# of programs operated	# of students served	# of days students are in school	Per pupil annual cost **
Centralized Model	13	2-40 (average: 14)	200-2,100 (average: 1,164)	200-240 (average: 221)	\$2,300-\$10,000 (average: \$5,600)
Both Models	25	1-41 (average: 7)*	20-7,703* (average: 1,241)	146-250* (average: 226)	\$4,800-\$10,000* (average: \$7,117)
Decentralized Model	9	4-28 (average: 13)	265-4,987 (average: 1,503)	180-230 (average: 210)	\$8,225-\$9,400 (average: \$8,875)
State of Florida	1	233	10,000+	240	\$5,708

*Findings reflect data from centrally operated programs only

**Data are not considered to be reliable, as few states reported annual per pupil cost or had actual figures

2.7 Summary

HB 349 is “sweeping” educational reform for Florida’s juvenile justice educational programs. Its complete implementation may take more than a year to be fully realized. The

2000 Educational Quality Assurance Standards are designed to reflect many of the new legislative requirements, and new school district and program data are required to be reported to the DOE. From an analysis of this information, JEEP and DOE will be able to report on the effects and implementation of HB 349 in future annual reports.