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# **Choice & Innovation Subcommittee**

**Thursday, January 9, 2014**

**9:00 AM – 11:00 AM**

**306 HOB**

**Meeting Packet**

**Will Weatherford  
Speaker**

**Michael Bileca  
Chair**



## AGENDA

Choice & Innovation Subcommittee  
Thursday January 9, 2014  
9:00 a.m. – 11:00 a.m.  
306 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following bill:
  - HB 173 Juvenile Justice Education Programs by Adkins
- IV. Workshop Relating to Charter Schools
- V. Closing Remarks and Adjournment

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Choice & Innovation Subcommittee

**Start Date and Time:** Thursday, January 09, 2014 09:00 am  
**End Date and Time:** Thursday, January 09, 2014 11:00 am  
**Location:** 306 HOB  
**Duration:** 2.00 hrs

**Consideration of the following bill(s):**

HB 173 Juvenile Justice Education Programs by Adkins

Workshop relating to charter schools

Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by a member who is not a member of the subcommittee shall be 6:00 pm, Wednesday, January 08, 2014.

By request of the Chair, all subcommittee members are asked to have amendments to bills on the agenda submitted by 6:00 pm, Wednesday, January 08, 2014.

**NOTICE FINALIZED on 12/20/2013 12:41 by Flynn.Kaley**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 173 Juvenile Justice Education Programs  
**SPONSOR(S):** Adkins  
**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee		Thomas <i>MT</i>	Fudge <i>VF</i>
2) Appropriations Committee			
3) Education Committee			

### SUMMARY ANALYSIS

The bill makes changes to the provisions of law that govern the accountability, deliverance, and review of juvenile justice education programs that provide educational services to students within the Department of Juvenile Justice (DJJ).

The bill revises the accountability of juvenile justice education programs by:

- Requiring cost and effectiveness information on programs and program activities be provided in order to compare, improve, or eliminate a program or program activity.
- Requiring program and program activity cost and effectiveness data be provided to the Legislature and the public.
- Implementing an accountability system to meet client needs.
- Requiring the Department of Education (DOE) in partnership with DJJ to develop a comprehensive accountability and school improvement process.
- Requiring DOE in collaboration with DJJ to monitor and report on the educational performance of students in commitment, day treatment, prevention, and detention programs.
- Requiring DOE in consultation with DJJ, district school boards, and providers to adopt rules for objective and measurable student performance measures and program performance ratings for the delivery of educational services by prevention, day treatment, and residential programs.
- Requiring DJJ in consultation with DOE to publish by March 1 of each year a report on program costs and effectiveness, educational performance of students, and recommendations for modification or elimination of programs or program activities.
- Requiring DOE in partnership with DJJ, the district school, and providers to:
  - Develop and implement requirements for contracts and cooperative agreements regarding the delivery of appropriate education services to students in DJJ programs.
  - Maintain standardized procedures for securing student records.

The bill revises provisions related to juvenile justice programs by:

- Requiring school districts and juvenile justice education providers, in collaboration with others to develop an individualized transition plan during a student's stay at a program.
- Requiring the State Board of Education to adopt rules for academic assessment for students in detention centers.
- Requiring DOE and DJJ to provide oversight and guidance on how to implement effective educational transition planning and services.
- Requiring prevention and day treatment programs to provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services.
- Requiring the multiagency plan for career education to eliminate barriers to education and address virtual education.

The bill does not appear to have a fiscal impact. (See FISCAL COMMENTS).

The bill provides an effective date of July 1, 2014.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Department of Juvenile Justice (DJJ)**

The Department of Juvenile Justice's mission is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.<sup>1</sup> DJJ oversees at-risk and adjudicated youth in four service areas: prevention and victim services, probation and community intervention services, residential services, and detention services.<sup>2</sup> During the 2011-12 school year, juvenile justice education programs served more than 32,000 students.<sup>3</sup>

- **Prevention and Victim Services** - Prevention and Victim Services offers voluntary youth crime prevention programs throughout the state of Florida. The mission is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.<sup>4</sup>
- **Probation and Community Intervention Services (Non-residential)** - Non-residential services provide intervention and case management services to youth on diversion, probation, and post commitment supervision. These youth remain at home and participate in at least 5 days per week in a day treatment program.<sup>5</sup>
- **Residential Services** - Residential services ensure graduated sanctions for serious, violent and chronic offenders; address special mental health and substance abuse needs of offenders; and enhance their education in residential commitment programs. Juveniles who are adjudicated by the court can be committed to residential programs classified as low, moderate, high or maximum risk.<sup>6</sup>
- **Detention Services** - Detention is the custody status for youth who are held pursuant to a court order; or following arrest for a violation of the law. A youth may be detained only when specific statutory criteria, outlined in s. 985.215, F.S. are met. Criteria for detention include current offenses, prior history, legal status, and any aggravating or mitigating factors.<sup>7</sup>

##### **Multiagency Plan for Career Education**

###### **Present Situation**

Current law requires DJJ and DOE, in consultation with the statewide Workforce Development Youth Council, school districts, providers, and others, to develop a multiagency plan (plan) for vocational education in commitment facilities.<sup>8</sup> The plan must include:

<sup>1</sup> Florida Department of Juvenile Justice, available at, <http://www.djj.state.fl.us/about-us/mission> (last visited Dec. 16, 2013).

<sup>2</sup> Office of Program Policy Analysis and Government Accountability, Government Program Summaries – Department of Juvenile Justice, available at [http://www.oppaga.state.fl.us/government/s\\_agency.asp](http://www.oppaga.state.fl.us/government/s_agency.asp).

<sup>3</sup> Florida Department of Juvenile Justice, Comprehensive Accountability Report 2011-2012, 2, available at <http://www.djj.state.fl.us/research/reports/car>.

<sup>4</sup> Florida Department of Juvenile Justice, Prevention & Victim Services, available at <http://www.djj.state.fl.us/services/prevention> (last visited Dec. 16, 2013).

<sup>5</sup> Florida Department of Juvenile Justice, <http://www.djj.state.fl.us/Residential/restrictiveness.html> (last visited Dec. 16, 2013).

<sup>6</sup> Office of Program Policy Analysis and Government Accountability, Government Program Summaries – Department of Juvenile Justice Residential Services, available at <http://www.oppaga.state.fl.us/profiles/1001>.

<sup>7</sup> Florida Department of Juvenile Justice, available at, <http://www.djj.state.fl.us/services/detention> (last visited Dec. 16, 2013).

<sup>8</sup> Section 985.622(1), F.S.

- Provisions for maximizing appropriate state and federal funding sources, responsibilities of both departments and all other appropriate entities and detailed implementation schedules.<sup>9</sup>
- A definition of vocational programming that is appropriate based upon the age and assessed educational abilities and goals of the youth to be served and the typical length of stay and custody characteristics at the commitment program to which each youth is assigned.<sup>10</sup>
- A definition of vocational programming that includes the classifications of commitment facilities that will offer vocational programming by one of the following types:
  - Type A - Programs that teach personal accountability skills and behavior that is appropriate for youth in all age groups and ability levels and that lead to work habits that help maintain employment and living standards.
  - Type B - Programs that include Type A program content and an orientation to the broad scope of career choices, based upon personal abilities, aptitudes and interest.
  - Type C - Programs that include Type A program content and the vocational competencies or the prerequisites needed for entry into a specific occupation.<sup>11</sup>

In October 2010, the Office of Program Policy Analysis and Government Accountability (OPPAGA) issued a report that identified several shortcomings of the plan. According to OPPAGA, the plan lacked goals and implementation strategies for increasing the percentage of youth receiving occupation-specific job training. Also, the plan did not address the barriers that juvenile justice students face in attaining a general educational development (GED) diploma.<sup>12</sup> OPPAGA found that many juvenile justice programs emphasized academic instruction rather than GED preparation and job training. OPPAGA recommended that the Legislature amend s. 985.622, F.S., to address the shortcomings found in the plan.

### Effect of Proposed Changes

The bill expands the requirement of the plan to address all educational programs not just those in commitment facilities. The plan must be reviewed annually and revised as appropriate. The plan must also:

- Include provisions for eliminating barriers to increasing occupation-specific job training and high school equivalency examination preparation opportunities.
- Evaluate the effect that students' mobility between juvenile justice education programs and school districts has on the students' educational outcomes and whether the continuity of the students' education can be better addressed through virtual education.

The bill revises implementation dates for DOE and DJJ to align respective agency reporting documents to the revised plan for career education.

## **Educational Services in Department of Juvenile Justice Programs**

### Present Situation

Current law sets forth how educational services must be provided in DJJ programs and establishes the educational expectations for youth in such programs.<sup>13</sup> DOE is the lead agency for juvenile justice education programs, curriculum, support services, and resources; however, district school boards are responsible for actually providing educational services to youth in juvenile justice programs.<sup>14</sup>

<sup>9</sup> Section 985.622(1)(a)(c), F.S.

<sup>10</sup> Section 985.622(2), F.S.

<sup>11</sup> Section 985.622(3), F.S.

<sup>12</sup> Office of Program Policy Analysis and Government Accountability, *Juvenile Justice Students Face Barriers to High School Graduation and Job Training*, Report No. 10-55, at 9 available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1055rpt.pdf>

<sup>13</sup> Section 1003.52, F.S.

<sup>14</sup> Sections 1003.52(1), (3), and (4), F.S.

Educational services consist of basic academic, career, or exceptional curricula that support treatment goals and reentry, and that may lead to the completion of a high school diploma or its equivalent.<sup>15</sup> These services can be provided by the district school board itself or by a private provider through a contract with the district school board.<sup>16</sup> However, school districts remain responsible for the quality of education provided in residential and day treatment juvenile justice facilities regardless of whether the school district provides those services directly or through a contractor.<sup>17</sup>

Annually, DJJ and DOE must develop a cooperative agreement and plan for juvenile justice education service enhancement, which must be submitted to the Secretary of the Department of Juvenile Justice and the Commissioner of Education.<sup>18</sup>

Each district school board must negotiate a cooperative agreement with DJJ regarding the delivery of educational programming to youth in the juvenile justice system. These agreements must include provisions that address certain issues, such as:

- Curriculum and delivery of instruction;
- Classroom management procedures and attendance policies;
- Procedures for provision of qualified instructional personnel;
- Improving skills in teaching and working with juvenile delinquents;
- Transition plans for students moving into and out of juvenile facilities; and
- Strategies for correcting any deficiencies found through the quality assurance process.<sup>19</sup>

DOE and DJJ must each designate a coordinator to resolve issues not addressed by the district school boards and to provide each department's participation in:

- Training, collaborating, and coordinating with DJJ, district school boards, educational contract providers, and juvenile justice providers, whether state-operated or contracted;
- Collecting and reporting information on the academic performance of students in juvenile justice programs;
- Developing academic and career protocols that provide guidance to district school boards and providers in educational programming; and
- Prescribing the roles of program personnel and school district or provider collaboration strategies.<sup>20</sup>

### Effect of Proposed Changes

The bill revises the responsibilities of DOE and DJJ designated coordinators to include:

- Training, collaboration, and coordinating with local workforce boards and youth councils.
- Collecting information on the career education and transition performance of students in juvenile justice programs and reporting the results.
- Implementing a joint accountability, program performance, and program improvement process.

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<sup>15</sup> Section 1003.52(5), F.S.

<sup>16</sup> Section 1003.52(11), F.S.

<sup>17</sup> Office of Program Policy Analysis and Government Accountability, *Youth Entering the State's Juvenile Justice Programs Have Substantial Educational Deficits; Available Data Is Insufficient to Assess Learning Gains of Students*, Report No. 10-07 (2010), available at, <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=10-07> (last visited Dec. 16, 2013).

<sup>18</sup> Section 1003.52 (1), F.S.

<sup>19</sup> Section 1003.52(13), F.S.

<sup>20</sup> Section 1003.52(1), F.S.



The bill also:

- Requires prevention and day treatment juvenile justice education programs, at a minimum, to provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services.
- Requires residential juvenile justice education programs with a contracted minimum length of stay of 9 months to provide career education courses that lead to preapprentice certifications, industry certifications, occupational completion points, or work-related certifications.
- Allows residential programs with contract lengths of stay of less than 9 months to provide career education courses that lead to preapprentice certifications, industry certifications, and occupational completion points, or work related certifications.

The bill refines the educational component of programs with a duration of less than 40 days to include:

- tutorial remediation activities,
- career employability skills instruction,
- education counseling, and
- transition services that prepare students for a return to school, the community, and their home setting based on the students' needs.

The bill requires educational programs to provide instruction based on each student's individualized transition plan, assessed educational needs, and the educational programs available in the school district in which the student will return. Depending on the student's needs, educational programming may consist of remedial courses, academic courses required for grade advancement, career education courses, and high school equivalency examination preparation, or exceptional student education curricula and related services which support the transition goals and reentry and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent.

The bill requires that the DJJ and DOE annual cooperative agreement and plan for juvenile justice education service enhancement include each agency's role regarding educational program accountability, technical assistance, training, and coordination of service.

### **Accountability and Reporting**

#### **Present Situation**

The Department of Education and the Department of Juvenile Justice, after consulting with the district school boards and local providers, must report annually to the Legislature on the progress toward developing effective educational programs for youth in the juvenile justice system. This report must include the results of the quality assessment reviews, including recommendations for system improvement.<sup>21</sup> In its annual report to the Legislature, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, DOE made several recommendations to address educational accountability and improvement such as:

- Continue to develop a juvenile justice education accountability system for programs and explore a process in which high-performing programs are recognized and low-performing programs receive assistance.
- Develop a customized school improvement plan template for programs.
- Continue to support improvement in transition services for youth in juvenile justice education through the maintenance of an accurate statewide transition contact list.

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<sup>21</sup> Section 1003.52(19), F.S.  
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- Provide additional training and support to programs to improve their efforts with the Basic Achievement Skills Inventory administration, data reporting, and data interpretation.
- Continue to identify effective program practices and resources for students in need of academic remediation and credit recovery.
- Continue to identify academic curriculum, resources, and instructional practices related to high academic achievement for all students while incarcerated.
- Continue to collaborate efforts among DOE, DJJ, school districts, and private providers to ensure appropriate and effective education for youth in juvenile justice programs.<sup>22</sup>

In 2010, OPPAGA issued a report examining educational services provided to youth in DJJ residential and day treatment programs. OPPAGA found that most students entering juvenile justice programs were older, academically behind their peers, and were likely to have had attendance problems at school. OPPAGA found that DOE had not collected sufficient information to assess the learning gains (or lack thereof) of students in juvenile justice programs. Only 48 of the 141 programs (34%) reported complete information for at least half of their students. For those programs that did report data, the nature of the assessment instrument made it difficult to determine whether students were making appropriate educational progress. OPPAGA recommended that the Legislature amend s. 1003.52(3)(b), F.S., to require that DOE make annual status reports to the Legislature on the learning gains of students in juvenile justice facilities and the steps it has taken to ensure the completeness and reliability of juvenile justice student performance data.<sup>23</sup>

The Department of Juvenile Justice is required to annually collect and report cost data for every program state-operated or contracted by the department. DJJ is responsible for accurate cost accounting for state-operated services including market-equivalent rent and other shared cost. The cost of the educational program provided to a residential facility must be reported and included in the cost of a program. The cost-benefit analysis for each educational program will be developed and implemented in collaboration with the Department of Education, local providers, and local school districts. Cost data for the report must include data collected by DOE for the purpose of preparing the annual report required pursuant to s. 1003.52(19), F.S., relating to developing effective educational progress for juvenile delinquents.<sup>24</sup>

DOE in consultation with DJJ, district school boards and providers must establish objective and measurable quality assurance standards for the educational components of residential and nonresidential juvenile justice facilities.<sup>25</sup> The quality assurance standards and indicators are revised annually for juvenile justice education programs, based on new statutory and regulatory requirements, best practices research, and input from school districts and educational providers.<sup>26</sup> These standards must rate the district school boards' performance both as a provider and contractor.<sup>27</sup>

### Effect of Proposed Changes

The bill requires DOE to establish and operate, either directly or indirectly through a contract, a mechanism to provide accountability measures that annually assess and evaluate all juvenile justice education program using student performance data and program performance ratings by type of program.

<sup>22</sup> Florida Department of Education, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, Annual Report 2009-2010, at 13 (2011), available at [http://www.fldoe.org/ese/pdf/jj\\_annual.pdf](http://www.fldoe.org/ese/pdf/jj_annual.pdf)

<sup>23</sup> Office of Program Policy Analysis and Government Accountability, *Youth Entering the State's Juvenile Justice Program Have Substantial Educational Deficits; Available Data is Insufficient to Assess Learning Gains of Students*, Report No. 10-07, at 8 (Jan. 2010), available at [www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1007rpt.pdf](http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1007rpt.pdf).

<sup>24</sup> Section 985.632, F.S.

<sup>25</sup> Section 1003.52(15)(a), F.S.

<sup>26</sup> Florida Department of Education, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, Annual Report 2009-2010 (2011), available at [www.fldoe.org/ese/pdf/jj\\_annual.pdf](http://www.fldoe.org/ese/pdf/jj_annual.pdf).

<sup>27</sup> Section 1003.52(15)(a), F.S.

DOE, in partnership with DJJ, must develop a comprehensive accountability and program improvement process. The accountability and program improvement process must be based on student performance measures by type of program and must rate education program performance. The accountability system must identify and recognize high-performing education programs.

DOE, in partnership with DJJ, must identify low-performing programs. Low-performing education programs must receive an onsite program evaluation from DJJ. Identification of education programs needing school improvement, technical assistance, or reassignment of the program must be based, in part on the results of the program evaluation. Through a corrective action process, low-performing programs must demonstrate improvement or the program must be reassigned to the district or another provider.

DJJ must:

- Provide cost and effectiveness information on programs and program activities in order to compare, improve, or eliminate a program or program activity if necessary.
- Provide program and program activity cost and effectiveness data to the Legislature in order for resources to be allocated for achieving desired performance outcomes.
- Provide information to the public concerning program and program activity cost and effectiveness.
- Implement a system of accountability in order to provide the best and most appropriate program and activities to meet client needs.
- Continue to improve service delivery.

DJJ, in consultation with DOE, must publish by March 1 of each year a report on program costs and effectiveness. The report must include uniform cost data for each program operated by DJJ and by providers under contract with DJJ. DOE is required to provide cost data on each education program operated by a school district or a provider under contract with a school district. The report must also include data on student learning gains, as provided by DOE, for all juvenile justice education programs; educational performance information, developing effective education programs, cost-effectiveness, and recommendations for modification or elimination of programs or program activities.

DOE, in consultation with DJJ, district school boards, and providers must establish by rule:

- Objective and measurable student performance measures to evaluate a student's educational progress while participating in a prevention, day treatment, or residential program. The student performance measures must be based on appropriate outcomes for all students in juvenile justice programs, taking into consideration the student's length of stay in the program. Performance measures must include outcomes that relate to student achievement of career education goals, acquisition of employability skills, receipt of a high school diploma, grade advancement, and learning gains.
- A performance rating system to be used by DOE to evaluate the delivery of educational services within each of the juvenile justice education programs. The performance rating system must be primarily based upon data regarding student performance as described above.
- The timeframes, procedures, and resources to be used to improve a low-rated educational program or to terminate or reassign the program.

The bill requires that education program performance results, including the identification of high and low-performing programs and aggregated student performance results be included in DOE and DJJ annual report on the progress toward developing effective educational programs.

DOE in collaboration with DJJ must monitor and report on the educational performance of students in commitment, day treatment, prevention, and detention programs. The report must include, at a minimum, the number and percentage of students:

- Returning to an alternative school, middle school, or high school upon release and the attendance rate of such students before and after participation in juvenile justice education programs.
- Receiving a standard high school diploma or high school equivalency diploma.
- Receiving industry certification.
- Receiving occupational completion points.
- Enrolling in a postsecondary educational institution
- Completing a juvenile justice education program without reoffending
- Reoffending within 1 year after completing a day treatment or residential commitment program.
- Remaining employed 1 year after completion of a day treatment or residential commitment program.

The results of the educational performance report must be included in the program costs and effectiveness report.

### **Transition Plan and Reentry Plan**

#### **Present Situation**

Currently an individual transition plan is developed for each student entering a DJJ commitment, day treatment, early delinquency intervention, or detention program.<sup>28</sup> The transition plan is based on the student's post-placement goals that are developed cooperatively with the student, his/her parents, school district and or contracted provider personnel, and DJJ program staff. Re-entry counselors, probation officers, and personnel from the student's "home" school district shall be involved in the transition planning to the extent practicable. The transition plan also includes a student's academic record including each course completed by the student according to procedures in the State Course Code Directory, career re-entry goals maintained by the school district, and recommended educational placement. An exit plan is also conducted for each student. A copy of the academic records, student assessment, individual academic plan, work and project samples, and the transition plan is included in the discharge packet when the student exits a DJJ facility.<sup>29</sup>

#### **Effect of Proposed Changes**

The bill requires a transition plan to include, at a minimum:

- Services and interventions that address the student's assessed educational needs and postrelease education plans.
- Services to be provided during the program stay and services to be implemented upon release, including but not limited to, continuing education in secondary, career and technical programs, postsecondary education, or employment, based on the student's needs.
- Specific monitoring responsibilities to determine whether the individualized transition plan is being implemented and the student is provided access to support services that will sustain the student's success, that must be coordinated by individuals who are responsible for reintegration and coordination of these activities.

DOE and DJJ must provide oversight and guidance to school districts, education providers, and reentry personnel on how to implement effective educational transition planning and services. The bill also requires upon a student's return from a program, school districts to consider the individual needs and circumstances of the student and the transition plan recommendations when reenrolling a student in a public school. A local school district may not maintain a standardized policy for all students returning from a juvenile justice program, but place students based on their needs and their performance in the program.

<sup>28</sup> Section 1003.52(13)(i), F.S.; rule 6A-6.05281, F.A.C.

<sup>29</sup> Email, Florida Department of Education, Governmental Relation Office (Dec. 17, 2013).

The bill requires that representatives from the school district and One Stop Center, where the student will return, participate as members of the local Department of Juvenile Justice reentry team.

### **Teachers in Juvenile Justice Programs**

#### **Present Situation**

District school boards must recruit and train teachers who are interested, qualified, or experienced in educating students in juvenile justice programs. Students in juvenile justice programs must be provided a wide range of educational programs and opportunities including textbooks, technology, instructional support, and other resources available to students in public schools. Teachers assigned to educational programs in juvenile justice settings in which the district school board operates the educational program must be selected by the district school board in consultation with the director of the juvenile justice facility. Educational programs in juvenile justice facilities must have access to the substitute teacher pool utilized by the district school board.<sup>30</sup>

#### **Effect of Proposed Changes**

State Board of Education (SBE) rules for qualification of instructional staff must include career education instructors, standardized across the state, and be based on state certification, local school district approval, and industry recognized credentials or industry training. The bill also requires the establishment of procedures for the use of noncertified instructional personnel who possess expert knowledge or experience in their fields of instruction.

The bill also allows the Secretary of the Department of Juvenile Justice or the director of a juvenile justice program to request that the performance of a teacher assigned by the district to a juvenile justice education program be reviewed by the district and that the teacher be reassigned based upon an evaluation conducted pursuant to s. 1012.34, F.S., or for inappropriate behavior.

#### **Public Educational Services – District School Boards**

The bill clarifies the responsibilities of district school boards to include:

- Notifying students in juvenile justice education program who attain the age of 16 years of the law regarding compulsory school attendance and make available the option of enrolling in a program to attain a high school diploma by taking the high school equivalency exam before release from the program.
- Responding to request for student education records received from another district school board or a juvenile justice education program within 5 working days after receiving the request.
- Providing access to courses offered through Florida Virtual School, virtual instruction programs, and school district virtual courses. School districts and providers may enter into cooperative agreements for the provision of curriculum associated with school district virtual courses to enable providers to offer such courses.
- Completing the assessment process.
- Monitoring compliance with contracts for education programs for students in juvenile justice prevention, day treatment, residential, and detention programs.

The bill requires DOE in partnership with DJJ, the district school, and providers to:

- Develop and implement requirements for contracts and cooperative agreements regarding the delivery of appropriate education services to students in DJJ programs.

- Maintain standardized procedures for securing the student's records. The records must include, but not be limited to the student's individualized progress monitoring plan and individualized transition plan.

The bill also requires DOE to assist juvenile justice programs with becoming high school equivalency examination centers.

### **Juvenile Justice Common Student Assessment**

#### **Present Situation**

DOE with the assistance of school districts, must select a common student assessment instrument and protocol for measuring student learning gains and student progression while a student is in a juvenile justice education program.<sup>31</sup> The test is administered as a pre-test within 10 school days after a student enters a juvenile justice program and again as a post-test when a student who was in the program for at least 45 school days leaves the program.<sup>32</sup> In February, 2012, DOE awarded WIN Learning a contract to administer the Florida Ready to Work assessment as the common assessment for reading and math in DJJ education programs.<sup>33</sup> According to DOE, only students in residential and day treatment programs are administered the common assessment.<sup>34</sup>

#### **Effect of Proposed Changes**

The bill requires the State Board of Education to adopt rules requiring academic assessments for students in detention centers to be administered within 5 school days and career assessment or career interest survey to be administered within 22 school days. Detention centers are not permitted to use the common assessment and must use an academic assessment for reading and mathematics that creates the foundation for developing the student's educational program. The bill also requires SBE to adopt rules for assessment procedures for prevention programs.

#### **B. SECTION DIRECTORY:**

Section 1. Amends s. 985.622, F.S., revising requirements for the multiagency education plan for students in juvenile justice education programs including virtual education as an option.

Section 2. Amends s. 985.632, F.S., requiring the Department of Juvenile Justice to provide cost and effectiveness information for program and program activities to the Legislature and the public; deleting legislative intent language; requiring implementation of an accountability system to ensure client needs are met; requiring the Department of Juvenile Justice and Department of Education to submit an annual report including data on program costs and effectiveness and student achievement and recommendations for elimination or modification of programs.

Section 3. Amends s. 1001.31, F.S., authorizing instructional personnel at all juvenile justice facilities to access specific student records at the district.

Section 4. Amends s. 1003.51, F.S., revising terminology; revising requirements for rules to be maintained by the State Board of Education; providing expectations for effective education programs for students in Department of Juvenile Justice programs; revising requirements for contract and cooperative agreements for the delivery of appropriate education services to students in Department of Juvenile Justice programs; requiring the Department of Education to ensure that juvenile justice students who are eligible have access to high school equivalency testing and assist juvenile justice education programs with becoming high school equivalency testing centers; revising requirements for

<sup>31</sup> Section 1003.52(3)(b), F.S.

<sup>32</sup> Email, Florida Department of Education, Governmental Relation Office (Dec. 17, 2013).

<sup>33</sup> Email, Florida Department of Education, Bureau of Exceptional Education and Services (Feb. 10, 2012).

<sup>34</sup> Email, Florida Department of Education, Governmental Relation Office (Dec. 17, 2013).

an accountability system for all juvenile justice education programs; revising requirements of district school boards.

Section 5. Amends s. 1003.52, F.S., revising requirements for activities to be coordinated by the coordinators for juvenile justice education programs; authorizing contracting for educational assessments; revising requirements for assessments; authorizing access to local virtual education courses; requiring that an educational program be based on each student's transition plan and assessed educational needs; providing requirements for prevention and day treatment juvenile justice education programs; requiring progress monitoring plans for all students not classified as exceptional student education students; revising requirements for such plans; requiring that the Department of Education, in partnership the Department of Juvenile Justice, ensure that school districts and juvenile justice education providers develop individualized transition plans; providing requirements for such plans; providing that the Secretary of the Department of Juvenile Justice or the director of a juvenile justice program may request that a school district teacher's performance be reviewed by the district and that the teacher be reassigned in certain circumstances; requiring the Department of Education to establish by rule objective and measurable student performance measures and program performance rating; providing requirements for such ratings; requiring a comprehensive accountability and program improvement process; providing requirements for such a process; deleting provisions for minimum thresholds for the standards and key indicators for educational programs in juvenile justice facilities; deleting a requirement for an annual report; requiring data collection; deleting provisions concerning the Arthur Dozier School for boys; requiring rulemaking.

Section 6. Amends s. 1001.42, F.S., revising terminology; revising a cross-reference; providing a directive to the Division of Law Revision and Information.

Section 7. Provides an effective date of July 1, 2014.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

#### 2. Expenditures:

This bill does not appear to have a fiscal impact on state expenditures.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

#### 2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on DJJ providers or any other private sector entity.

### D. FISCAL COMMENTS:

None.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

The bill requires SBE to implement rules relating to educational services in DJJ programs.

The bill revises the rulemaking requirements of the Department of Education. The bill requires DOE to adopt rules for objective and measurable student performance measures and program performance ratings for the delivery of educational services by prevention, day treatment, and residential programs.

The bill requires that SBE rules relating to qualifications of instructional staff include career education instructors, standardized across the state, and based on state certification, local school district approval, and industry recognized credentials or industry training.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

Chapter 2013-51, L.O.F., directed the Division of Law Revision and Information to request a reviser's bill for the 2014 Regular Session of the Legislative to change the term "General Educational Development test" or "GED test" to "high school equivalency examination" and the terms "general education diploma," "graduate equivalency diploma," or "GED" to "high school equivalency diploma", therefore the direction in this bill is unnecessary.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES



1                                   A bill to be entitled  
 2           An act relating to juvenile justice education  
 3           programs; amending s. 985.622, F.S.; revising  
 4           requirements for the multiagency education plan for  
 5           students in juvenile justice education programs,  
 6           including virtual education as an option; amending s.  
 7           985.632, F.S.; requiring the Department of Juvenile  
 8           Justice to provide cost and effectiveness information  
 9           for program and program activities to the Legislature  
 10          and the public; deleting legislative intent language;  
 11          requiring implementation of an accountability system  
 12          to ensure client needs are met; requiring the  
 13          department and Department of Education to submit an  
 14          annual report that includes data on program costs and  
 15          effectiveness and student achievement and  
 16          recommendations for elimination or modification of  
 17          programs; amending s. 1001.31, F.S.; authorizing  
 18          instructional personnel at all juvenile justice  
 19          facilities to access specific student records at the  
 20          district; amending s. 1003.51, F.S.; revising  
 21          terminology; revising requirements for rules to be  
 22          maintained by the State Board of Education; providing  
 23          expectations for effective education programs for  
 24          students in Department of Juvenile Justice programs;  
 25          revising requirements for contract and cooperative  
 26          agreements for the delivery of appropriate education

27 services to students in Department of Juvenile Justice  
 28 programs; requiring the Department of Education to  
 29 ensure that juvenile justice students who are eligible  
 30 have access to high school equivalency testing and  
 31 assist juvenile justice education programs with  
 32 becoming high school equivalency testing centers;  
 33 revising requirements for an accountability system all  
 34 juvenile justice education programs; revising  
 35 requirements to district school boards; amending s.  
 36 1003.52, F.S.; revising requirements for activities to  
 37 be coordinated by the coordinators for juvenile  
 38 justice education programs; authorizing contracting  
 39 for educational assessments; revising requirements for  
 40 assessments; authorizing access to local virtual  
 41 education courses; requiring that an education program  
 42 shall be based on each student's transition plan and  
 43 assessed educational needs; providing requirements for  
 44 prevention and day treatment juvenile justice  
 45 education programs; requiring progress monitoring  
 46 plans for all students not classified as exceptional  
 47 student education students; revising requirements for  
 48 such plans; requiring that the Department of  
 49 Education, in partnership with the Department of  
 50 Juvenile Justice, ensure that school districts and  
 51 juvenile justice education providers develop  
 52 individualized transition plans; providing

53 requirements for such plans; providing that the  
 54 Secretary of Juvenile Justice or the director of a  
 55 juvenile justice program may request that a school  
 56 district teacher's performance be reviewed by the  
 57 district and that the teacher be reassigned in certain  
 58 circumstances; requiring the Department of Education  
 59 to establish by rule objective and measurable student  
 60 performance measures and program performance ratings;  
 61 providing requirements for such ratings; requiring a  
 62 comprehensive accountability and program improvement  
 63 process; providing requirements for such a process;  
 64 deleting provisions for minimum thresholds for the  
 65 standards and key indicators for education programs in  
 66 juvenile justice facilities; deleting a requirement  
 67 for an annual report; requiring data collection;  
 68 deleting provisions concerning the Arthur Dozier  
 69 School for Boys; requiring rulemaking; amending s.  
 70 1001.42, F.S.; revising terminology; revising a cross-  
 71 reference; providing a directive to the Division of  
 72 Law Revision and Information; providing an effective  
 73 date.

74  
 75 Be It Enacted by the Legislature of the State of Florida:

76  
 77 Section 1. Section 985.622, Florida Statutes, is amended  
 78 to read:

79 985.622 Multiagency plan for career ~~vocational~~ education.-

80 (1) The Department of Juvenile Justice and the Department  
 81 of Education shall, in consultation with the statewide Workforce  
 82 Development Youth Council, school districts, providers, and  
 83 others, jointly develop a multiagency plan for career ~~vocational~~  
 84 education that establishes the curriculum, goals, and outcome  
 85 measures for career ~~vocational~~ programs in juvenile justice  
 86 education programs ~~commitment facilities~~. The plan must be  
 87 reviewed annually, revised as appropriate, and include:

88 (a) Provisions for maximizing appropriate state and  
 89 federal funding sources, including funds under the Workforce  
 90 Investment Act and the Perkins Act. +

91 (b) Provisions for eliminating barriers to increasing  
 92 occupation-specific job training and high school equivalency  
 93 examination preparation opportunities.

94 (c) ~~(b)~~ The responsibilities of both departments and all  
 95 other appropriate entities. + ~~and~~

96 (d) ~~(e)~~ A detailed implementation schedule.

97 (2) The plan must define career ~~vocational~~ programming  
 98 that is appropriate based upon:

99 (a) The age and assessed educational abilities and goals  
 100 of the student ~~youth~~ to be served; and

101 (b) The typical length of stay and custody characteristics  
 102 at the juvenile justice education ~~commitment~~ program to which  
 103 each student ~~youth~~ is assigned.

104 (3) The plan must include a definition of career

105 ~~vocational~~ programming that includes the following  
106 classifications of juvenile justice education programs  
107 ~~commitment facilities~~ that will offer career ~~vocational~~  
108 programming by one of the following types:

109 (a) Type 1 A.—Programs that teach personal accountability  
110 skills and behaviors that are appropriate for students ~~youth~~ in  
111 all age groups and ability levels and that lead to work habits  
112 that help maintain employment and living standards.

113 (b) Type 2 B.—Programs that include Type 1 A program  
114 content and an orientation to the broad scope of career choices,  
115 based upon personal abilities, aptitudes, and interests.  
116 Exploring and gaining knowledge of occupation options and the  
117 level of effort required to achieve them are essential  
118 prerequisites to skill training.

119 (c) Type 3 C.—Programs that include Type 1 A program  
120 content and the career education ~~vocational~~ competencies or the  
121 prerequisites needed for entry into a specific occupation.

122 (4) The plan must also address strategies to facilitate  
123 involvement of business and industry in the design, delivery,  
124 and evaluation of career ~~vocational~~ programming in juvenile  
125 justice education ~~commitment facilities and conditional release~~  
126 programs, including apprenticeship and work experience programs,  
127 mentoring and job shadowing, and other strategies that lead to  
128 postrelease employment. Incentives for business involvement,  
129 such as tax breaks, bonding, and liability limits should be  
130 investigated, implemented where appropriate, or recommended to

131 the Legislature for consideration.

132 (5) The plan must also evaluate the effect of students'  
133 mobility between juvenile justice education programs and school  
134 districts on the students' educational outcomes and whether the  
135 continuity of the students' education can be better addressed  
136 through virtual education.

137 (6)~~(5)~~ The Department of Juvenile Justice and the  
138 Department of Education shall each align its respective agency  
139 policies, practices, technical manuals, contracts, quality-  
140 assurance standards, performance-based-budgeting measures, and  
141 outcome measures with the plan in juvenile justice education  
142 programs ~~commitment facilities~~ by July 31, 2015 ~~2001~~. Each  
143 agency shall provide a report on the implementation of this  
144 section to the Governor, the President of the Senate, and the  
145 Speaker of the House of Representatives by August 31, 2015 ~~2001~~.

146 (7)~~(6)~~ All provider contracts executed by the Department  
147 of Juvenile Justice or the school districts after January 1,  
148 2015 ~~2002~~, must be aligned with the plan.

149 (8)~~(7)~~ The planning and execution of quality assurance  
150 reviews conducted by the Department of Education or the  
151 Department of Juvenile Justice after August 1, 2015 ~~2002~~, must  
152 be aligned with the plan.

153 (9)~~(8)~~ Outcome measures reported by the Department of  
154 Juvenile Justice and the Department of Education for students  
155 ~~youth~~ released on or after January 1, 2016 ~~2002~~, should include  
156 outcome measures that conform to the plan.

157 Section 2. Subsections (1) and (3) of section 985.632,  
 158 Florida Statutes, are amended to read:

159 985.632 Quality assurance and cost-effectiveness.—

160 (1) The department shall:

161 (a) Provide cost and effectiveness information on programs  
 162 and program activities in order to compare, improve, or  
 163 eliminate a program or program activity if necessary.

164 (b) Provide program and program activity cost and  
 165 effectiveness data to the Legislature in order for resources to  
 166 be allocated for achieving desired performance outcomes.

167 (c) Provide information to the public concerning program  
 168 and program activity cost and effectiveness.

169 (d) Implement a system of accountability in order to  
 170 provide the best and most appropriate programs and activities to  
 171 meet client needs.

172 (e) Continue to improve service delivery. ~~It is the intent~~  
 173 ~~of the Legislature that the department:~~

174 (a) ~~Ensure that information be provided to decisionmakers~~  
 175 ~~in a timely manner so that resources are allocated to programs~~  
 176 ~~of the department which achieve desired performance levels.~~

177 (b) ~~Provide information about the cost of such programs~~  
 178 ~~and their differential effectiveness so that the quality of such~~  
 179 ~~programs can be compared and improvements made continually.~~

180 (c) ~~Provide information to aid in developing related~~  
 181 ~~policy issues and concerns.~~

182 (d) ~~Provide information to the public about the~~

183 ~~effectiveness of such programs in meeting established goals and~~  
 184 ~~objectives.~~

185 ~~(e) Provide a basis for a system of accountability so that~~  
 186 ~~each client is afforded the best programs to meet his or her~~  
 187 ~~needs.~~

188 ~~(f) Improve service delivery to clients.~~

189 ~~(g) Modify or eliminate activities that are not effective.~~

190 (3) By March 1st of each year, the department, in  
 191 consultation with the Department of Education, shall publish a  
 192 report on program costs and effectiveness. The report shall  
 193 include uniform cost data for each program operated by the  
 194 department or by providers under contract with the department.  
 195 The Department of Education shall provide the cost data on each  
 196 education program operated by a school district or a provider  
 197 under contract with a school district. Cost data shall be  
 198 formatted and presented in a manner approved by the Legislature.  
 199 The report shall also include data on student learning gains, as  
 200 provided by the Department of Education, for all juvenile  
 201 justice education programs as required under s. 1003.52(3)(b),  
 202 information required under ss. 1003.52(17) and (21), the cost-  
 203 effectiveness of each program offered, and recommendations for  
 204 modification or elimination of programs or program activities  
 205 ~~The department shall annually collect and report cost data for~~  
 206 ~~every program operated or contracted by the department. The cost~~  
 207 ~~data shall conform to a format approved by the department and~~  
 208 ~~the Legislature. Uniform cost data shall be reported and~~



209 ~~collected for state operated and contracted programs so that~~  
210 ~~comparisons can be made among programs. The department shall~~  
211 ~~ensure that there is accurate cost accounting for state operated~~  
212 ~~services including market equivalent rent and other shared cost.~~  
213 ~~The cost of the educational program provided to a residential~~  
214 ~~facility shall be reported and included in the cost of a~~  
215 ~~program. The department shall submit an annual cost report to~~  
216 ~~the President of the Senate, the Speaker of the House of~~  
217 ~~Representatives, the Minority Leader of each house of the~~  
218 ~~Legislature, the appropriate substantive and fiscal committees~~  
219 ~~of each house of the Legislature, and the Governor, no later~~  
220 ~~than December 1 of each year. Cost benefit analysis for~~  
221 ~~educational programs will be developed and implemented in~~  
222 ~~collaboration with and in cooperation with the Department of~~  
223 ~~Education, local providers, and local school districts. Cost~~  
224 ~~data for the report shall include data collected by the~~  
225 ~~Department of Education for the purposes of preparing the annual~~  
226 ~~report required by s. 1003.52(19).~~

227 Section 3. Section 1001.31, Florida Statutes, is amended  
228 to read:

229 1001.31 Scope of district system.—A district school system  
230 shall include all public schools, classes, and courses of  
231 instruction and all services and activities directly related to  
232 education in that district which are under the direction of the  
233 district school officials. A district school system may also  
234 include alternative site schools for disruptive or violent

235 students ~~youth~~. Such schools for disruptive or violent students  
 236 ~~youth~~ may be funded by each district or provided through  
 237 cooperative programs administered by a consortium of school  
 238 districts, private providers, state and local law enforcement  
 239 agencies, and the Department of Juvenile Justice. Pursuant to  
 240 cooperative agreement, a district school system shall provide  
 241 instructional personnel at juvenile justice facilities ~~of 50 or~~  
 242 ~~more beds or slots~~ with access to the district school system  
 243 database for the purpose of accessing student academic,  
 244 immunization, and registration records for students assigned to  
 245 the programs. Such access shall be in the same manner as  
 246 provided to other schools in the district.

247       Section 4. Section 1003.51, Florida Statutes, is amended  
 248 to read:

249       1003.51 Other public educational services.—

250       (1) The general control of other public educational  
 251 services shall be vested in the State Board of Education except  
 252 as provided in this section ~~herein~~. The State Board of Education  
 253 shall, at the request of the Department of Children and Families  
 254 ~~Family Services~~ and the Department of Juvenile Justice, advise  
 255 as to standards and requirements relating to education to be met  
 256 in all state schools or institutions under their control which  
 257 provide educational programs. The Department of Education shall  
 258 provide supervisory services for the educational programs of all  
 259 such schools or institutions. The direct control of any of these  
 260 services provided as part of the district program of education

261 shall rest with the district school board. These services shall  
 262 be supported out of state, district, federal, or other ~~lawful~~  
 263 funds, depending on the requirements of the services being  
 264 supported.

265 (2) The State Board of Education shall adopt rules ~~and~~  
 266 ~~maintain an administrative rule~~ articulating expectations for  
 267 effective education programs for students ~~youth~~ in Department of  
 268 Juvenile Justice programs, including, but not limited to,  
 269 education programs in juvenile justice prevention, day  
 270 treatment, residential, commitment and detention facilities. The  
 271 rule shall establish ~~articulate~~ policies and standards for  
 272 education programs for students ~~youth~~ in Department of Juvenile  
 273 Justice programs and shall include the following:

274 (a) The interagency collaborative process needed to ensure  
 275 effective programs with measurable results.

276 (b) The responsibilities of the Department of Education,  
 277 the Department of Juvenile Justice, Workforce Florida, Inc.,  
 278 district school boards, and providers of education services to  
 279 students ~~youth~~ in Department of Juvenile Justice programs.

280 (c) Academic expectations.

281 (d) Career and technical expectations.

282 (e) Education transition planning and services.

283 ~~(f)(d)~~ Service delivery options available to district  
 284 school boards, including direct service and contracting.

285 ~~(g)(e)~~ Assessment procedures, which:

286 1. For prevention, day treatment, and residential

287 programs, include appropriate academic and career assessments  
 288 administered at program entry and exit that are selected by the  
 289 Department of Education in partnership with representatives from  
 290 the Department of Juvenile Justice, district school boards, and  
 291 education providers.

292 2. Require academic assessments for students in detention  
 293 to be administered within 5 school days and career assessment or  
 294 career interest survey to be administered within 22 school days.  
 295 Detention centers are not permitted to use the common assessment  
 296 and shall use an academic assessment for reading and mathematics  
 297 that creates the foundation for developing the student's  
 298 educational program ~~Require district school boards to be~~  
 299 ~~responsible for ensuring the completion of the assessment~~  
 300 ~~process.~~

301 ~~3. Require assessments for students in detention who will~~  
 302 ~~move on to commitment facilities, to be designed to create the~~  
 303 ~~foundation for developing the student's education program in the~~  
 304 ~~assigned commitment facility.~~

305 3.4. Require assessments of students in programs sent  
 306 ~~directly to commitment facilities~~ to be completed within the  
 307 first 10 school days after ~~of~~ the student's entry into the  
 308 program commitment.

309  
 310 The results of these assessments, together with a portfolio  
 311 depicting the student's academic and career accomplishments,  
 312 shall be included in the discharge packet ~~package~~ assembled for

313 each student ~~youth~~.

314 ~~(h)-(f)~~ Recommended instructional programs, including, but  
 315 not limited to, secondary education, high school equivalency  
 316 examination preparation, postsecondary education, career  
 317 training, and job preparation.

318 ~~(i)-(g)~~ Funding requirements, which shall include the  
 319 requirement that at least 90 percent of the FEFP funds generated  
 320 by students in Department of Juvenile Justice programs or in an  
 321 education program for juveniles under s. 985.19 be spent on  
 322 instructional costs for those students. One hundred percent of  
 323 the formula-based categorical funds generated by students in  
 324 Department of Juvenile Justice programs must be spent on  
 325 appropriate categoricals such as instructional materials and  
 326 public school technology for those students.

327 ~~(j)-(h)~~ Qualifications of instructional staff, procedures  
 328 for the selection of instructional staff, and procedures for ~~to~~  
 329 ~~ensure~~ consistent instruction and qualified staff year round.  
 330 Qualifications shall include those for career education  
 331 instructors, standardized across the state, and shall be based  
 332 on state certification, local school district approval, and  
 333 industry-recognized credentials or industry training. Procedures  
 334 for the use of noncertified instructional personnel who possess  
 335 expert knowledge or experience in their fields of instruction  
 336 shall be established.

337 ~~(k)-(i)~~ Transition services, including the roles and  
 338 responsibilities of appropriate personnel in the juvenile

339 justice education program, the school district where the student  
 340 will reenter districts, provider organizations, and the  
 341 Department of Juvenile Justice.

342 (l)~~(j)~~ Procedures and timeframe for transfer of education  
 343 records when a student youth enters and leaves a Department of  
 344 Juvenile Justice education program facility.

345 (m)~~(k)~~ The requirement that each district school board  
 346 maintain an academic transcript for each student enrolled in a  
 347 juvenile justice education program facility that delineates each  
 348 course completed by the student as provided by the State Course  
 349 Code Directory.

350 (n)~~(i)~~ The requirement that each district school board  
 351 make available and transmit a copy of a student's transcript in  
 352 the discharge packet when the student exits a juvenile justice  
 353 education program facility.

354 (o)~~(m)~~ contract requirements.

355 (p)~~(n)~~ Performance expectations for providers and district  
 356 school boards, including student performance measures by type of  
 357 program, education program performance ratings, school  
 358 improvement, and corrective action plans for low-performing  
 359 programs ~~the provision of a progress monitoring plan as required~~  
 360 ~~in s. 1008.25.~~

361 (q)~~(e)~~ The role and responsibility of the district school  
 362 board in securing workforce development funds.

363 (r)~~(p)~~ A series of graduated sanctions for district school  
 364 boards whose educational programs in Department of Juvenile

365 Justice programs ~~facilities~~ are considered to be unsatisfactory  
 366 and for instances in which district school boards fail to meet  
 367 standards prescribed by law, rule, or State Board of Education  
 368 policy. These sanctions shall include the option of requiring a  
 369 district school board to contract with a provider or another  
 370 district school board if the educational program at the  
 371 Department of Juvenile Justice program is performing below  
 372 minimum standards ~~facility has failed a quality assurance review~~  
 373 and, after 6 months, is still performing below minimum  
 374 standards.

375 (s) Curriculum, guidance counseling, transition, and  
 376 education services expectations, including curriculum  
 377 flexibility for detention centers operated by the Department of  
 378 Juvenile Justice.

379 (t) ~~(q)~~ Other aspects of program operations.

380 (3) The Department of Education in partnership with the  
 381 Department of Juvenile Justice, the district school boards, and  
 382 providers shall:

383 (a) Develop and implement requirements for contracts and  
 384 cooperative agreements regarding ~~Maintain model contracts for~~  
 385 the delivery of appropriate education services to students ~~youth~~  
 386 in Department of Juvenile Justice programs ~~to be used for the~~  
 387 ~~development of future contracts.~~ The minimum contract  
 388 requirements shall include, but are not limited to, payment  
 389 structure and amounts; access to district services; contract  
 390 management provisions; data reporting requirements, including

391 reporting of full-time equivalent student membership;  
 392 administration of federal programs such as Title I, exceptional  
 393 student education, and the Carl D. Perkins Career and Technical  
 394 Education Act of 2006; and ~~model contracts shall reflect~~ the  
 395 ~~policy and standards included in subsection (2). The Department~~  
 396 ~~of Education shall ensure that appropriate district school board~~  
 397 ~~personnel are trained and held accountable for the management~~  
 398 ~~and monitoring of contracts for education programs for youth in~~  
 399 ~~juvenile justice residential and nonresidential facilities.~~

400 (b) Develop and implement ~~Maintain model~~ procedures for  
 401 transitioning students ~~youth~~ into and out of Department of  
 402 Juvenile Justice education programs. These procedures shall  
 403 reflect the policy and standards adopted pursuant to subsection  
 404 (2).

405 (c) Maintain standardized required content of education  
 406 records to be included as part of a student's ~~youth's~~ commitment  
 407 record and procedures for securing the student's records. ~~The~~  
 408 education records ~~These requirements shall reflect the policy~~  
 409 ~~and standards adopted pursuant to subsection (2) and shall~~  
 410 include, but not be limited to, the following:

411 1. A copy of the student's individual educational plan.

412 2. A copy of the student's individualized progress  
 413 monitoring plan.

414 3. A copy of the student's individualized transition plan.

415 ~~4.2.~~ Data on student performance on assessments taken  
 416 according to s. 1008.22.



417 ~~5.3.~~ A copy of the student's permanent cumulative record.

418 ~~6.4.~~ A copy of the student's academic transcript.

419 ~~7.5.~~ A portfolio reflecting the student's ~~youth's~~ academic  
 420 and career and technical accomplishments, when age appropriate,  
 421 while in the Department of Juvenile Justice program.

422 (d) Establish ~~Maintain model procedures for securing the~~  
 423 ~~education record and~~ the roles and responsibilities of the  
 424 juvenile probation officer and others involved in the withdrawal  
 425 of the student from school and assignment to a juvenile justice  
 426 education program ~~commitment or detention facility. District~~  
 427 ~~school boards shall respond to requests for student education~~  
 428 ~~records received from another district school board or a~~  
 429 ~~juvenile justice facility within 5 working days after receiving~~  
 430 ~~the request.~~

431 (4) Each ~~The Department of Education shall ensure that~~  
 432 district school board shall: ~~boards~~

433 (a) Notify students in juvenile justice education programs  
 434 ~~residential or nonresidential facilities~~ who attain the age of  
 435 16 years of the ~~provisions of~~ law regarding compulsory school  
 436 attendance and make available the option of enrolling in a  
 437 program to attain a Florida high school diploma by taking the  
 438 high school equivalency examination before ~~General Educational~~  
 439 ~~Development test prior to~~ release from the program facility. ~~The~~  
 440 Department of Education shall assist juvenile justice education  
 441 programs with becoming high school equivalency examination  
 442 centers ~~District school boards or Florida College System~~

443 ~~institutions, or both, shall waive GED testing fees for youth in~~  
444 ~~Department of Juvenile Justice residential programs and shall,~~  
445 ~~upon request, designate schools operating for the purpose of~~  
446 ~~providing educational services to youth in Department of~~  
447 ~~Juvenile Justice programs as GED testing centers, subject to GED~~  
448 ~~testing center requirements. The administrative fees for the~~  
449 ~~General Educational Development test required by the Department~~  
450 ~~of Education are the responsibility of district school boards~~  
451 ~~and may be required of providers by contractual agreement.~~

452 (b) Respond to requests for student education records  
453 received from another district school board or a juvenile  
454 justice education program within 5 working days after receiving  
455 the request.

456 (c) Provide access to courses offered pursuant to ss.  
457 1002.37, 1002.45, and 1003.498. School districts and providers  
458 may enter into cooperative agreements for the provision of  
459 curriculum associated with courses offered pursuant to s.  
460 1003.498 to enable providers to offer such courses.

461 (d) Complete the assessment process required by subsection  
462 (2).

463 (e) Monitor compliance with contracts for education  
464 programs for students in juvenile justice prevention, day  
465 treatment, residential, and detention programs.

466 (5) The Department of Education shall establish and  
467 operate, either directly or indirectly through a contract, a  
468 mechanism to provide accountability measures that annually

469 assesses and evaluates all juvenile justice education programs  
 470 using student performance data and program performance ratings  
 471 by type of program ~~quality assurance reviews of all juvenile~~  
 472 ~~justice education programs~~ and shall provide technical  
 473 assistance and related research to district school boards and  
 474 juvenile justice education providers ~~on how to establish,~~  
 475 ~~develop, and operate educational programs that exceed the~~  
 476 ~~minimum quality assurance standards.~~ The Department of  
 477 Education, with input from the Department of Juvenile Justice,  
 478 school districts, and education providers shall develop annual  
 479 recommendations for system and school improvement.

480 Section 5. Section 1003.52, Florida Statutes, is amended  
 481 to read:

482 1003.52 Educational services in Department of Juvenile  
 483 Justice programs.—

484 (1) ~~The Legislature finds that education is the single~~  
 485 ~~most important factor in the rehabilitation of adjudicated~~  
 486 ~~delinquent youth in the custody of Department of Juvenile~~  
 487 ~~Justice programs. It is the goal of the Legislature that youth~~  
 488 ~~in the juvenile justice system continue to be allowed the~~  
 489 ~~opportunity to obtain a high quality education.~~ The Department  
 490 of Education shall serve as the lead agency for juvenile justice  
 491 education programs, curriculum, support services, and resources.  
 492 To this end, the Department of Education and the Department of  
 493 Juvenile Justice shall each designate a Coordinator for Juvenile  
 494 Justice Education Programs to serve as the point of contact for

495 resolving issues not addressed by district school boards and to  
 496 provide each department's participation in the following  
 497 activities:

498 (a) Training, collaborating, and coordinating with ~~the~~  
 499 ~~Department of Juvenile Justice,~~ district school boards, local  
 500 workforce boards and youth councils, educational contract  
 501 providers, and juvenile justice providers, whether state  
 502 operated or contracted.

503 (b) Collecting information on the academic, career  
 504 education, and transition performance of students in juvenile  
 505 justice programs and reporting on the results.

506 (c) Developing academic and career education protocols  
 507 that provide guidance to district school boards and juvenile  
 508 justice education providers in all aspects of education  
 509 programming, including records transfer and transition.

510 (d) Implementing a joint accountability, program  
 511 performance, and program improvement process ~~Prescribing the~~  
 512 ~~roles of program personnel and interdepartmental district school~~  
 513 ~~board or provider collaboration strategies.~~

514  
 515 Annually, a cooperative agreement and plan for juvenile justice  
 516 education service enhancement shall be developed between the  
 517 Department of Juvenile Justice and the Department of Education  
 518 and submitted to the Secretary of Juvenile Justice and the  
 519 Commissioner of Education by June 30. The plan shall include, at  
 520 a minimum, each agency's role regarding educational program

521 accountability, technical assistance, training, and coordination  
 522 of services.

523 (2) Students participating in Department of Juvenile  
 524 Justice programs pursuant to chapter 985 which are sponsored by  
 525 a community-based agency or are operated or contracted for by  
 526 the Department of Juvenile Justice shall receive education  
 527 ~~educational~~ programs according to rules of the State Board of  
 528 Education. These students shall be eligible for services  
 529 afforded to students enrolled in programs pursuant to s. 1003.53  
 530 and all corresponding State Board of Education rules.

531 (3) The district school board of the county in which the  
 532 juvenile justice education prevention, day treatment,  
 533 residential, or detention program ~~residential or nonresidential~~  
 534 ~~care facility or juvenile assessment facility~~ is located shall  
 535 provide or contract for appropriate educational assessments and  
 536 an appropriate program of instruction and special education  
 537 services.

538 (a) The district school board shall make provisions for  
 539 each student to participate in basic, career education, and  
 540 exceptional student programs as appropriate. Students served in  
 541 Department of Juvenile Justice programs shall have access to the  
 542 appropriate courses and instruction to prepare them for the high  
 543 school equivalency examination ~~GED test~~. Students participating  
 544 in high school equivalency examination ~~GED~~ preparation programs  
 545 shall be funded at the basic program cost factor for Department  
 546 of Juvenile Justice programs in the Florida Education Finance

547 Program. Each program shall be conducted according to applicable  
 548 law providing for the operation of public schools and rules of  
 549 the State Board of Education. School districts shall provide the  
 550 high school equivalency examination ~~GED~~ exit option for all  
 551 juvenile justice programs.

552 (b) ~~By October 1, 2004,~~ The Department of Education, with  
 553 the assistance of the school districts and juvenile justice  
 554 education providers, shall select a common student assessment  
 555 instrument and protocol for measuring student learning gains and  
 556 student progression while a student is in a juvenile justice  
 557 education program. The Department of Education and Department of  
 558 Juvenile Justice shall jointly review the effectiveness of this  
 559 assessment and implement changes as necessary. ~~The assessment~~  
 560 ~~instrument and protocol must be implemented in all juvenile~~  
 561 ~~justice education programs in this state by January 1, 2005.~~

562 (4) Educational services shall be provided at times of the  
 563 day most appropriate for the juvenile justice program. School  
 564 programming in juvenile justice detention, prevention, day  
 565 treatment, and residential ~~commitment, and rehabilitation~~  
 566 programs shall be made available by the local school district  
 567 during the juvenile justice school year, as provided ~~defined~~ in  
 568 s. 1003.01(11). In addition, students in juvenile justice  
 569 education programs shall have access to courses offered pursuant  
 570 to ss. 1002.37, 1002.45, and 1003.498 ~~Florida Virtual School~~  
 571 ~~courses~~. The Department of Education and the school districts  
 572 shall adopt policies necessary to provide ~~ensure~~ such access.

573           (5) The educational program shall provide instruction  
 574 based on each student's individualized transition plan, assessed  
 575 educational needs, and the education programs available in the  
 576 school district in which the student will return. Depending on  
 577 the student's needs, educational programming may consist of  
 578 remedial courses, ~~consist of appropriate basic~~ academic courses  
 579 required for grade advancement, career education courses, high  
 580 school equivalency examination preparation, or exceptional  
 581 student education curricula and related services which support  
 582 the transition ~~treatment~~ goals and reentry and which may lead to  
 583 completion of the requirements for receipt of a high school  
 584 diploma or its equivalent. Prevention and day treatment juvenile  
 585 justice education programs, at a minimum, shall provide career  
 586 readiness and exploration opportunities as well as truancy and  
 587 dropout prevention intervention services. Residential juvenile  
 588 justice education programs with a contracted minimum length of  
 589 stay of 9 months shall provide career education courses that  
 590 lead to preapprentice certifications, industry certifications,  
 591 occupational completion points, or work-related certifications.  
 592 Residential programs with contracted lengths of stay of less  
 593 than 9 months may provide career education courses that lead to  
 594 preapprentice certifications, industry certifications,  
 595 occupational completion points, or work-related certifications.  
 596 If the duration of a program is less than 40 days, the  
 597 educational component may be limited to tutorial remediation  
 598 activities, ~~and~~ career employability skills instruction,

599 education counseling, and transition services that prepare  
 600 students for a return to school, the community, and their home  
 601 settings based on the students' needs.

602 (6) Participation in the program by students of compulsory  
 603 school-attendance age as provided for in s. 1003.21 shall be  
 604 mandatory. All students of noncompulsory school-attendance age  
 605 who have not received a high school diploma or its equivalent  
 606 shall participate in the educational program, unless the student  
 607 files a formal declaration of his or her intent to terminate  
 608 school enrollment as described in s. 1003.21 and is afforded the  
 609 opportunity to take the general educational development test and  
 610 attain a Florida high school diploma before ~~prior to~~ release  
 611 from a juvenile justice education program facility. A student  
 612 ~~youth~~ who has received a high school diploma or its equivalent  
 613 and is not employed shall participate in workforce development  
 614 or other career ~~or technical~~ education or Florida College System  
 615 institution or university courses while in the program, subject  
 616 to available funding.

617 (7) An individualized ~~A~~ progress monitoring plan shall be  
 618 developed for all students not classified as exceptional  
 619 education students upon entry in a juvenile justice education  
 620 program and upon reentry in the school district ~~who score below~~  
 621 ~~the level specified in district school board policy in reading,~~  
 622 ~~writing, and mathematics or below the level specified by the~~  
 623 ~~Commissioner of Education on statewide assessments as required~~  
 624 ~~by s. 1008.25.~~ These plans shall address academic, literacy, and



625 career and technical ~~life~~ skills and shall include provisions  
626 for intensive remedial instruction in the areas of weakness.

627 (8) Each district school board shall maintain an academic  
628 record for each student enrolled in a juvenile justice program  
629 ~~facility~~ as prescribed by s. 1003.51. Such record shall  
630 delineate each course completed by the student according to  
631 procedures in the State Course Code Directory. The district  
632 school board shall include a copy of a student's academic record  
633 in the discharge packet when the student exits the program  
634 ~~facility~~.

635 (9) ~~Each The Department of Education shall ensure that all~~  
636 district school board shall ~~boards~~ make provisions for high  
637 school level students ~~youth~~ to earn credits toward high school  
638 graduation while in residential and nonresidential juvenile  
639 justice programs ~~facilities~~. Provisions must be made for the  
640 transfer of credits and partial credits earned.

641 (10) School districts and juvenile justice education  
642 providers shall develop individualized transition plans during  
643 the course of a student's stay in a juvenile justice education  
644 program to coordinate academic, career and technical, and  
645 secondary and postsecondary services that assist the student in  
646 successful community reintegration upon release. Development of  
647 the transition plan shall be a collaboration of the personnel in  
648 the juvenile justice education program, reentry personnel,  
649 personnel from the school district where the student will  
650 return, the student, the student's family, and Department of

651 Juvenile Justice personnel for committed students.

652 (a) Transition planning must begin upon a student's  
 653 placement in the program. The transition plan must include, at a  
 654 minimum:

655 1. Services and interventions that address the student's  
 656 assessed educational needs and postrelease education plans.

657 2. Services to be provided during the program stay and  
 658 services to be implemented upon release, including, but not  
 659 limited to, continuing education in secondary school, career and  
 660 technical programs, postsecondary education, or employment,  
 661 based on the student's needs.

662 3. Specific monitoring responsibilities to determine  
 663 whether the individualized transition plan is being implemented  
 664 and the student is provided access to support services that will  
 665 sustain the student's success by individuals who are responsible  
 666 for the reintegration and coordination of these activities.

667 (b) For the purpose of transition planning and reentry  
 668 services, representatives from the school district and the one  
 669 stop center where the student will return shall participate as  
 670 members of the local Department of Juvenile Justice reentry  
 671 teams. The school district, upon return of a student from a  
 672 juvenile justice education program, must consider the individual  
 673 needs and circumstances of the student and the transition plan  
 674 recommendations when reenrolling a student in a public school. A  
 675 local school district may not maintain a standardized policy for  
 676 all students returning from a juvenile justice program but place

677 students based on their needs and their performance in the  
 678 program.

679 (c) The Department of Education and the Department of  
 680 Juvenile Justice shall provide oversight and guidance to school  
 681 districts, education providers, and reentry personnel on how to  
 682 implement effective educational transition planning and  
 683 services.

684 (11)~~(10)~~ The district school board shall recruit and train  
 685 teachers who are interested, qualified, or experienced in  
 686 educating students in juvenile justice programs. Students in  
 687 juvenile justice programs shall be provided a wide range of  
 688 education ~~educational~~ programs and opportunities including  
 689 textbooks, technology, instructional support, and ~~other~~  
 690 resources commensurate with resources provided ~~available~~ to  
 691 students in public schools, including textbooks and access to  
 692 technology. If the district school board operates a juvenile  
 693 justice education program at a juvenile justice facility, the  
 694 district school board, in consultation with the director of the  
 695 juvenile justice facility, shall select the instructional  
 696 personnel assigned to that program. The Secretary of Juvenile  
 697 Justice or the director of a juvenile justice program may  
 698 request that the performance of a teacher assigned by the  
 699 district to a juvenile justice education program be reviewed by  
 700 the district and that the teacher be reassigned based upon an  
 701 evaluation conducted pursuant to s. 1012.34 or for inappropriate  
 702 behavior ~~Teachers assigned to educational programs in juvenile~~

703 ~~justice settings in which the district school board operates the~~  
 704 ~~educational program shall be selected by the district school~~  
 705 ~~board in consultation with the director of the juvenile justice~~  
 706 ~~facility. Educational programs in Juvenile justice education~~  
 707 ~~programs facilities~~ shall have access to the substitute teacher  
 708 pool used ~~utilized~~ by the district school board.

709 (12)~~(11)~~ District school boards may contract with a  
 710 private provider for the provision of education ~~educational~~  
 711 programs to students ~~youths~~ placed with the Department of  
 712 Juvenile Justice and shall generate local, state, and federal  
 713 funding, including funding through the Florida Education Finance  
 714 Program for such students. The district school board's planning  
 715 and budgeting process shall include the needs of Department of  
 716 Juvenile Justice programs in the district school board's plan  
 717 for expenditures for state categorical and federal funds.

718 (13)~~(12)~~(a) Funding for eligible students enrolled in  
 719 juvenile justice education programs shall be provided through  
 720 the Florida Education Finance Program as provided in s. 1011.62  
 721 and the General Appropriations Act. Funding shall include, at a  
 722 minimum:

723 1. Weighted program funding or the basic amount for  
 724 current operation multiplied by the district cost differential  
 725 as provided in s. 1011.62(1)(s) and (2);

726 2. The supplemental allocation for juvenile justice  
 727 education as provided in s. 1011.62(10);

728 3. A proportionate share of the district's exceptional

729 student education guaranteed allocation, the supplemental  
 730 academic instruction allocation, and the instructional materials  
 731 allocation;

732 4. An amount equivalent to the proportionate share of the  
 733 state average potential discretionary local effort for  
 734 operations, which shall be determined as follows:

735 a. If the district levies the maximum discretionary local  
 736 effort and the district's discretionary local effort per FTE is  
 737 less than the state average potential discretionary local effort  
 738 per FTE, the proportionate share shall include both the  
 739 discretionary local effort and the compression supplement per  
 740 FTE. If the district's discretionary local effort per FTE is  
 741 greater than the state average per FTE, the proportionate share  
 742 shall be equal to the state average; or

743 b. If the district does not levy the maximum discretionary  
 744 local effort and the district's actual discretionary local  
 745 effort per FTE is less than the state average potential  
 746 discretionary local effort per FTE, the proportionate share  
 747 shall be equal to the district's actual discretionary local  
 748 effort per FTE. If the district's actual discretionary local  
 749 effort per FTE is greater than the state average per FTE, the  
 750 proportionate share shall be equal to the state average  
 751 potential local effort per FTE; and

752 5. A proportionate share of the district's proration to  
 753 funds available, if necessary.

754 (b) Juvenile justice education ~~educational~~ programs to

755 receive the appropriate FEFP funding for Department of Juvenile  
 756 Justice programs shall include those operated through a contract  
 757 with the Department of Juvenile Justice ~~and which are under~~  
 758 ~~purview of the Department of Juvenile Justice quality assurance~~  
 759 ~~standards for education.~~

760 (c) Consistent with the rules of the State Board of  
 761 Education, district school boards are required to request an  
 762 alternative FTE survey for Department of Juvenile Justice  
 763 programs experiencing fluctuations in student enrollment.

764 (d) FTE count periods shall be prescribed in rules of the  
 765 State Board of Education and shall be the same for programs of  
 766 the Department of Juvenile Justice as for other public school  
 767 programs. The summer school period for students in Department of  
 768 Juvenile Justice programs shall begin on the day immediately  
 769 following the end of the regular school year and end on the day  
 770 immediately preceding the subsequent regular school year.  
 771 Students shall be funded for no more than 25 hours per week of  
 772 direct instruction.

773 (e) Each juvenile justice education program must receive  
 774 all federal funds for which the program is eligible.

775 (14) ~~(13)~~ Each district school board shall negotiate a  
 776 cooperative agreement with the Department of Juvenile Justice on  
 777 the delivery of educational services to students ~~youths~~ under  
 778 the jurisdiction of the Department of Juvenile Justice. Such  
 779 agreement must include, but is not limited to:

780 (a) Roles and responsibilities of each agency, including

781 the roles and responsibilities of contract providers.  
 782 (b) Administrative issues including procedures for sharing  
 783 information.  
 784 (c) Allocation of resources including maximization of  
 785 local, state, and federal funding.  
 786 (d) Procedures for educational evaluation for educational  
 787 exceptionalities and special needs.  
 788 (e) Curriculum and delivery of instruction.  
 789 (f) Classroom management procedures and attendance  
 790 policies.  
 791 (g) Procedures for provision of qualified instructional  
 792 personnel, whether supplied by the district school board or  
 793 provided under contract by the provider, and for performance of  
 794 duties while in a juvenile justice setting.  
 795 (h) Provisions for improving skills in teaching and  
 796 working with students referred to juvenile justice programs  
 797 ~~delinquents~~.  
 798 (i) Transition plans for students moving into and out of  
 799 juvenile programs ~~facilities~~.  
 800 (j) Procedures and timelines for the timely documentation  
 801 of credits earned and transfer of student records.  
 802 (k) Methods and procedures for dispute resolution.  
 803 (l) Provisions for ensuring the safety of education  
 804 personnel and support for the agreed-upon education program.  
 805 (m) Strategies for correcting any deficiencies found  
 806 through the accountability and evaluation system and student

807 performance measures ~~quality assurance process~~.

808 ~~(15)(14)~~ Nothing in this section or in a cooperative  
 809 agreement requires ~~shall be construed to require~~ the district  
 810 school board to provide more services than can be supported by  
 811 the funds generated by students in the juvenile justice  
 812 programs.

813 ~~(16)(15)(a)~~ The Department of Education, in consultation  
 814 with the Department of Juvenile Justice, district school boards,  
 815 and providers, shall adopt rules establishing: ~~establish~~

816 (a) Objective and measurable student performance measures  
 817 to evaluate a student's educational progress while participating  
 818 in a prevention, day treatment, or residential program. The  
 819 student performance measures must be based on appropriate  
 820 outcomes for all students in juvenile justice education  
 821 programs, taking into consideration the student's length of stay  
 822 in the program. Performance measures shall include outcomes that  
 823 relate to student achievement of career education goals,  
 824 acquisition of employability skills, receipt of a high school  
 825 diploma, and grade advancement.

826 (b) A performance rating system to be used by the  
 827 Department of Education to evaluate ~~quality assurance standards~~  
 828 ~~for~~ the delivery of educational services within each of the  
 829 juvenile justice programs. The performance rating shall be  
 830 primarily based on data regarding student performance as  
 831 described in paragraph (a) ~~component of residential and~~  
 832 ~~nonresidential juvenile justice facilities.~~



833        (c) The timeframes, procedures, and resources to be used  
834 to improve a low-rated educational program or to terminate or  
835 reassign the program ~~These standards shall rate the district~~  
836 ~~school board's performance both as a provider and contractor.~~  
837 ~~The quality assurance rating for the educational component shall~~  
838 ~~be disaggregated from the overall quality assurance score and~~  
839 ~~reported separately.~~

840        (d) ~~(b)~~ The Department of Education, in partnership with  
841 the Department of Juvenile Justice, shall develop a  
842 comprehensive accountability and program improvement ~~quality~~  
843 ~~assurance review~~ process. The accountability and program  
844 improvement process shall be based on student performance  
845 measures by type of program and shall rate education program  
846 performance. The accountability system shall identify and  
847 recognize high-performing education programs. The Department of  
848 Education, in partnership with the Department of Juvenile  
849 Justice, shall identify low-performing programs. Low-performing  
850 education programs shall receive an onsite program evaluation  
851 from the Department of Juvenile Justice. School improvement,  
852 technical assistance, or the reassignment of the program shall  
853 be based, in part, on the results of the program evaluation.  
854 Through a corrective action process, low-performing programs  
855 must demonstrate improvement or reassign the program ~~and~~  
856 ~~schedule for the evaluation of the educational component in~~  
857 ~~juvenile justice programs. The Department of Juvenile Justice~~  
858 ~~quality assurance site visit and the education quality assurance~~

859 ~~site visit shall be conducted during the same visit.~~

860 ~~(c) The Department of Education, in consultation with~~  
 861 ~~district school boards and providers, shall establish minimum~~  
 862 ~~thresholds for the standards and key indicators for educational~~  
 863 ~~programs in juvenile justice facilities. If a district school~~  
 864 ~~board fails to meet the established minimum standards, it will~~  
 865 ~~be given 6 months to achieve compliance with the standards. If~~  
 866 ~~after 6 months, the district school board's performance is still~~  
 867 ~~below minimum standards, the Department of Education shall~~  
 868 ~~exercise sanctions as prescribed by rules adopted by the State~~  
 869 ~~Board of Education. If a provider, under contract with the~~  
 870 ~~district school board, fails to meet minimum standards, such~~  
 871 ~~failure shall cause the district school board to cancel the~~  
 872 ~~provider's contract unless the provider achieves compliance~~  
 873 ~~within 6 months or unless there are documented extenuating~~  
 874 ~~circumstances.~~

875 ~~(d) The requirements in paragraphs (a), (b), and (c) shall~~  
 876 ~~be implemented to the extent that funds are available.~~

877 (17) The department, in collaboration with the Department  
 878 of Juvenile Justice, shall monitor and report on the educational  
 879 performance of students in commitment, day treatment,  
 880 prevention, and detention programs. The report by the Department  
 881 of Education must include, at a minimum, the number and  
 882 percentage of students who:

883 (a) Return to an alternative school, middle school, or  
 884 high school upon release and the attendance rate of such

885 students before and after participation in juvenile justice  
 886 education programs.

887 (b) Receive a standard high school diploma or a high  
 888 school equivalency diploma.

889 (c) Receive industry certification.

890 (d) Receive occupational completion points.

891 (e) Enroll in a postsecondary educational institution.

892 (f) Complete a juvenile justice education program without  
 893 reoffending.

894 (g) Reoffend within 1 year after completion of a day  
 895 treatment or residential commitment program.

896 (h) Remain employed 1 year after completion of a day  
 897 treatment or residential commitment program.

898  
 899 The results of this report shall be included in the report  
 900 required by s. 985.632.

901 (18)~~(16)~~ The district school board shall not be charged  
 902 any rent, maintenance, utilities, or overhead on such  
 903 facilities. Maintenance, repairs, and remodeling of existing  
 904 facilities shall be provided by the Department of Juvenile  
 905 Justice.

906 (19)~~(17)~~ When additional facilities are required, the  
 907 district school board and the Department of Juvenile Justice  
 908 shall agree on the appropriate site based on the instructional  
 909 needs of the students. When the most appropriate site for  
 910 instruction is on district school board property, a special

911 capital outlay request shall be made by the commissioner in  
 912 accordance with s. 1013.60. When the most appropriate site is on  
 913 state property, state capital outlay funds shall be requested by  
 914 the Department of Juvenile Justice provided by s. 216.043 and  
 915 shall be submitted as specified by s. 216.023. Any instructional  
 916 facility to be built on state property shall have educational  
 917 specifications jointly developed by the district school board  
 918 and the Department of Juvenile Justice and approved by the  
 919 Department of Education. The size of space and occupant design  
 920 capacity criteria as provided by State Board of Education rules  
 921 shall be used for remodeling or new construction whether  
 922 facilities are provided on state property or district school  
 923 board property.

924 (20)~~(18)~~ The parent of an exceptional student shall have  
 925 the due process rights provided for in this chapter.

926 (21)~~(19)~~ The Department of Education and the Department of  
 927 Juvenile Justice, after consultation with and assistance from  
 928 local providers and district school boards, shall collect data  
 929 ~~report annually to the Legislature by February 1~~ on the progress  
 930 toward developing effective education ~~educational~~ programs for  
 931 juvenile delinquents, including the amount of funding provided  
 932 by district school boards to juvenile justice programs;; the  
 933 amount retained for administration, including documenting the  
 934 purposes for such expenses;; the status of the development of  
 935 cooperative agreements;; education program performance ~~the~~  
 936 results, including the identification of high and low-performing

937 programs and aggregate student performance results; ~~of the~~  
 938 ~~quality assurance reviews including~~ recommendations for system  
 939 ~~improvement;~~ and information on the identification of, and  
 940 services provided to, exceptional students in juvenile justice  
 941 programs ~~commitment facilities~~ to determine whether these  
 942 students are properly reported for funding and are appropriately  
 943 served.

944 (22)~~(20)~~ The education ~~educational~~ programs at ~~the Arthur~~  
 945 ~~Dozier School for Boys in Jackson County and~~ the Florida School  
 946 for Boys in Okeechobee shall be operated by the Department of  
 947 Education, either directly or through grants or contractual  
 948 agreements with other public or duly accredited education  
 949 agencies approved by the Department of Education.

950 (23)~~(21)~~ The State Board of Education shall ~~may~~ adopt ~~any~~  
 951 rules necessary to implement ~~the provisions of~~ this section,  
 952 ~~including uniform curriculum, funding, and second chance~~  
 953 ~~schools~~. Such rules must require the minimum amount of paperwork  
 954 and reporting.

955 (24)~~(22)~~ The Department of Juvenile Justice and the  
 956 Department of Education, in consultation with Workforce Florida,  
 957 Inc., the statewide Workforce Development Youth Council,  
 958 district school boards, Florida College System institutions,  
 959 providers, and others, shall jointly develop a multiagency plan  
 960 for career education which describes the funding, curriculum,  
 961 transfer of credits, goals, and outcome measures for career  
 962 education programming in juvenile commitment facilities,

963 pursuant to s. 985.622. The plan must be reviewed annually.

964 Section 6. Paragraph (b) of subsection (18) of section  
 965 1001.42, Florida Statutes, is amended to read:

966 1001.42 Powers and duties of district school board.—The  
 967 district school board, acting as a board, shall exercise all  
 968 powers and perform all duties listed below:

969 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—  
 970 Maintain a state system of school improvement and education  
 971 accountability as provided by statute and State Board of  
 972 Education rule. This system of school improvement and education  
 973 accountability shall be consistent with, and implemented  
 974 through, the district's continuing system of planning and  
 975 budgeting required by this section and ss. 1008.385, 1010.01,  
 976 and 1011.01. This system of school improvement and education  
 977 accountability shall comply with the provisions of ss. 1008.33,  
 978 1008.34, 1008.345, and 1008.385 and include the following:

979 (b) Public disclosure.—The district school board shall  
 980 provide information regarding the performance of students and  
 981 educational programs as required pursuant to ss. 1008.22 and  
 982 1008.385 and implement a system of school reports as required by  
 983 statute and State Board of Education rule which shall include  
 984 schools operating for the purpose of providing educational  
 985 services to students ~~youth~~ in Department of Juvenile Justice  
 986 programs, and for those schools, report on the elements  
 987 specified in s. 1003.52(16) ~~1003.52(19)~~. Annual public  
 988 disclosure reports shall be in an easy-to-read report card

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989 | format and shall include the school's grade, high school  
 990 | graduation rate calculated without high school equivalency  
 991 | examinations ~~GED tests~~, disaggregated by student ethnicity, and  
 992 | performance data as specified in state board rule.

993 |       Section 7. The Division of Law Revision and Information is  
 994 | requested to prepare a reviser's bill for the 2015 Regular  
 995 | Session of the Legislature to change the terms "General  
 996 | Educational Development test" or "GED test" to "high school  
 997 | equivalency examination" and the terms "general education  
 998 | diploma," "graduate equivalency diploma," or "GED" to "high  
 999 | school equivalency diploma" wherever those terms appear in the  
 1000 | Florida Statutes.

1001 |       Section 8. This act shall take effect July 1, 2014.





BILL

ORIGINAL

YEAR

1 A bill to be entitled  
 2 An act relating to ; providing an effective date.

3  
 4 Be It Enacted by the Legislature of the State of Florida:

5  
 6 Section 1. Paragraph (a) of subsection (6) of section  
 7 1002.33, Florida Statutes, is amended to read:

8 1002.33 Charter schools.—

9 (3) APPLICATION FOR CHARTER STATUS. —

10 (c) Prior to submission of an application for a charter  
 11 school pursuant to subsection (6) an applicant may file the  
 12 application with the department for review of compliance with  
 13 this section. The department shall prioritize review of  
 14 applications from districts that exceed the statutory timeframe  
 15 for action by the sponsor on applications or charter contracts.

16 1. In addition to the requirements of subsection (6) an  
 17 applicant must:

18 a. Identify the school district or school districts in  
 19 which the school will operate.

20 b. Submit a filing fee in an amount determined by rule of  
 21 the department and calculated in a manner so as to recover the  
 22 costs incurred in connection with the review.

23 2. The department shall review the application for  
 24 compliance with subsection (6) and issue a letter to the  
 25 applicant and the school districts in which the charter school

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26 seeks to operate stating that the application meets the  
 27 requirements of subsection (6).

28 3. Once an application is determined to be in compliance  
 29 with subsection (6), the applicant shall submit the application  
 30 to each sponsor. A sponsor shall by a majority vote approve or  
 31 deny the application no later than 30 calendar days after the  
 32 application is received.

33 (6) APPLICATION PROCESS AND REVIEW.—Charter school  
 34 applications are subject to the following requirements:

35 (a) A person or entity that wants ~~wishing~~ to open a  
 36 charter school shall prepare and submit an application on the a  
 37 model application form prepared by the Department of Education  
 38 which:

39 1. Demonstrates how the school will use the guiding  
 40 principles and meet the statutorily defined purpose of a charter  
 41 school and describes the school's mission, the students to be  
 42 served, and the ages and grades to be included.

43 2. Describes the focus of the curriculum, the  
 44 instructional methods to be used, any distinctive instructional  
 45 techniques to be employed, and identification and acquisition of  
 46 appropriate technologies needed to improve educational and  
 47 administrative performance which include a means for promoting  
 48 safe, ethical, and appropriate uses of technology which comply  
 49 with legal and professional standards. The~~Provides a detailed~~  
 50 curriculum plan ~~that~~ must illustrates how students will be

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51 provided instruction on ~~services to attain~~ the Next Generation  
 52 Sunshine State Standards.

53 a. Reading shall be a primary focus of the curriculum and  
 54 resources must be provided to identify and provide specialized  
 55 instruction for students who are reading below grade level. The  
 56 curriculum and instructional strategies for reading must be  
 57 consistent with the Next Generation Sunshine State Standards and  
 58 grounded in scientifically based reading research.

59 b. In order to provide students with access to diverse  
 60 instructional delivery models, to facilitate the integration of  
 61 technology within traditional classroom instruction, and to  
 62 provide students with the skills they need to compete in the  
 63 21st century economy, the Legislature encourages instructional  
 64 methods for blended learning courses consisting of both  
 65 traditional classroom and online instructional techniques.  
 66 Charter schools may implement blended learning courses which  
 67 combine traditional classroom instruction and virtual  
 68 instruction. Students in a blended learning course must be full-  
 69 time students of the charter school and receive the online  
 70 instruction in a classroom setting at the charter school.  
 71 Instructional personnel certified pursuant to s. 1012.55 who  
 72 provide virtual instruction for blended learning courses may be  
 73 employees of the charter school or may be under contract to  
 74 provide instructional services to charter school students. At a  
 75 minimum, such instructional personnel must hold an active state

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76 or school district adjunct certification under s. 1012.57 for  
 77 the subject area of the blended learning course. The funding and  
 78 performance accountability requirements for blended learning  
 79 courses are the same as those for traditional courses.

80 3. Contains goals and objectives for improving student  
 81 learning and measuring that improvement. These goals and  
 82 objectives must indicate how much academic improvement students  
 83 are expected to show each year, how success will be evaluated,  
 84 and the specific results to be attained through instruction.

85 4. Describes the reading curriculum and differentiated  
 86 strategies that will be used for students reading at grade level  
 87 or higher and a separate curriculum and strategies for students  
 88 who are reading below grade level. A sponsor shall deny a  
 89 charter if the school does not propose a reading curriculum that  
 90 is consistent with effective teaching strategies that are  
 91 grounded in scientifically based reading research.

92 5. Contains an annual financial plan for each year that  
 93 the applicant intends to operate ~~requested by the charter for~~  
 94 ~~operation of~~ the school for up to 5 years. This plan must  
 95 contain anticipated fund balances based on revenue projections,  
 96 a spending plan based on projected revenues and expenses, and a  
 97 description of controls that will safeguard finances and  
 98 projected enrollment trends.

99 ~~6. Documents that the applicant has participated in the~~  
 100 ~~training required in subparagraph (f)2. A sponsor may require an~~

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101 ~~applicant to provide additional information as an addendum to~~  
 102 ~~the charter school application described in this paragraph.~~

103 67. For the establishment of a virtual charter school,  
 104 documents that the applicant has contracted with a provider of  
 105 virtual instruction services pursuant to s. 1002.45(1)(d).

106 7. The methods used to identify the educational strengths  
 107 and needs of students and how well educational goals and  
 108 performance standards are met by students attending the charter  
 109 school. The methods shall provide a means for the charter school  
 110 to ensure accountability to its constituents by analyzing  
 111 student performance data and by evaluating the effectiveness and  
 112 efficiency of its major educational programs. Students in  
 113 charter schools shall, at a minimum, participate in the  
 114 statewide assessment program created under s. 1008.22.

115 8. In secondary charter schools, a method for determining  
 116 that a student has satisfied the requirements for graduation in  
 117 s. 1003.428 or s. 1003.4282.

118 9. The admissions procedures and dismissal procedures,  
 119 including the school's code of student conduct.

120 10. The ways by which the school will achieve a  
 121 racial/ethnic balance reflective of the community it serves or  
 122 within the racial/ethnic range of other public schools in the  
 123 same school district.

124 11. The financial and administrative management of the  
 125 school, including a reasonable demonstration of the professional

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126 experience or competence of those individuals or organizations  
 127 applying to operate the charter school or those hired or  
 128 retained to perform such professional services and the  
 129 description of clearly delineated responsibilities and the  
 130 policies and practices needed to effectively manage the charter  
 131 school. A description of internal audit procedures and  
 132 establishment of controls to ensure that financial resources are  
 133 properly managed must be included. Both public sector and  
 134 private sector professional experience shall be equally valid in  
 135 such a consideration.

136 13. A description of procedures that identify various  
 137 risks and provide for a comprehensive approach to reduce the  
 138 impact of losses; plans to ensure the safety and security of  
 139 students and staff; plans to identify, minimize, and protect  
 140 others from violent or disruptive student behavior; and the  
 141 manner in which the school will be insured, including whether or  
 142 not the school will be required to have liability insurance,  
 143 and, if so, the terms and conditions thereof and the amounts of  
 144 coverage.

145 14. The qualifications to be required of the teachers and  
 146 the potential strategies used to recruit, hire, train, and  
 147 retain qualified staff to achieve best value.

148 15. The governance structure of the school, including the  
 149 status of the charter school as a public or private employer as  
 150 required in paragraph (12) (i).

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151           16. A timetable for implementing the charter which  
 152 addresses the implementation of each element thereof and the  
 153 date by which the charter shall be awarded in order to meet this  
 154 timetable.

155           17. In the case of an existing public school that is being  
 156 converted to charter status, alternative arrangements for  
 157 current students who choose not to attend the charter school and  
 158 for current teachers who choose not to teach in the charter  
 159 school after conversion in accordance with the existing  
 160 collective bargaining agreement or district school board rule in  
 161 the absence of a collective bargaining agreement. However,  
 162 alternative arrangements shall not be required for current  
 163 teachers who choose not to teach in a charter lab school, except  
 164 as authorized by the employment policies of the state university  
 165 which grants the charter to the lab school.

166  
 167 A sponsor may require an applicant to provide additional  
 168 information as an addendum to the charter school application  
 169 described in this paragraph.

170  
 171           (6) APPLICATION PROCESS AND REVIEW.—Charter school  
 172 applications are subject to the following requirements:

173           (b) A sponsor shall receive and review all applications  
 174 for a charter school using the an-evaluation instrument  
 175 developed by the Department of Education. A sponsor shall

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176 receive and consider charter school applications received on or  
 177 before August 1 of each calendar year for charter schools to be  
 178 opened at the beginning of the school district's next school  
 179 year, or to be opened at a time agreed to by the applicant and  
 180 the sponsor. A sponsor may not refuse to receive a charter  
 181 school application submitted before August 1 and may receive an  
 182 application submitted later than August 1 if it chooses. In  
 183 order to facilitate greater collaboration in the application  
 184 process, an applicant may submit a draft charter school  
 185 application on or before May 1 with an application fee of \$500.  
 186 If a draft application is timely submitted, the sponsor shall  
 187 review and provide feedback as to material deficiencies in the  
 188 application by July 1. The applicant shall then have until  
 189 August 1 to resubmit a revised and final application. The  
 190 sponsor may approve the draft application. A sponsor may not  
 191 charge an applicant for a charter any fee for the processing or  
 192 consideration of an application, and a sponsor may not base its  
 193 consideration or approval of a final application upon the  
 194 promise of future payment of any kind. Before approving or  
 195 denying any final application, the sponsor shall allow the  
 196 applicant, upon receipt of written notification, at least 7  
 197 calendar days to make technical or nonsubstantive corrections  
 198 and clarifications, including, but not limited to, corrections  
 199 of grammatical, typographical, and like errors or missing  
 200 signatures, if such errors are identified by the sponsor as



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201     cause to deny the final application.

202             1.   In order to facilitate an accurate budget projection  
 203     process, a sponsor shall be held harmless for FTE students who  
 204     are not included in the FTE projection due to approval of  
 205     charter school applications after the FTE projection deadline.  
 206     In a further effort to facilitate an accurate budget projection,  
 207     within 15 calendar days after receipt of a charter school  
 208     application, a sponsor shall report to the Department of  
 209     Education the name of the applicant entity, the proposed charter  
 210     school location, and its projected FTE.

211             2.   In order to ensure fiscal responsibility, an  
 212     application for a charter school shall include a full accounting  
 213     of expected assets, a projection of expected sources and amounts  
 214     of income, including income derived from projected student  
 215     enrollments and from community support, and an expense  
 216     projection that includes full accounting of the costs of  
 217     operation, including start-up costs.

218             3.a. A sponsor shall by a majority vote approve or deny an  
 219     application no later than 60 calendar days after the application  
 220     is received, unless the sponsor and the applicant mutually agree  
 221     in writing to temporarily postpone the vote to a specific date,  
 222     at which time the sponsor shall by a majority vote approve or  
 223     deny the application. If the sponsor fails to act on the  
 224     application, an applicant may appeal to the State Board of  
 225     Education as provided in paragraph (c). If an application is

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226 denied, the sponsor shall, within 10 calendar days after such  
 227 denial, articulate in writing the specific reasons, based upon  
 228 good cause, supporting its denial of the charter application and  
 229 shall provide the letter of denial and supporting documentation  
 230 to the applicant and to the Department of Education.

231 b. An application submitted by a high-performing charter  
 232 school identified pursuant to s. 1002.331 may be denied by the  
 233 sponsor only if the sponsor demonstrates by clear and convincing  
 234 evidence that:

235 (I) The application does not materially comply with the  
 236 requirements in paragraph (a);

237 (II) The charter school proposed in the application does  
 238 not materially comply with the requirements in paragraphs  
 239 (9) (a) - (f);

240 (III) The proposed charter school's educational program  
 241 does not substantially replicate that of the applicant or one of  
 242 the applicant's high-performing charter schools;

243 (IV) The applicant has made a material misrepresentation  
 244 or false statement or concealed an essential or material fact  
 245 during the application process; or

246 (V) The proposed charter school's educational program and  
 247 financial management practices do not materially comply with the  
 248 requirements of this section.

249

250 Material noncompliance is a failure to follow requirements or a

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251 violation of prohibitions applicable to charter school  
 252 applications, which failure is quantitatively or qualitatively  
 253 significant either individually or when aggregated with other  
 254 noncompliance. An applicant is considered to be replicating a  
 255 high-performing charter school if the proposed school is  
 256 substantially similar to at least one of the applicant's high-  
 257 performing charter schools and the organization or individuals  
 258 involved in the establishment and operation of the proposed  
 259 school are significantly involved in the operation of replicated  
 260 schools.

261 c. If the sponsor denies an application submitted by a  
 262 high-performing charter school, the sponsor must, within 10  
 263 calendar days after such denial, state in writing the specific  
 264 reasons, based upon the criteria in sub-subparagraph b.,  
 265 supporting its denial of the application and must provide the  
 266 letter of denial and supporting documentation to the applicant  
 267 and to the Department of Education. The applicant may appeal the  
 268 sponsor's denial of the application ~~directly~~ to the State Board  
 269 of Education pursuant to paragraph (c) and must provide the  
 270 sponsor with a copy of the appeal ~~sub-subparagraph (c)3.b.~~

271 4. For budget projection purposes, the sponsor shall  
 272 report to the Department of Education the approval or denial of  
 273 a charter application within 10 calendar days after such  
 274 approval or denial. In the event of approval, the report to the  
 275 Department of Education shall include the final projected FTE

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276 for the approved charter school.

277 5. Upon approval of a charter application, the initial  
 278 startup shall commence with the beginning of the public school  
 279 calendar for the district in which the charter is granted unless  
 280 the sponsor allows a waiver of this subparagraph for good cause.

281 (c)1. An applicant may appeal any denial of that  
 282 applicant's application or failure to act on an application to  
 283 the State Board of Education within ~~no later than~~ 30 calendar  
 284 days after receipt of the sponsor's decision or failure to act  
 285 and shall notify the sponsor of its appeal. Any response of the  
 286 sponsor shall be submitted to the State Board of Education  
 287 within 30 calendar days after notification of the appeal. Upon  
 288 receipt of notification from the State Board of Education that a  
 289 charter school applicant is filing an appeal, the Commissioner  
 290 of Education shall convene a meeting of the Charter School  
 291 Appeal Commission to study and make recommendations to the State  
 292 Board of Education regarding its pending decision about the  
 293 appeal. The commission shall forward its recommendation to the  
 294 state board at least 7 calendar days before the date on which  
 295 the appeal is to be heard. An appeal regarding the denial of an  
 296 application submitted by a high-performing charter school  
 297 pursuant to s. 1002.331 shall be conducted by the State Board of  
 298 Education in accordance with this paragraph, except that the  
 299 commission shall not convene to make recommendations regarding  
 300 the appeal. However, the Commissioner of Education shall review

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301 the appeal and make a recommendation to the state board.

302 2. The Charter School Appeal Commission or, in the case of  
 303 an appeal regarding an application submitted by a high-  
 304 performing charter school, the State Board of Education may  
 305 reject an appeal submission for failure to comply with  
 306 procedural rules governing the appeals process. The rejection  
 307 shall describe the submission errors. The appellant shall have  
 308 15 calendar days after notice of rejection in which to resubmit  
 309 an appeal that meets the requirements set forth in State Board  
 310 of Education rule. An appeal submitted subsequent to such  
 311 rejection is considered timely if the original appeal was filed  
 312 within 30 calendar days after receipt of notice of the specific  
 313 reasons for the sponsor's denial of the charter application.

314 3.a. The State Board of Education shall by majority vote  
 315 accept or reject the decision of the sponsor no later than 90  
 316 calendar days after an appeal is filed in accordance with State  
 317 Board of Education rule. The State Board of Education shall  
 318 remand the application to the sponsor with its written decision  
 319 that the sponsor approve or deny the application. The sponsor  
 320 shall implement the decision of the State Board of Education.  
 321 The decision of the State Board of Education is not subject to  
 322 the provisions of the Administrative Procedure Act, chapter 120.

323 b. If an appeal concerns an application submitted by a  
 324 high-performing charter school identified pursuant to s.  
 325 1002.331, the State Board of Education shall determine whether

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326 the sponsor's denial of the application complies with the  
 327 requirements in sub-subparagraph (b)3.b. ~~sponsor has shown, by~~  
 328 ~~clear and convincing evidence, that:~~

329 ~~—— (I) The application does not materially comply with the~~  
 330 ~~requirements in paragraph (a);~~

331 ~~—— (II) The charter school proposed in the application does~~  
 332 ~~not materially comply with the requirements in paragraphs~~  
 333 ~~(9) (a) - (f);~~

334 ~~—— (III) The proposed charter school's educational program~~  
 335 ~~does not substantially replicate that of the applicant or one of~~  
 336 ~~the applicant's high performing charter schools;~~

337 ~~—— (IV) The applicant has made a material misrepresentation~~  
 338 ~~or false statement or concealed an essential or material fact~~  
 339 ~~during the application process; or~~

340 ~~—— (V) The proposed charter school's educational program and~~  
 341 ~~financial management practices do not materially comply with the~~  
 342 ~~requirements of this section.~~

343

344 The State Board of Education shall approve or reject the  
 345 sponsor's denial of an application no later than 90 calendar  
 346 days after an appeal is filed in accordance with State Board of  
 347 Education rule. The State Board of Education shall remand the  
 348 application to the sponsor with its written decision that the  
 349 sponsor approve or deny the application. The sponsor shall  
 350 implement the decision of the State Board of Education. The

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351 decision of the State Board of Education is not subject to the  
 352 Administrative Procedure Act, chapter 120.

353 (h) The terms and conditions for the operation of a  
 354 charter school shall be set forth by the sponsor and the  
 355 applicant in a written contractual agreement, called a charter.  
 356 The sponsor shall not impose unreasonable rules or regulations  
 357 that violate the intent of giving charter schools greater  
 358 flexibility to meet educational goals. The sponsor shall have 30  
 359 days after approval of the application to provide an initial  
 360 proposed charter contract to the charter school. The applicant  
 361 and the sponsor shall have 40 days thereafter to negotiate and  
 362 notice the charter contract for final approval by the sponsor  
 363 unless both parties agree to an extension. The proposed charter  
 364 contract shall be provided to the charter school at least 7  
 365 calendar days before ~~prior to~~ the date of the meeting at which  
 366 the charter is scheduled to be voted upon by the sponsor. Any  
 367 provision of a charter contract inconsistent with or prohibited  
 368 by the requirements of this section is void and unenforceable.

369 The Department of Education shall provide mediation services for  
 370 any dispute regarding this section subsequent to the approval of  
 371 a charter application and for any dispute relating to the  
 372 approved charter, except disputes regarding charter school  
 373 application denials. If the Commissioner of Education determines  
 374 that the dispute cannot be settled through mediation, the  
 375 dispute may be appealed to an administrative law judge appointed

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376 by the Division of Administrative Hearings. The administrative  
 377 law judge has final order authority to rule on issues of  
 378 equitable treatment of the charter school as a public school,  
 379 whether proposed provisions of the charter violate the intended  
 380 flexibility granted charter schools by statute, or on any other  
 381 matter regarding this section except a charter school  
 382 application denial, a charter termination, or a charter  
 383 nonrenewal and shall award the prevailing party reasonable  
 384 attorney ~~attorney's~~ fees and costs incurred to be paid by the  
 385 losing party. The costs of the administrative hearing shall be  
 386 paid by the party whom the administrative law judge rules  
 387 against.

388 (7) CHARTER.—The major issues involving the operation of a  
 389 charter school shall be considered in advance and written into  
 390 the charter. The charter shall be signed by the governing board  
 391 of the charter school and the sponsor, following a public  
 392 hearing to ensure community input.

393 (a) The charter shall consist of the application as  
 394 approved by the sponsor. The charter shall address and criteria  
 395 for approval of the charter shall be based on:

396 ~~1. The school's mission, the students to be served, and~~  
 397 ~~the ages and grades to be included.~~

398 ~~2. The focus of the curriculum, the instructional methods~~  
 399 ~~to be used, any distinctive instructional techniques to be~~  
 400 ~~employed, and identification and acquisition of appropriate~~



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401 ~~technologies needed to improve educational and administrative~~  
 402 ~~performance which include a means for promoting safe, ethical,~~  
 403 ~~and appropriate uses of technology which comply with legal and~~  
 404 ~~professional standards.~~  
 405 ~~—— a. The charter shall ensure that reading is a primary~~  
 406 ~~focus of the curriculum and that resources are provided to~~  
 407 ~~identify and provide specialized instruction for students who~~  
 408 ~~are reading below grade level. The curriculum and instructional~~  
 409 ~~strategies for reading must be consistent with the Next~~  
 410 ~~Generation Sunshine State Standards and grounded in~~  
 411 ~~scientifically based reading research.~~  
 412 ~~—— b. In order to provide students with access to diverse~~  
 413 ~~instructional delivery models, to facilitate the integration of~~  
 414 ~~technology within traditional classroom instruction, and to~~  
 415 ~~provide students with the skills they need to compete in the~~  
 416 ~~21st century economy, the Legislature encourages instructional~~  
 417 ~~methods for blended learning courses consisting of both~~  
 418 ~~traditional classroom and online instructional techniques.~~  
 419 ~~Charter schools may implement blended learning courses which~~  
 420 ~~combine traditional classroom instruction and virtual~~  
 421 ~~instruction. Students in a blended learning course must be full-~~  
 422 ~~time students of the charter school and receive the online~~  
 423 ~~instruction in a classroom setting at the charter school.~~  
 424 ~~Instructional personnel certified pursuant to s. 1012.55 who~~  
 425 ~~provide virtual instruction for blended learning courses may be~~

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426 ~~employees of the charter school or may be under contract to~~  
 427 ~~provide instructional services to charter school students. At a~~  
 428 ~~minimum, such instructional personnel must hold an active state~~  
 429 ~~or school district adjunct certification under s. 1012.57 for~~  
 430 ~~the subject area of the blended learning course. The funding and~~  
 431 ~~performance accountability requirements for blended learning~~  
 432 ~~courses are the same as those for traditional courses.~~

433 3. The current incoming baseline standard of student  
 434 academic achievement, the outcomes to be achieved, and the  
 435 method of measurement that will be used. The criteria listed in  
 436 this subparagraph shall include a detailed description of:

437 a. How the baseline student academic achievement levels  
 438 and prior rates of academic progress will be established.

439 b. How these baseline rates will be compared to rates of  
 440 academic progress achieved by these same students while  
 441 attending the charter school.

442 c. To the extent possible, how these rates of progress  
 443 will be evaluated and compared with rates of progress of other  
 444 closely comparable student populations.

445

446 The district school board is required to provide academic  
 447 student performance data to charter schools for each of their  
 448 students coming from the district school system, as well as  
 449 rates of academic progress of comparable student populations in  
 450 the district school system.

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451 ~~—— 4. The methods used to identify the educational strengths~~  
 452 ~~and needs of students and how well educational goals and~~  
 453 ~~performance standards are met by students attending the charter~~  
 454 ~~school. The methods shall provide a means for the charter school~~  
 455 ~~to ensure accountability to its constituents by analyzing~~  
 456 ~~student performance data and by evaluating the effectiveness and~~  
 457 ~~efficiency of its major educational programs. Students in~~  
 458 ~~charter schools shall, at a minimum, participate in the~~  
 459 ~~statewide assessment program created under s. 1008.22.~~

460 ~~—— 5. In secondary charter schools, a method for determining~~  
 461 ~~that a student has satisfied the requirements for graduation in~~  
 462 ~~s. 1003.428 or s. 1003.4282.~~

463 6. A method for resolving conflicts between the governing  
 464 board of the charter school and the sponsor.

465 ~~—— 7. The admissions procedures and dismissal procedures,~~  
 466 ~~including the school's code of student conduct.~~

467 ~~—— 8. The ways by which the school will achieve a~~  
 468 ~~racial/ethnic balance reflective of the community it serves or~~  
 469 ~~within the racial/ethnic range of other public schools in the~~  
 470 ~~same school district.~~

471 ~~—— 9. The financial and administrative management of the~~  
 472 ~~school, including a reasonable demonstration of the professional~~  
 473 ~~experience or competence of those individuals or organizations~~  
 474 ~~applying to operate the charter school or those hired or~~  
 475 ~~retained to perform such professional services and the~~

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476 ~~description of clearly delineated responsibilities and the~~  
 477 ~~policies and practices needed to effectively manage the charter~~  
 478 ~~school. A description of internal audit procedures and~~  
 479 ~~establishment of controls to ensure that financial resources are~~  
 480 ~~properly managed must be included. Both public sector and~~  
 481 ~~private sector professional experience shall be equally valid in~~  
 482 ~~such a consideration.~~

483 ~~10. The asset and liability projections required in the~~  
 484 ~~application which are incorporated into the charter and shall be~~  
 485 ~~compared with information provided in the annual report of the~~  
 486 ~~charter school.~~

487 ~~11. A description of procedures that identify various~~  
 488 ~~risks and provide for a comprehensive approach to reduce the~~  
 489 ~~impact of losses; plans to ensure the safety and security of~~  
 490 ~~students and staff; plans to identify, minimize, and protect~~  
 491 ~~others from violent or disruptive student behavior; and the~~  
 492 ~~manner in which the school will be insured, including whether or~~  
 493 ~~not the school will be required to have liability insurance,~~  
 494 ~~and, if so, the terms and conditions thereof and the amounts of~~  
 495 ~~coverage.~~

496 12. The term of the charter which shall provide for  
 497 termination ~~cancellation~~ of the charter if insufficient progress  
 498 has been made in attaining the student achievement objectives of  
 499 the charter and if it is not likely that such objectives can be  
 500 achieved before expiration of the charter. The initial term of a

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501 charter shall be for 4 or 5 years. ~~In order to facilitate access~~  
 502 ~~to long term financial resources for charter school~~  
 503 ~~construction,~~ Charter ~~charter~~ schools that are operated by a  
 504 municipality or other public entity as provided by law are  
 505 eligible for up to a 15-year charter, subject to approval by the  
 506 district school board. A charter lab school is eligible for a  
 507 charter for a term of up to 15 years. In addition, ~~to facilitate~~  
 508 ~~access to long term financial resources for charter school~~  
 509 ~~construction,~~ charter schools that are operated by a private,  
 510 not-for-profit, s. 501(c)(3) status corporation are eligible for  
 511 up to a 15-year charter, subject to approval by the district  
 512 school board. Such long-term charters remain subject to annual  
 513 review and may be terminated during the term of the charter, but  
 514 only according to ~~the provisions set forth in~~ subsection (8).

515 13. The facilities to be used and their location. The  
 516 sponsor may not require a charter school to have a certificate  
 517 of occupancy or a temporary certificate of occupancy for such a  
 518 facility earlier than 15 calendar days before the first day of  
 519 school.

520 ~~14. The qualifications to be required of the teachers and~~  
 521 ~~the potential strategies used to recruit, hire, train, and~~  
 522 ~~retain qualified staff to achieve best value.~~

523 ~~15. The governance structure of the school, including the~~  
 524 ~~status of the charter school as a public or private employer as~~  
 525 ~~required in paragraph (12)(i).~~

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526           ~~16. A timetable for implementing the charter which~~  
 527 ~~addresses the implementation of each element thereof and the~~  
 528 ~~date by which the charter shall be awarded in order to meet this~~  
 529 ~~timetable.~~

530           ~~17. In the case of an existing public school that is being~~  
 531 ~~converted to charter status, alternative arrangements for~~  
 532 ~~current students who choose not to attend the charter school and~~  
 533 ~~for current teachers who choose not to teach in the charter~~  
 534 ~~school after conversion in accordance with the existing~~  
 535 ~~collective bargaining agreement or district school board rule in~~  
 536 ~~the absence of a collective bargaining agreement. However,~~  
 537 ~~alternative arrangements shall not be required for current~~  
 538 ~~teachers who choose not to teach in a charter lab school, except~~  
 539 ~~as authorized by the employment policies of the state university~~  
 540 ~~which grants the charter to the lab school.~~

541           18. Full disclosure of the identity of all relatives  
 542 employed by the charter school who are related to the charter  
 543 school owner, president, chairperson of the governing board of  
 544 directors, superintendent, governing board member, principal,  
 545 assistant principal, or any other person employed by the charter  
 546 school who has equivalent decisionmaking authority. For the  
 547 purpose of this subparagraph, the term "relative" means father,  
 548 mother, son, daughter, brother, sister, uncle, aunt, first  
 549 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
 550 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,

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551 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
552 stepsister, half brother, or half sister.

553 19. Implementation of the activities authorized under s.  
554 1002.331 by the charter school when it satisfies the eligibility  
555 requirements for a high-performing charter school. A high-  
556 performing charter school shall notify its sponsor in writing by  
557 March 1 if it intends to increase enrollment or expand grade  
558 levels the following school year. The written notice shall  
559 specify the amount of the enrollment increase and the grade  
560 levels that will be added, as applicable.

561 (9) CHARTER SCHOOL REQUIREMENTS.—

562 (o)1. Upon initial notification of nonrenewal, closure, or  
563 termination of its charter, a charter school may not expend more  
564 than \$10,000 per expenditure without prior written approval from  
565 the sponsor unless such expenditure was included within the  
566 annual budget submitted to the sponsor pursuant to the charter  
567 contract, is for reasonable attorney fees and costs during the  
568 pendency of any hearing or appeal, or is for reasonable fees and  
569 costs to conduct an independent audit.

570 2. An independent audit shall be completed within 30 days  
571 after notice of nonrenewal, closure, or termination to account  
572 for all public funds and assets.

573 3. A provision in a charter contract that contains an  
574 acceleration clause requiring the expenditure of funds based  
575 upon closure or upon notification of nonrenewal or termination

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576 is void and unenforceable.

577 4. A charter school may not enter into a contract with an  
578 employee that exceeds the term of the school's charter contract  
579 with its sponsor.

580 5. A violation of this paragraph triggers a reversion or  
581 clawback power by the sponsor allowing for collection of an  
582 amount equal to or less than the accelerated amount that exceeds  
583 normal expenditures. The reversion or clawback plus legal fees  
584 and costs shall be levied against the person or entity receiving  
585 the accelerated amount.

586 (10) ELIGIBLE STUDENTS.—

587 (i) The capacity of a high-performing charter school  
588 identified pursuant to s. 1002.331 shall be determined annually  
589 by the governing board of the charter school. The governing  
590 board shall notify the sponsor of any increase in enrollment by  
591 March 1 of the school year preceding the increase. A sponsor may  
592 not require a charter school to identify the names of students  
593 to be enrolled or to limit enrollment or capacity to enroll  
594 those students enrolled before the start of the school year as a  
595 condition of approval or renewal of a charter.

596 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

597 (a) The Department of Education shall provide information  
598 to the public, directly and through sponsors, on how to form and  
599 operate a charter school and how to enroll in a charter school  
600 once it is created. This information shall include:



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601 1. Aa model application form which shall include the  
 602 information specified in subsections (6) which identifies the  
 603 specific statutory requirements required of and statutory  
 604 flexibilities available to charter schools;~~7~~

605 2. A standard application form for virtual charter schools  
 606 which includes the information specified in subsection (6) but  
 607 eliminates information deemed unnecessary when using a virtual  
 608 instruction provider approved pursuant to s. 1002.45;

609 3. A standard charter contract which shall include the  
 610 information specified in subsection (7) and permits modification  
 611 after sponsor approval of the standard charter contract with the  
 612 charter school;~~7~~

613 4. A standard charter contract for virtual charter schools  
 614 which shall include the information specified in subsection (7)  
 615 and permits modification after sponsor approval of the standard  
 616 charter contract with the charter school;

617 54. A standard evaluation instrument which identifies the  
 618 specific statutory requirements required of and statutory  
 619 flexibilities available to charter schools;~~7~~ and

620 65. A standard charter renewal contract, which shall  
 621 include the information specified in subsection (7).  
 622 The information required by paragraphs 1.-6. and shall be  
 623 developed by consulting and negotiating with both school  
 624 districts and charter schools before implementation. The charter  
 625 and charter renewal contracts shall be used by charter school

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626 sponsors. Once the sponsor has voted upon and approved the  
 627 standard charter contract, the sponsor and applicant have the  
 628 right to negotiate additional terms as deemed necessary for  
 629 inclusion in the final charter contract. The charter school may  
 630 open and operate during the pendency of any negotiation,  
 631 mediation, or administrative proceeding.

632 Note.—As created by s. 8, ch. 2011-55. For a description of  
 633 multiple acts in the same session affecting a statutory  
 634 provision, see preface to the Florida Statutes, "Statutory  
 635 Construction." Substantially similar material was created as  
 636 subsection (26) by s. 3, ch. 2011-232, and redesignated as  
 637 subsection (25) by the editors, and that version reads:

638 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
 639 SCHOOL SYSTEMS.—A charter school system shall be designated a  
 640 local educational agency solely for the purpose of receiving  
 641 federal funds, in the same manner as if the charter school  
 642 system were a school district, if the governing board of the  
 643 charter school system has adopted and filed a resolution with  
 644 its sponsoring district school board and the Department of  
 645 Education in which the governing board accepts full  
 646 responsibility for all local educational agency requirements and  
 647 if the charter school system meets all of the following:

- 648 (a) Includes both conversion charter schools and
- 649 nonconversion charter schools;
- 650 (b) Has all schools located in the same county;

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- 651 (c) Has a total enrollment exceeding the total enrollment
- 652 of at least one school district in the state;
- 653 (d) Has the same governing board; and
- 654 (e) Does not contract with a for-profit service provider
- 655 for management of school operations.

656 Such designation does not apply to other provisions of law  
 657 unless specifically provided by law.

658 Section 2. Subsection (2) of section 1002.332, Florida  
 659 Statutes, is renumbered as subsection (3), respectively, and  
 660 subsection (2) is added to that section, to read:

661 1002.332 High-performing charter school system.—

662 (2) An entity that successfully operates a system of  
 663 charter schools outside the state may apply to the State Board  
 664 of Education for status as a high-performing charter school  
 665 system solely for the purpose of establishing a charter school  
 666 that primarily serves students in the attendance zone of a  
 667 school identified in need of intervention and support pursuant  
 668 to s. 1008.33(3)(b). The State Board of Education shall adopt  
 669 rules prescribing a process for determining whether the entity  
 670 meets the requirements of this subsection by reviewing student  
 671 demographic and performance data from all schools operated by  
 672 the entity. To the extent practicable, the State Board of  
 673 Education shall develop a rubric for the approval of such  
 674 entities that aligns with the priorities of the Federal Charter

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675 Schools Program Grants for Replication and Expansion of High-  
 676 Quality Charter Schools, found in the Federal Register, Volume  
 677 76, Number 133.

678  
 679 Section 3. Paragraph (a) of subsection (1) of section  
 680 1013.62, Florida Statutes, is amended to read:

681 1013.62 Charter schools capital outlay funding.—

682 (1) In each year in which funds are appropriated for  
 683 charter school capital outlay purposes, the Commissioner of  
 684 Education shall allocate the funds among eligible charter  
 685 schools.

686 (a) To be eligible for a funding allocation, a charter  
 687 school must:

688 1.a. Have been in operation for 3 or more years;

689 b. Be governed by a governing board established in the  
 690 state for 3 or more years which operates both charter schools  
 691 and conversion charter schools within the state;

692 c. Be an expanded feeder chain of a charter school within  
 693 the same school district that is currently receiving charter  
 694 school capital outlay funds;

695 d. Have been accredited by the Commission on Schools of  
 696 the Southern Association of Colleges and Schools; or

697 e. Serve students in facilities that are provided by a  
 698 business partner for a charter school-in-the-workplace pursuant  
 699 to s. 1002.33(15)(b).

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700           2. Have an annual audit that does not reveal one or more  
701 of the financial emergency conditions set forth in s. 218.503(1)  
702 for the most recent fiscal year for which such audit is  
703 available ~~stability for future operation as a charter school.~~

704           3. Have satisfactory student achievement based on state  
705 accountability standards applicable to the charter school.

706           4. Have received final approval from its sponsor pursuant  
707 to s. 1002.33 for operation during that fiscal year.

708           5. Serve students in facilities that are not provided by  
709 the charter school's sponsor.

710           Section 4. This act shall take effect July 1, 2014.