



Choice & Innovation Subcommittee

Tuesday, March 12, 2013

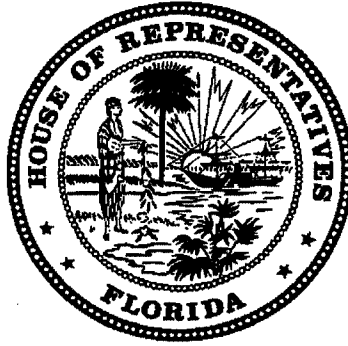
1:00 PM – 3:00 PM

306 HOB

Meeting Packet

**Will Weatherford
Speaker**

**Michael Bileca
Chair**



AGENDA

Choice & Innovation Subcommittee
Tuesday, March 12, 2013
1:00 p.m. – 3:00 p.m.
306 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following proposed committee substitutes:
 - PCS for HB 441 – Juvenile Justice Education Programs
 - PCS for HB 461 – Deaf and Hard-of-Hearing Children
 - PCS for HB 1033 – Public School Classroom Teachers
- IV. Consideration of the following bills:
 - HB 369 Student Safety by La Rosa
 - HB 525 Joint Use of Public School Facilities by Raburn
- V. Closing Remarks and Adjournment

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Choice & Innovation Subcommittee

Start Date and Time: Tuesday, March 12, 2013 01:00 pm
End Date and Time: Tuesday, March 12, 2013 03:00 pm
Location: 306 HOB
Duration: 2.00 hrs

Consideration of the following proposed committee substitute(s):

PCS for HB 441 -- Juvenile Justice Education Programs
PCS for HB 461 -- Deaf and Hard-of-Hearing Children
PCS for HB 1033 -- Public School Classroom Teachers

Consideration of the following bill(s):

HB 369 Student Safety by La Rosa
HB 525 Joint Use of Public School Facilities by Raburn

Pursuant to rule 7.12, the deadline for amendments to bill(s) on the agenda by a member who is not a member of the subcommittee shall be 6:00 pm, Monday, March 11, 2013.

By request of the Chair, all subcommittee members are asked to have amendments to bill(s) on the agenda submitted by 6:00 pm, Monday, March 11, 2013.

NOTICE FINALIZED on 03/08/2013 16:15 by Wright.Kaley

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 441 Juvenile Justice Education Programs
SPONSOR(S): Choice & Innovation Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Choice & Innovation Subcommittee		Thomas <i>MT</i>	Fudge <i>OK</i>

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 (program) 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 in a program.
- 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, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Department of Juvenile Justice (DJJ)

The DJJ'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.¹ The 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.² During the 2011-12 school year, Juvenile Justice education programs served more than 32,000 students.³

- **Prevention and Victim Services** - Prevention and Victim Services target at-risk youth who are considered most likely to become habitual juvenile offenders and who live in areas with the highest concentration of youth who have been referred for delinquency.⁴
- **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.⁵
- **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.⁶ Juveniles who are adjudicated by the court can be committed to residential programs classified as low, moderate, high or maximum risk.⁷
- **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.⁸

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.⁹ The plan must include:

¹ Florida Department of Juvenile Justice, *available at*, <http://www.djj.state.fl.us> (last visited March 1, 2013).

² 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.

³ Florida Department of Juvenile Justice, e-mail (last visited March 1, 2013).

⁴ Florida Department of Juvenile Justice, Fiscal year 2010-11 Annual Report, 16, *available at* <http://www.djj.state.fl.us/AboutDJJ/index.html> (last visited March 1, 2013).

⁵ Florida Department of Juvenile Justice, <http://www.djj.state.fl.us/Residential/restrictiveness.html> (last visited March 3, 2013).

⁶ 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>.

⁷ 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>.

⁸ Florida Department of Juvenile Justice, *available at*, <http://www.djj.state.fl.us/AboutDJJ/faq.html#Education> (last visited March 4, 2013).

⁹ 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.¹⁰
- 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.¹¹
- 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.¹²

In October 2010, Office of Program Policy Analysis and Government Accountability (OPPAGA) issued a report that stated that the plan had several shortcomings. 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.¹³ 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 in commitment facilities. The plan must:

- 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 DJJ youth in such programs.¹⁴ The 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.¹⁵ Educational services consist of basic academic, career, or exceptional curricula that

¹⁰ Section 985.622(1)(a)(c), F.S.

¹¹ Section 985.622(2), F.S.

¹² Section 985.622(3), F.S.

¹³ 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>

¹⁴ Section 1003.52, F.S.

¹⁵ Section 1003.52(1), (3), and (4), F.S.

support treatment goals and reentry, and that may lead to the completion of a high school diploma or its equivalent.¹⁶ These services can be provided by the district school board itself or by a private provider through a contract with the district school board.¹⁷ 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.¹⁸

Annually, the DJJ and the 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.¹⁹

Each district school board must negotiate a cooperative agreement with DJJ regarding the delivery of educational programming to DJJ youth. 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.²⁰

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.²¹

Effect of Proposed Changes

The bill revises the responsibilities of the 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.

¹⁶ Section 1003.52(5), F.S.

¹⁷ Section 1003.52(11), F.S.

¹⁸ 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 March 4, 2013).

¹⁹ Section 1003.52 (1), F.S.

²⁰ Section 1003.52(13), F.S.

²¹ 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.²² In its annual report to the Legislature, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, the 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.

²² 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.²³

In 2010, the Office of Program Policy Analysis & Government Accountability (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 the 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.²⁴

The DJJ 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 the 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.²⁵

The DOE in consultation with the 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.²⁶ 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.²⁷ These standards must rate the district school boards' performance both as a provider and contractor.²⁸

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.

²³ Florida Department of Education, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, Annual Report 200-2010, at 13 (2011), available at http://www.fldoe.org/ese/pdf/jj_annual.pdf

²⁴ 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.

²⁵ Section 985.632, F.S.

²⁶ Section 1003.52(15)(a), F.S.

²⁷ 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.

²⁸ Section 1003.52(15)(a), F.S.

The DOE, in partnership with the 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.

The 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.

The 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 the 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.²⁹ 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.³⁰ 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.³¹

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.

The 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

²⁹ Section 1003.52(13)(i); Rule 6A-6.05281, F.A.C.

³⁰ Email, Florida Department of Education, Governmental Relation Office (Feb. 8, 2012).

³¹ Florida Department of Education, Legislative Bill Analysis for SB 834 (2011).

returning from a juvenile justice program, but place students based on their needs and their performance in the program.

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.³²

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., 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.

B. SECTION DIRECTORY:

Section 1. Amends s. 985.622, F.S., revising provisions to be included in the multiagency education plan for students in juvenile justice education programs.

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 an accountability system for all juvenile justice education programs; revising requirements to 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 or 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; correcting a cross-reference; 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 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, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

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 DOE. 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:

None.

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 provisions to be included in the multiagency education
5 plan for students in juvenile justice education
6 programs, including virtual education as an option;
7 amending s. 985.632, F.S.; requiring the Department of
8 Juvenile Justice to provide cost and effectiveness
9 information for program and program activities to the
10 Legislature and the public; deleting legislative
11 intent language; requiring implementation of an
12 accountability system to ensure client needs are met;
13 requiring the department and Department of Education
14 to submit an annual report that includes data on
15 program costs and effectiveness and student
16 achievement and recommendations for elimination or
17 modification of programs; amending s. 1001.31, F.S.;
18 authorizing instructional personnel at all juvenile
19 justice facilities to access specific student records
20 at the 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; correcting a cross-reference; requiring
 59 the Department of Education to establish by rule
 60 objective and measurable student performance measures
 61 and program performance ratings; providing
 62 requirements for such ratings; requiring a
 63 comprehensive accountability and program improvement
 64 process; providing requirements for such a process;
 65 deleting provisions for minimum thresholds for the
 66 standards and key indicators for education programs in
 67 juvenile justice facilities; deleting a requirement
 68 for an annual report; requiring data collection;
 69 deleting provisions concerning the Arthur Dozier
 70 School for Boys; requiring rulemaking; amending s.
 71 1001.42, F.S.; revising terminology; revising a cross-
 72 reference; providing a directive to the Division of
 73 Law Revision and Information; providing an effective
 74 date.

75

76 Be It Enacted by the Legislature of the State of Florida:

77

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

80 985.622 Multiagency plan for career ~~vocational~~ education.—

81 (1) The Department of Juvenile Justice and the Department
 82 of Education shall, in consultation with the statewide Workforce
 83 Development Youth Council, school districts, providers, and
 84 others, jointly develop a multiagency plan for career ~~vocational~~

85 | education that establishes the curriculum, goals, and outcome
 86 | measures for career vocational programs in juvenile justice
 87 | education programs ~~commitment facilities~~. The plan must 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 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 B.—Programs that include Type A program content
 114 and an orientation to the broad scope of career choices, based
 115 upon personal abilities, aptitudes, and interests. Exploring and
 116 gaining knowledge of occupation options and the level of effort
 117 required to achieve them are essential prerequisites to skill
 118 training.

119 (c) Type C.—Programs that include Type A program content
 120 and the career ~~vocational~~ competencies or the prerequisites
 121 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

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141 outcome measures with the plan in juvenile justice education
 142 programs ~~commitment facilities~~ by July 31, 2014 ~~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, 2014 ~~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, 2014 ~~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, 2015 ~~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~~

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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

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

291 | ~~2. Require district school boards to be responsible for~~
292 | ~~ensuring the completion of the assessment process.~~

293 | ~~3. Require assessments for students in detention who will~~
294 | ~~move on to commitment facilities, to be designed to create the~~
295 | ~~foundation for developing the student's education program in the~~
296 | ~~assigned commitment facility.~~

297 | ~~2.4.~~ Require assessments of students in programs ~~sent~~
298 | ~~directly to commitment facilities~~ to be completed within the
299 | first 10 school days after ~~of~~ the student's entry into the
300 | program ~~commitment~~.

301 |
302 | The results of these assessments, together with a portfolio
303 | depicting the student's academic and career accomplishments,
304 | shall be included in the discharge packet ~~package~~ assembled for
305 | each student ~~youth~~.

306 | ~~(h)-(f)~~ Recommended instructional programs, including, but
307 | not limited to, secondary education, high school equivalency
308 | examination preparation, postsecondary education, career

309 training, and job preparation.

310 ~~(i)(g)~~ Funding requirements, which shall include the
 311 requirement that at least 90 percent of the FEFP funds generated
 312 by students in Department of Juvenile Justice programs or in an
 313 education program for juveniles under s. 985.19 be spent on
 314 instructional costs for those students. One hundred percent of
 315 the formula-based categorical funds generated by students in
 316 Department of Juvenile Justice programs must be spent on
 317 appropriate categoricals such as instructional materials and
 318 public school technology for those students.

319 ~~(j)(h)~~ Qualifications of instructional staff, procedures
 320 for the selection of instructional staff, and procedures for ~~to~~
 321 ~~ensure~~ consistent instruction and qualified staff year round.
 322 Qualifications shall include those for career education
 323 instructors, standardized across the state, and shall be based
 324 on state certification, local school district approval, and
 325 industry-recognized credentials or industry training. Procedures
 326 for the use of noncertified instructional personnel who possess
 327 expert knowledge or experience in their fields of instruction
 328 shall be established.

329 ~~(k)(i)~~ Transition services, including the roles and
 330 responsibilities of appropriate personnel in the juvenile
 331 justice education program, the school district where the student
 332 will reenter ~~districts~~, provider organizations, and the
 333 Department of Juvenile Justice.

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

337 ~~(m)-(k)~~ The requirement that each district school board
 338 maintain an academic transcript for each student enrolled in a
 339 juvenile justice education program ~~facility~~ that delineates each
 340 course completed by the student as provided by the State Course
 341 Code Directory.

342 ~~(n)-(l)~~ The requirement that each district school board
 343 make available and transmit a copy of a student's transcript in
 344 the discharge packet when the student exits a juvenile justice
 345 education program ~~facility~~.

346 ~~(o)-(m)~~ contract requirements.

347 ~~(p)-(n)~~ Performance expectations for providers and district
 348 school boards, including student performance measures by type of
 349 program, education program performance ratings, school
 350 improvement, and corrective action plans for low-performing
 351 programs ~~the provision of a progress monitoring plan as required~~
 352 ~~in s. 1008.25.~~

353 ~~(q)-(o)~~ The role and responsibility of the district school
 354 board in securing workforce development funds.

355 ~~(r)-(p)~~ A series of graduated sanctions for district school
 356 boards whose educational programs in Department of Juvenile
 357 Justice programs ~~facilities~~ are considered to be unsatisfactory
 358 and for instances in which district school boards fail to meet
 359 standards prescribed by law, rule, or State Board of Education
 360 policy. These sanctions shall include the option of requiring a
 361 district school board to contract with a provider or another
 362 district school board if the educational program at the
 363 Department of Juvenile Justice program is performing below
 364 minimum standards ~~facility has failed a quality assurance review~~

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365 and, after 6 months, is still performing below minimum
 366 standards.

367 (s) Curriculum, guidance counseling, transition, and
 368 education services expectations, including curriculum
 369 flexibility for detention centers operated by the Department of
 370 Juvenile Justice.

371 ~~(t)(e)~~ Other aspects of program operations.

372 (3) The Department of Education in partnership with the
 373 Department of Juvenile Justice, the district school boards, and
 374 providers shall:

375 (a) Develop and implement requirements for contracts and
 376 cooperative agreements regarding ~~Maintain model contracts for~~
 377 the delivery of appropriate education services to students youth
 378 in Department of Juvenile Justice programs ~~to be used for the~~
 379 ~~development of future contracts.~~ The minimum contract
 380 requirements shall include, but are not limited to, payment
 381 structure and amounts; access to district services; contract
 382 management provisions; data reporting requirements, including
 383 reporting of full-time equivalent student membership;
 384 administration of federal programs such as Title I, exceptional
 385 student education, and the Carl D. Perkins Career and Technical
 386 Education Act of 2006; and ~~model contracts shall reflect the~~
 387 ~~policy and standards included in subsection (2). The Department~~
 388 ~~of Education shall ensure that appropriate district school board~~
 389 ~~personnel are trained and held accountable for the management~~
 390 ~~and monitoring of contracts for education programs for youth in~~
 391 ~~juvenile justice residential and nonresidential facilities.~~

392 (b) Develop and implement ~~Maintain model~~ procedures for

393 transitioning students ~~youth~~ into and out of Department of
 394 Juvenile Justice education programs. These procedures shall
 395 reflect the policy and standards adopted pursuant to subsection
 396 (2).

397 (c) Maintain standardized required content of education
 398 records to be included as part of a student's youth's commitment
 399 record and procedures for securing the student's records. The
 400 education records ~~These requirements shall reflect the policy~~
 401 ~~and standards adopted pursuant to subsection (2) and shall~~
 402 include, but not be limited to, the following:

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

404 2. A copy of the student's individualized progress
 405 monitoring plan.

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

407 ~~4.2.~~ Assessment data, including grade level proficiency in
 408 reading, ~~writing,~~ and mathematics, and performance on tests
 409 taken according to s. 1008.22.

410 ~~5.3.~~ A copy of the student's permanent cumulative record.

411 ~~6.4.~~ A copy of the student's academic transcript.

412 ~~7.5.~~ A portfolio reflecting the student's youth's academic
 413 and career and technical accomplishments, when age appropriate,
 414 while in the Department of Juvenile Justice program.

415 (d) Establish ~~Maintain model procedures for securing the~~
 416 ~~education record and the roles and responsibilities of the~~
 417 juvenile probation officer and others involved in the withdrawal
 418 of the student from school and assignment to a juvenile justice
 419 education program ~~commitment or detention facility~~. ~~District~~
 420 ~~school boards shall respond to requests for student education~~

421 ~~records received from another district school board or a~~
 422 ~~juvenile justice facility within 5 working days after receiving~~
 423 ~~the request.~~

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

426 (a) Notify students in juvenile justice education programs
 427 ~~residential or nonresidential facilities~~ who attain the age of
 428 16 years of the ~~provisions of~~ law regarding compulsory school
 429 attendance and make available the option of enrolling in a
 430 program to attain a Florida high school diploma by taking the
 431 high school equivalency examination before ~~General Educational~~
 432 ~~Development test prior to~~ release from the program facility.

433 District school boards or Florida College System institutions,
 434 or both, shall ~~waive GED testing fees for youth in Department of~~
 435 ~~Juvenile Justice residential programs and shall, upon request,~~
 436 designate schools operating for the purpose of providing
 437 educational services to students youth in Department of Juvenile
 438 Justice programs. The Department of Education shall assist
 439 juvenile justice education programs with becoming high school
 440 equivalency examination centers ~~as GED testing centers, subject~~
 441 ~~to GED testing center requirements. The administrative fees for~~
 442 ~~the General Educational Development test required by the~~
 443 ~~Department of Education are the responsibility of district~~
 444 ~~school boards and may be required of providers by contractual~~
 445 ~~agreement.~~

446 (b) Respond to requests for student education records
 447 received from another district school board or a juvenile
 448 justice education program within 5 working days after receiving

449 | the request.

450 | (c) Provide access to courses offered pursuant to ss.
 451 | 1002.37, 1002.45, and 1003.498. School districts and providers
 452 | may enter into cooperative agreements for the provision of
 453 | curriculum associated with courses offered pursuant to s.
 454 | 1003.498 to enable providers to offer such courses.

455 | (d) Complete the assessment process required by subsection
 456 | (2).

457 | (e) Monitor compliance with contracts for education
 458 | programs for students in juvenile justice prevention, day
 459 | treatment, residential, and detention programs.

460 | (5) The Department of Education shall establish and
 461 | operate, either directly or indirectly through a contract, a
 462 | mechanism to provide accountability measures that annually
 463 | assesses and evaluates all juvenile justice education programs
 464 | using student performance data and program performance ratings
 465 | by type of program ~~quality assurance reviews of all juvenile~~
 466 | ~~justice education programs~~ and shall provide technical
 467 | assistance and related research to district school boards and
 468 | juvenile justice education providers ~~on how to establish,~~
 469 | ~~develop, and operate educational programs that exceed the~~
 470 | ~~minimum quality assurance standards.~~ The Department of
 471 | Education, with input from the Department of Juvenile Justice,
 472 | school districts, and education providers shall develop annual
 473 | recommendations for system and school improvement.

474 | Section 5. Section 1003.52, Florida Statutes, is amended
 475 | to read:

476 | 1003.52 Educational services in Department of Juvenile

477 Justice programs.-

478 (1) ~~The Legislature finds that education is the single~~
 479 ~~most important factor in the rehabilitation of adjudicated~~
 480 ~~delinquent youth in the custody of Department of Juvenile~~
 481 ~~Justice programs. It is the goal of the Legislature that youth~~
 482 ~~in the juvenile justice system continue to be allowed the~~
 483 ~~opportunity to obtain a high quality education.~~ The Department
 484 of Education shall serve as the lead agency for juvenile justice
 485 education programs, curriculum, support services, and resources.
 486 To this end, the Department of Education and the Department of
 487 Juvenile Justice shall each designate a Coordinator for Juvenile
 488 Justice Education Programs to serve as the point of contact for
 489 resolving issues not addressed by district school boards and to
 490 provide each department's participation in the following
 491 activities:

492 (a) Training, collaborating, and coordinating with ~~the~~
 493 ~~Department of Juvenile Justice,~~ district school boards, local
 494 workforce boards and youth councils, educational contract
 495 providers, and juvenile justice providers, whether state
 496 operated or contracted.

497 (b) Collecting information on the academic, career
 498 education, and transition performance of students in juvenile
 499 justice programs and reporting on the results.

500 (c) Developing academic and career education protocols
 501 that provide guidance to district school boards and juvenile
 502 justice education providers in all aspects of education
 503 programming, including records transfer and transition.

504 (d) Implementing a joint accountability, program

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505 performance, and program improvement process ~~Prescribing the~~
 506 ~~roles of program personnel and interdepartmental district school~~
 507 ~~board or provider collaboration strategies.~~

508
 509 Annually, a cooperative agreement and plan for juvenile justice
 510 education service enhancement shall be developed between the
 511 Department of Juvenile Justice and the Department of Education
 512 and submitted to the Secretary of Juvenile Justice and the
 513 Commissioner of Education by June 30. The plan shall include, at
 514 a minimum, each agency's role regarding educational program
 515 accountability, technical assistance, training, and coordination
 516 of services.

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

525 (3) The district school board of the county in which the
 526 juvenile justice education prevention, day treatment,
 527 residential, or detention program ~~residential or nonresidential~~
 528 ~~care facility or juvenile assessment facility~~ is located shall
 529 provide or contract for appropriate educational assessments and
 530 an appropriate program of instruction and special education
 531 services.

532 (a) The district school board shall make provisions for

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533 each student to participate in basic, career education, and
 534 exceptional student programs as appropriate. Students served in
 535 Department of Juvenile Justice programs shall have access to the
 536 appropriate courses and instruction to prepare them for the high
 537 school equivalency examination ~~GED test~~. Students participating
 538 in high school equivalency examination ~~GED~~ preparation programs
 539 shall be funded at the basic program cost factor for Department
 540 of Juvenile Justice programs in the Florida Education Finance
 541 Program. Each program shall be conducted according to applicable
 542 law providing for the operation of public schools and rules of
 543 the State Board of Education. School districts shall provide the
 544 high school equivalency examination ~~GED~~ exit option for all
 545 juvenile justice programs.

546 (b) ~~By October 1, 2004,~~ The Department of Education, with
 547 the assistance of the school districts and juvenile justice
 548 education providers, shall select a common student assessment
 549 instrument and protocol for measuring student learning gains and
 550 student progression while a student is in a juvenile justice
 551 education program. ~~The assessment instrument and protocol must~~
 552 ~~be implemented in all juvenile justice education programs in~~
 553 ~~this state by January 1, 2005.~~

554 (4) Educational services shall be provided at times of the
 555 day most appropriate for the juvenile justice program. School
 556 programming in juvenile justice detention, prevention, day
 557 treatment, and residential ~~commitment, and rehabilitation~~
 558 programs shall be made available by the local school district
 559 during the juvenile justice school year, as provided ~~defined~~ in
 560 s. 1003.01(11). In addition, students in juvenile justice

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561 education programs shall have access to courses offered pursuant
 562 to ss. 1002.37, 1002.45, and 1003.498 Florida Virtual School
 563 courses. The Department of Education and the school districts
 564 shall adopt policies necessary to provide ~~ensure~~ such access.

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

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589 | educational component may be limited to tutorial remediation
 590 | activities, ~~and~~ career employability skills instruction,
 591 | education counseling, and transition services that prepare
 592 | students for a return to school, the community, and their home
 593 | settings based on the students' needs.

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

609 | (7) An individualized A progress monitoring plan shall be
 610 | developed for all students not classified as exceptional
 611 | education students upon entry in a juvenile justice education
 612 | program and upon reentry in the school district ~~who score below~~
 613 | ~~the level specified in district school board policy in reading,~~
 614 | ~~writing, and mathematics or below the level specified by the~~
 615 | ~~Commissioner of Education on statewide assessments as required~~
 616 | ~~by s. 1008.25.~~ These plans shall address academic, literacy, and

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

619 (8) Each district school board shall maintain an academic
 620 record for each student enrolled in a juvenile justice program
 621 ~~faeility~~ as prescribed by s. 1003.51. Such record shall
 622 delineate each course completed by the student according to
 623 procedures in the State Course Code Directory. The district
 624 school board shall include a copy of a student's academic record
 625 in the discharge packet when the student exits the program
 626 ~~faeility~~.

627 (9) ~~Each~~ The Department of Education shall ensure that all
 628 district school board shall ~~boards~~ make provisions for high
 629 school level students ~~youth~~ to earn credits toward high school
 630 graduation while in residential and nonresidential juvenile
 631 justice programs ~~facilities~~. Provisions must be made for the
 632 transfer of credits and partial credits earned.

633 (10) School districts and juvenile justice education
 634 providers shall develop individualized transition plans during
 635 the course of a student's stay in a juvenile justice education
 636 program to coordinate academic, career and technical, and
 637 secondary and postsecondary services that assist the student in
 638 successful community reintegration upon release. Development of
 639 the transition plan shall be a collaboration of the personnel in
 640 the juvenile justice education program, reentry personnel,
 641 personnel from the school district where the student will
 642 return, the student, the student's family, and Department of
 643 Juvenile Justice personnel for committed students.

644 (a) Transition planning must begin upon a student's

645 placement in the program. The transition plan must include, at a
 646 minimum:

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

649 2. Services to be provided during the program stay and
 650 services to be implemented upon release, including, but not
 651 limited to, continuing education in secondary school, career and
 652 technical programs, postsecondary education, or employment,
 653 based on the student's needs.

654 3. Specific monitoring responsibilities to determine
 655 whether the individualized transition plan is being implemented
 656 and the student is provided access to support services that will
 657 sustain the student's success by individuals who are responsible
 658 for reintegration shall coordinate activities.

659 (b) For the purpose of transition planning and reentry
 660 services, representatives from the school district and the one
 661 stop center where the student will return shall participate as
 662 members of the local Department of Juvenile Justice reentry
 663 teams. The school district, upon return of a student from a
 664 juvenile justice education program, must consider the individual
 665 needs and circumstances of the student and the transition plan
 666 recommendations when reenrolling a student in a public school. A
 667 local school district may not maintain a standardized policy for
 668 all students returning from a juvenile justice program but place
 669 students based on their needs and their performance in the
 670 program.

671 (c) The Department of Education and the Department of
 672 Juvenile Justice shall provide oversight and guidance to school

673 | districts, education providers, and reentry personnel on how to
 674 | implement effective educational transition planning and
 675 | services.

676 | ~~(11)(10)~~ The district school board shall recruit and train
 677 | teachers who are interested, qualified, or experienced in
 678 | educating students in juvenile justice programs. Students in
 679 | juvenile justice programs shall be provided a wide range of
 680 | education ~~educational~~ programs and opportunities including
 681 | textbooks, technology, instructional support, and ~~other~~
 682 | resources commensurate with resources provided available to
 683 | students in public schools, including textbooks and access to
 684 | technology. If the district school board operates a juvenile
 685 | justice education program at a juvenile justice facility, the
 686 | district school board, in consultation with the director of the
 687 | juvenile justice facility, shall select the instructional
 688 | personnel assigned to that program. The Secretary of Juvenile
 689 | Justice or the director of a juvenile justice program may
 690 | request that the performance of a teacher assigned by the
 691 | district to a juvenile justice education program be reviewed by
 692 | the district and that the teacher be reassigned based upon an
 693 | evaluation conducted pursuant to s. 1012.34 or for inappropriate
 694 | behavior ~~Teachers assigned to educational programs in juvenile~~
 695 | ~~justice settings in which the district school board operates the~~
 696 | ~~educational program shall be selected by the district school~~
 697 | ~~board in consultation with the director of the juvenile justice~~
 698 | ~~facility. Educational programs in Juvenile justice~~ education
 699 | programs ~~facilities~~ shall have access to the substitute teacher
 700 | pool used ~~utilized~~ by the district school board.

701 ~~(12)~~~~(11)~~ District school boards may contract with a
 702 private provider for the provision of education ~~educational~~
 703 programs to students ~~youths~~ placed with the Department of
 704 Juvenile Justice and shall generate local, state, and federal
 705 funding, including funding through the Florida Education Finance
 706 Program for such students. The district school board's planning
 707 and budgeting process shall include the needs of Department of
 708 Juvenile Justice programs in the district school board's plan
 709 for expenditures for state categorical and federal funds.

710 ~~(13)~~~~(12)~~(a) Funding for eligible students enrolled in
 711 juvenile justice education programs shall be provided through
 712 the Florida Education Finance Program as provided in s. 1011.62
 713 and the General Appropriations Act. Funding shall include, at a
 714 minimum:

715 1. Weighted program funding or the basic amount for
 716 current operation multiplied by the district cost differential
 717 as provided in s. 1011.62(1)(s) ~~1011.62(1)(r)~~ and (2);

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

720 3. A proportionate share of the district's exceptional
 721 student education guaranteed allocation, the supplemental
 722 academic instruction allocation, and the instructional materials
 723 allocation;

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

727 a. If the district levies the maximum discretionary local
 728 effort and the district's discretionary local effort per FTE is

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729 less than the state average potential discretionary local effort
 730 per FTE, the proportionate share shall include both the
 731 discretionary local effort and the compression supplement per
 732 FTE. If the district's discretionary local effort per FTE is
 733 greater than the state average per FTE, the proportionate share
 734 shall be equal to the state average; or

735 b. If the district does not levy the maximum discretionary
 736 local effort and the district's actual discretionary local
 737 effort per FTE is less than the state average potential
 738 discretionary local effort per FTE, the proportionate share
 739 shall be equal to the district's actual discretionary local
 740 effort per FTE. If the district's actual discretionary local
 741 effort per FTE is greater than the state average per FTE, the
 742 proportionate share shall be equal to the state average
 743 potential local effort per FTE; and

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

746 (b) Juvenile justice education ~~educational~~ programs to
 747 receive the appropriate FEFP funding for Department of Juvenile
 748 Justice programs shall include those operated through a contract
 749 with the Department of Juvenile Justice ~~and which are under~~
 750 ~~purview of the Department of Juvenile Justice quality assurance~~
 751 ~~standards for education.~~

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

756 (d) FTE count periods shall be prescribed in rules of the

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757 State Board of Education and shall be the same for programs of
 758 the Department of Juvenile Justice as for other public school
 759 programs. The summer school period for students in Department of
 760 Juvenile Justice programs shall begin on the day immediately
 761 following the end of the regular school year and end on the day
 762 immediately preceding the subsequent regular school year.
 763 Students shall be funded for no more than 25 hours per week of
 764 direct instruction.

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

767 (14)~~(13)~~ Each district school board shall negotiate a
 768 cooperative agreement with the Department of Juvenile Justice on
 769 the delivery of educational services to students ~~youths~~ under
 770 the jurisdiction of the Department of Juvenile Justice. Such
 771 agreement must include, but is not limited to:

772 (a) Roles and responsibilities of each agency, including
 773 the roles and responsibilities of contract providers.

774 (b) Administrative issues including procedures for sharing
 775 information.

776 (c) Allocation of resources including maximization of
 777 local, state, and federal funding.

778 (d) Procedures for educational evaluation for educational
 779 exceptionalities and special needs.

780 (e) Curriculum and delivery of instruction.

781 (f) Classroom management procedures and attendance
 782 policies.

783 (g) Procedures for provision of qualified instructional
 784 personnel, whether supplied by the district school board or

785 provided under contract by the provider, and for performance of
 786 duties while in a juvenile justice setting.

787 (h) Provisions for improving skills in teaching and
 788 working with students referred to juvenile justice programs
 789 ~~delinquents~~.

790 (i) Transition plans for students moving into and out of
 791 juvenile programs ~~facilities~~.

792 (j) Procedures and timelines for the timely documentation
 793 of credits earned and transfer of student records.

794 (k) Methods and procedures for dispute resolution.

795 (l) Provisions for ensuring the safety of education
 796 personnel and support for the agreed-upon education program.

797 (m) Strategies for correcting any deficiencies found
 798 through the accountability and evaluation system and student
 799 performance measures ~~quality assurance process~~.

800 ~~(15)(14)~~ Nothing in this section or in a cooperative
 801 agreement requires ~~shall be construed to require~~ the district
 802 school board to provide more services than can be supported by
 803 the funds generated by students in the juvenile justice
 804 programs.

805 ~~(16)(15)(a)~~ The Department of Education, in consultation
 806 with the Department of Juvenile Justice, district school boards,
 807 and providers, shall adopt rules establishing: ~~establish~~

808 (a) Objective and measurable student performance measures
 809 to evaluate a student's educational progress while participating
 810 in a prevention, day treatment, or residential program. The
 811 student performance measures must be based on appropriate
 812 outcomes for all students in juvenile justice education

813 programs, taking into consideration the student's length of stay
 814 in the program. Performance measures shall include outcomes that
 815 relate to student achievement of career education goals,
 816 acquisition of employability skills, receipt of a high school
 817 diploma, and grade advancement.

818 (b) A performance rating system to be used by the
 819 Department of Education to evaluate ~~quality assurance standards~~
 820 for the ~~delivery of educational services within each of the~~
 821 juvenile justice programs. The performance rating shall be
 822 primarily based on data regarding student performance as
 823 described in paragraph (a) ~~component of residential and~~
 824 ~~nonresidential juvenile justice facilities.~~

825 (c) The timeframes, procedures, and resources to be used
 826 to improve a low-rated educational program or to terminate or
 827 reassign the program ~~These standards shall rate the district~~
 828 ~~school board's performance both as a provider and contractor.~~
 829 ~~The quality assurance rating for the educational component shall~~
 830 ~~be disaggregated from the overall quality assurance score and~~
 831 ~~reported separately.~~

832 (d) ~~(b)~~ The Department of Education, in partnership with
 833 the Department of Juvenile Justice, shall develop a
 834 comprehensive ~~accountability and program improvement~~ ~~quality~~
 835 ~~assurance review~~ process. The accountability and program
 836 improvement process shall be based on student performance
 837 measures by type of program and shall rate education program
 838 performance. The accountability system shall identify and
 839 recognize high-performing education programs. The Department of
 840 Education, in partnership with the Department of Juvenile

841 Justice, shall identify low-performing programs. Low-performing
 842 education programs shall receive an onsite program evaluation
 843 from the Department of Juvenile Justice. School improvement,
 844 technical assistance, or the reassignment of the program shall
 845 be based, in part, on the results of the program evaluation.
 846 Through a corrective action process, low-performing programs
 847 must demonstrate improvement or reassign the program and
 848 ~~schedule for the evaluation of the educational component in~~
 849 ~~juvenile justice programs. The Department of Juvenile Justice~~
 850 ~~quality assurance site visit and the education quality assurance~~
 851 ~~site visit shall be conducted during the same visit.~~

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

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

869 (17) The department, in collaboration with the Department
 870 of Juvenile Justice, shall monitor and report on the educational
 871 performance of students in commitment, day treatment,
 872 prevention, and detention programs. The report by the Department
 873 of Education must include, at a minimum, the number and
 874 percentage of students who:

875 (a) Return to an alternative school, middle school, or
 876 high school upon release and the attendance rate of such
 877 students before and after participation in juvenile justice
 878 education programs.

879 (b) Receive a standard high school diploma or a high
 880 school equivalency diploma.

881 (c) Receive industry certification.

882 (d) Receive occupational completion points.

883 (e) Enroll in a postsecondary educational institution.

884 (f) Complete a juvenile justice education program without
 885 reoffending.

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

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

890
 891 The results of this report shall be included in the report
 892 required by s. 985.632.

893 (18)-(16) The district school board shall not be charged
 894 any rent, maintenance, utilities, or overhead on such
 895 facilities. Maintenance, repairs, and remodeling of existing
 896 facilities shall be provided by the Department of Juvenile

897 Justice.

898 (19)~~(17)~~ When additional facilities are required, the
 899 district school board and the Department of Juvenile Justice
 900 shall agree on the appropriate site based on the instructional
 901 needs of the students. When the most appropriate site for
 902 instruction is on district school board property, a special
 903 capital outlay request shall be made by the commissioner in
 904 accordance with s. 1013.60. When the most appropriate site is on
 905 state property, state capital outlay funds shall be requested by
 906 the Department of Juvenile Justice provided by s. 216.043 and
 907 shall be submitted as specified by s. 216.023. Any instructional
 908 facility to be built on state property shall have educational
 909 specifications jointly developed by the district school board
 910 and the Department of Juvenile Justice and approved by the
 911 Department of Education. The size of space and occupant design
 912 capacity criteria as provided by State Board of Education rules
 913 shall be used for remodeling or new construction whether
 914 facilities are provided on state property or district school
 915 board property.

916 (20)~~(18)~~ The parent of an exceptional student shall have
 917 the due process rights provided for in this chapter.

918 (21)~~(19)~~ The Department of Education and the Department of
 919 Juvenile Justice, after consultation with and assistance from
 920 local providers and district school boards, shall collect data
 921 ~~report annually to the Legislature by February 1~~ on the progress
 922 toward developing effective education ~~educational~~ programs for
 923 juvenile delinquents, including the amount of funding provided
 924 by district school boards to juvenile justice programs;7 the

925 amount retained for administration, including documenting the
 926 purposes for such expenses; the status of the development of
 927 cooperative agreements; education program performance the
 928 results, including the identification of high and low-performing
 929 programs and aggregate student performance results; ~~of the~~
 930 ~~quality assurance reviews including~~ recommendations for system
 931 improvement; and information on the identification of, and
 932 services provided to, exceptional students in juvenile justice
 933 programs ~~commitment facilities~~ to determine whether these
 934 students are properly reported for funding and are appropriately
 935 served.

936 ~~(22)(20)~~ The education ~~educational~~ programs at ~~the Arthur~~
 937 ~~Dezier School for Boys in Jackson County and the Florida School~~
 938 for Boys in Okeechobee shall be operated by the Department of
 939 Education, either directly or through grants or contractual
 940 agreements with other public or duly accredited education
 941 agencies approved by the Department of Education.

942 ~~(23)(21)~~ The State Board of Education shall ~~may~~ adopt ~~any~~
 943 rules necessary to implement ~~the provisions of this section,~~
 944 ~~including uniform curriculum, funding, and second chance~~
 945 ~~schools~~. Such rules must require the minimum amount of paperwork
 946 and reporting.

947 ~~(24)(22)~~ The Department of Juvenile Justice and the
 948 Department of Education, in consultation with Workforce Florida,
 949 Inc., the statewide Workforce Development Youth Council,
 950 district school boards, Florida College System institutions,
 951 providers, and others, shall jointly develop a multiagency plan
 952 for career education which describes the funding, curriculum,

953 transfer of credits, goals, and outcome measures for career
 954 education programming in juvenile commitment facilities,
 955 pursuant to s. 985.622. The plan must be reviewed annually.

956 Section 6. Paragraph (b) of subsection (18) of section
 957 1001.42, Florida Statutes, is amended to read:

958 1001.42 Powers and duties of district school board.—The
 959 district school board, acting as a board, shall exercise all
 960 powers and perform all duties listed below:

961 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 962 Maintain a state system of school improvement and education
 963 accountability as provided by statute and State Board of
 964 Education rule. This system of school improvement and education
 965 accountability shall be consistent with, and implemented
 966 through, the district's continuing system of planning and
 967 budgeting required by this section and ss. 1008.385, 1010.01,
 968 and 1011.01. This system of school improvement and education
 969 accountability shall comply with the provisions of ss. 1008.33,
 970 1008.34, 1008.345, and 1008.385 and include the following:

971 (b) Public disclosure.—The district school board shall
 972 provide information regarding the performance of students and
 973 educational programs as required pursuant to ss. 1008.22 and
 974 1008.385 and implement a system of school reports as required by
 975 statute and State Board of Education rule which shall include
 976 schools operating for the purpose of providing educational
 977 services to students ~~youth~~ in Department of Juvenile Justice
 978 programs, and for those schools, report on the elements
 979 specified in s. 1003.52(16) ~~1003.52(19)~~. Annual public
 980 disclosure reports shall be in an easy-to-read report card

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

985 | Section 7. The Division of Law Revision and Information is
 986 | requested to prepare a reviser's bill for the 2014 Regular
 987 | Session of the Legislature to change the terms "General
 988 | Educational Development test" or "GED test" to "high school
 989 | equivalency examination" and the terms "general education
 990 | diploma," "graduate equivalency diploma," or "GED" to "high
 991 | school equivalency diploma" wherever those terms appear in the
 992 | Florida Statutes.

993 | Section 8. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 461 Deaf and Hard-of-Hearing Children
SPONSOR(S): Choice & Innovation Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Choice & Innovation Subcommittee		Ammel	Fudge

SUMMARY ANALYSIS

The bill requires the Department of Education and the Florida School for the Deaf and Blind, with input from education stakeholders, to develop a model communication plan that shall be used during the development of an individual educational plan for a deaf or hard-of-hearing student. The bill requires the department to adopt the model in rule and make it available online to all districts no later than December 31, 2013. The department shall provide technical assistance for using the model plan.

For a child who is deaf or hard-of-hearing, current law requires that the IEP team consider: the child's language and communication needs; opportunities for direct communications with peers and professional personnel in the child's language and communication mode; academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode. Florida's individual educational plan currently only requires the IEP team to check two boxes and provide brief statements to indicate that the communications needs have been considered, in accordance with federal law. Still, according to the U.S. Department of Education, despite advances and efforts to improve the outcomes of student with hearing impairments, evidence suggests that students with hearing impairments continue to lag behind their general education peers in academic achievement.

The bill does not have a fiscal impact on state or local governments.

The bill has an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Federal law requires states to make a free appropriate public education available to all children with disabilities residing in the state between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.¹ As the state educational agency, the Department of Education (DOE) must exercise general supervision over all educational programs for children with disabilities in the state, including all programs administered by other state or local agencies, and ensure that the programs meet the educational standards of the state educational agency.²

An individual educational plan or individual family support plan must be developed, reviewed, and revised for each eligible student or child with a disability served by a school district, or other state agency that provides special education and related services either directly, by contract, or through other arrangements.³ In developing an IEP, the IEP team is required to consider a child's strengths, concerns of the parents for enhancing education, and results of the initial evaluation or most recent evaluation of the child, the academic, developmental, and functional needs of the child, as well as special factors.⁴

In the fall of 2011, 4,098 students were identified as deaf or hard-of-hearing.⁵ Children with disabilities, including those who are deaf or hard-of-hearing, may receive ESE services if they meet specific requirements. Educational options for students with hearing impairments have expanded significantly in the last 30 years in that students are increasingly attending traditional schools and being educated in general education classrooms.⁶ Other developments have changed the classroom experiences of students with hearing impairments in the last three decades as well, including the evolution of implant technology and technologies such as visual or text communication devices and speech-to-print software. Still, according to the U.S. Department of Education, despite advances and efforts to improve the outcomes of students with hearing impairments, evidence suggests that these students continue to lag behind their general education peers in academic achievement.⁷

For a child who is deaf or hard-of-hearing, current law requires that the IEP team consider: the child's language and communication needs; opportunities for direct communications with peers and professional personnel in the child's language and communication mode; academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.⁸ Florida's individual educational plan currently only requires the IEP team to check two boxes and provide brief sentences to indicate that the communications needs have been considered.⁹

The department has developed, in collaboration with the Florida School for the Deaf and Blind and a statewide leadership team, a draft model communication plan that was disseminated to all 67 school

¹ 20 U.S.C. s.1400 et. seq., as amended by P.L. 108-446; 34 C.F.R. s. 300.17.

² 34 C.F.R. s. 300.149.

³ Rule 6A-6.03028(3), F.A.C.

⁴ 20 U.S.C. s.1414(d)(3)(A) and (B).

⁵ *Membership in Programs for Exceptional Students, 2011-12*, DOE State Student Information Database, Table 5.

⁶ *The Secondary School Experiences and Academic Performance of Students With Hearing Impairments*, U.S. Department of Education Institute of Education Sciences National Center for Special Education Research, February 2011at:

<http://ies.ed.gov/pubsearch/pubsinfo.asp?pubid=NCSER20113003>

⁷ *Id.* at 1.

⁸ 20 U.S.C. s. 1414(d)(3)(B)(iv) and Rule 6A-6.03028(3)(g)9., F.A.C.

⁹ Telephone interview with Deaf and Hard-of-Hearing Specialist, Bureau of Exceptional Education and Student Services, Florida Department of Education (Feb. 18, 2013).

districts in November 2012. The model plan requires a more thorough evaluation of the student's needs. Initial feedback is anticipated in late March 2013.¹⁰

Effect of Proposed Changes

The bill requires the Department of Education, in coordination with the Florida School for the Deaf and the Blind, and with input from education stakeholders, to develop a model communications plan that shall be used in the development of an individual educational plan for a student who is deaf or hard-of-hearing. The model must be adopted in State Board of Education rule and be made available to districts on-line no later than December 31, 2013. The department shall provide technical assistance for using the model.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.55; requiring the Department of Education to develop a model education plan to be used in the development of an individual educational plan for a deaf or hard-of-hearing student; requiring the plan be adopted in State Board of Education rule; and providing a deadline for posting the plan online.

Section 2. Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill requires the Department of Education to develop a model communications plan, make it available on-line and then provide technical assistance to districts for using the plan. These requirements can be accomplished within existing departmental resources, so no impact on state expenditures is expected.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

¹⁰ Telephone interview with Deaf and Hard-of-Hearing Specialist, Bureau of Exceptional Education and Student Services, Florida Department of Education (Feb. 25, 2013).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt, in rule, the model communication plan.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to deaf and hard-of-hearing students;
 3 amending s. 1003.55, F.S.; requiring the Department of
 4 Education to develop a model communication plan to be
 5 used in the development of an individual education
 6 plan for deaf or hard-of-hearing students; requiring
 7 the department to disseminate the model to each school
 8 district and provide technical assistance; providing
 9 an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Subsection (6) is added to section 1003.55,
 14 Florida Statutes, to read:

15 1003.55 Instructional programs for blind or visually
 16 impaired students and deaf or hard-of-hearing students.-

17 (6) (a) In developing an individual education plan for a
 18 deaf or hard-of-hearing student, the individual education plan
 19 team must consider the student's language and communication
 20 needs, opportunities for direct communication with peers and
 21 professional personnel in the student's language and
 22 communication mode, and the student's academic level and full
 23 range of needs, including opportunities for direct instruction
 24 in the student's language and communication mode.

25 (b) The Department of Education, in coordination with the
 26 Florida School for the Deaf and the Blind and with input from
 27 education stakeholders, shall develop a model communication plan
 28 which shall be used during the development of a student's

PCS for HB 461

Original



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29 individual education plan. The model shall be adopted in rule by
 30 the State Board of Education and made available online to all
 31 school districts no later than December 31, 2013. The department
 32 shall provide technical assistance for using the model
 33 communication plan.

34 Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 1033 Public School Classroom Teachers
SPONSOR(S): Choice & Innovation Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Choice & Innovation Subcommittee		Ammel 	Fudge 

SUMMARY ANALYSIS

The bill renames the Florida Teachers Lead Program to The Florida Teachers Classroom Supply Assistance Program and allows districts flexibility in distributing funds to eligible teachers each year. If a debit card is the mode of distribution, it requires a specific identifier on the front of debit card. It encourages the Department of Education and district school boards to enter into public-private partnerships in order to generate more funds for the assistance program.

This bill has no fiscal impact on state or local governments.

The bill has an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida Teachers Lead Program was established in 1997 to provide eligible classroom teachers with funds to assist teaching and learning in the classroom.¹ The funds are allocated in the General Appropriations Act and may be used to purchase classroom materials and supplies to supplement those otherwise available to classroom teachers. The amount available to each teacher was \$250 for the 1998 school year. Funds may not be used to purchase equipment.² Districts must distribute funds to their classroom teachers by September 30 each year, using any means determined appropriate by the district school board, including, but not limited to, direct deposit, check, debit card, or purchasing card.³ In a recent survey conducted by the Florida Association of District School Superintendents, 2 of the 38 districts that responded indicated that they only used debit cards for their teachers who did not have bank accounts.⁴

Teachers must sign a statement acknowledging receipt of the funds, keep receipts for no less than 4 years to demonstrate compliance with expenditure requirements, and return any unused funds to the district school board at the end of the school year. Funds returned to the district shall be deposited into the school advisory council account of the school at which the classroom teacher returning the funds was employed when the teacher received the funds or deposited into the Florida Teachers Lead Program account of the school district in which a charter school is sponsored, as applicable.⁵

Effect of Proposed Changes

The bill renames the Florida Teachers Lead Program to The Florida Teachers Classroom Supply Assistance Program and continues to allow districts flexibility in distributing funds to teachers. If debit cards are used, the debit cards must have an identifier on the front indicating the card has been issued specifically for this program. It encourages the Department of Education and school districts to enter into public-private partnerships in an effort to generate more funds for the program and removes an obsolete provision in the statute referencing a pilot program to determine the feasibility of managing the program through a centralized electronic system. No districts volunteered to participate in the pilot program.⁶

B. SECTION DIRECTORY:

Section 1. Amends s. 1012.71, F.S., renaming The Florida Teachers Lead Program to the Florida Teachers Classroom Supply Assistance Program; requiring an identifier on debit cards indicating the program for which they are issued; encouraging public-private partnerships to generate additional funds for the program; and deleting an obsolete provision.

Section 2. Amends s. 1012.05, F.S., to conform to the new program name.

Section 3. Provides an effective date of July 1, 2013.

¹ Section 18, ch. 97-384, L.O.F.

² Section 1012.71(2), F.S.

³ Section 1012.71(3), F.S.

⁴ Email, Florida Association of District School Superintendents (Feb. 26, 2013).

⁵ Section 1012.17(4), F.S.

⁶ Email, Florida Department of Education, Office of Funding and Financial Reporting (March 6, 2013).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to public school classroom teachers;
 3 amending s. 1012.71, F.S.; renaming the Florida
 4 Teachers Lead Program as the Florida Teachers
 5 Classroom Supply Assistance Program; providing for
 6 local contributions to the program; requiring
 7 identification of debit cards used as a method of
 8 payment to teachers; authorizing public-private
 9 partnerships to increase the total amount of funds
 10 available; deleting obsolete provisions; amending s.
 11 1012.05, F.S.; conforming provisions; providing an
 12 effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:
 15

16 Section 1. Section 1012.71, Florida Statutes, is amended
 17 to read:

18 1012.71 The Florida Teachers Classroom Supply Assistance
 19 ~~Lead~~ Program.—

20 (1) For purposes of the Florida Teachers Classroom Supply
 21 Assistance ~~Lead~~ Program, the term "classroom teacher" means a
 22 certified teacher employed by a public school district or a
 23 public charter school in that district on or before September 1
 24 of each year whose full-time or job-share responsibility is the
 25 classroom instruction of students in prekindergarten through
 26 grade 12, including full-time media specialists and guidance
 27 counselors serving students in prekindergarten through grade 12,
 28 who are funded through the Florida Education Finance Program. A

29 "job-share" classroom teacher is one of two teachers whose
 30 combined full-time equivalent employment for the same teaching
 31 assignment equals one full-time classroom teacher.

32 (2) The Legislature, in the General Appropriations Act,
 33 shall determine funding for the Florida Teachers Classroom
 34 Supply Assistance ~~Lead~~ Program. The funds appropriated are for
 35 classroom teachers to purchase, on behalf of the school district
 36 or charter school, classroom materials and supplies for the
 37 public school students assigned to them and may not be used to
 38 purchase equipment. The funds appropriated shall be used to
 39 supplement the materials and supplies otherwise available to
 40 classroom teachers. From the funds appropriated for the Florida
 41 Teachers Classroom Supply Assistance ~~Lead~~ Program, the
 42 Commissioner of Education shall calculate an amount for each
 43 school district based upon each school district's proportionate
 44 share of the state's total unweighted FTE student enrollment and
 45 shall disburse the funds to the school districts by July 15.

46 (3) From the funds allocated to each school district and
 47 any funds received from local contributions for the Florida
 48 Teachers Classroom Supply Assistance ~~Lead~~ Program, the district
 49 school board shall calculate an identical amount for each
 50 classroom teacher, which is that teacher's proportionate share
 51 of the total amount allocated to the district from state funds
 52 and funds received from local contributions. A job-share
 53 classroom teacher may receive a prorated share of the amount
 54 provided to a full-time classroom teacher. The district school
 55 board and each charter school board shall provide each classroom
 56 teacher with his or her total proportionate share by September

57 | 30 of each year by any means determined appropriate by the
 58 | district school board or charter school board, including, but
 59 | not limited to, direct deposit, check, debit card, or purchasing
 60 | card, ~~notwithstanding any law to the contrary.~~ If a debit card
 61 | is used, an identifier must be placed on the front of the debit
 62 | card which clearly indicates that the card has been issued for
 63 | the Florida Teachers Classroom Supply Assistance Program.

64 | Expenditures under the program are not subject to state or local
 65 | competitive bidding requirements. Funds received by a classroom
 66 | teacher do not affect wages, hours, or terms and conditions of
 67 | employment and, therefore, are not subject to collective
 68 | bargaining. Any classroom teacher may decline receipt of or
 69 | return the funds without explanation or cause. ~~This subsection~~
 70 | ~~shall apply retroactively to July 1, 2007.~~

71 | (4) Each classroom teacher must sign a statement
 72 | acknowledging receipt of the funds, keep receipts for no less
 73 | than 4 years to show that funds expended meet the requirements
 74 | of this section, and return any unused funds to the district
 75 | school board at the end of the regular school year. Any unused
 76 | funds that are returned to the district school board shall be
 77 | deposited into the school advisory council account of the school
 78 | at which the classroom teacher returning the funds was employed
 79 | when that teacher received the funds or deposited into the
 80 | Florida Teachers Classroom Supply Assistance ~~Lead~~ Program
 81 | account of the school district in which a charter school is
 82 | sponsored, as applicable.

83 | (5) The statement must be signed and dated by each
 84 | classroom teacher before receipt of the Florida Teachers

85 Classroom Supply Assistance ~~Lead~~ Program funds and shall include
 86 the wording: "I, ...(name of teacher)..., am employed by the
 87County District School Board or by theCharter School as
 88 a full-time classroom teacher. I acknowledge that Florida
 89 Teachers Classroom Supply Assistance ~~Lead~~ Program funds are
 90 appropriated by the Legislature for the sole purpose of
 91 purchasing classroom materials and supplies to be used in the
 92 instruction of students assigned to me. In accepting custody of
 93 these funds, I agree to keep the receipts for all expenditures
 94 for no less than 4 years. I understand that if I do not keep the
 95 receipts, it will be my personal responsibility to pay any
 96 federal taxes due on these funds. I also agree to return any
 97 unexpended funds to the district school board at the end of the
 98 regular school year for deposit into the school advisory council
 99 account of the school where I was employed at the time I
 100 received the funds or for deposit into the Florida Teachers
 101 Classroom Supply Assistance ~~Lead~~ Program account of the school
 102 district in which the charter school is sponsored, as
 103 applicable."

104 (6) The Department of Education and district school boards
 105 may, and are encouraged to, enter into public-private
 106 partnerships in order to increase the total amount of Florida
 107 Teachers Classroom Supply Assistance Program funds available to
 108 classroom teachers.

109 ~~(6) For the 2009-2010 fiscal year, the Department of~~
 110 ~~Education is authorized to conduct a pilot program to determine~~
 111 ~~the feasibility of managing the Florida Teachers Lead Program~~
 112 ~~through a centralized electronic system. The pilot program must:~~

113 ~~(a) Be established through a competitive procurement~~
 114 ~~process;~~

115 ~~(b) Provide the capability for participating teachers to~~
 116 ~~purchase from online sources;~~

117 ~~(c) Provide the capability for participating teachers to~~
 118 ~~purchase from local vendors by means other than online~~
 119 ~~purchasing;~~

120 ~~(d) Generally comply with the provisions of this section;~~

121 ~~(e) Be subject to annual auditing requirements to ensure~~
 122 ~~accountability for funds received and disbursed; and~~

123 ~~(f) Provide for all unused funds to be returned to the~~
 124 ~~state at the close of each fiscal year.~~

125
 126 ~~Any participation in this pilot program by school districts and~~
 127 ~~individual teachers must be on a voluntary basis. The department~~
 128 ~~may limit the number of participating districts to the number it~~
 129 ~~deems feasible to adequately measure the viability of the pilot~~
 130 ~~program. The department is not required to implement this pilot~~
 131 ~~program if it determines that the number of school districts~~
 132 ~~willing to participate is insufficient to adequately measure the~~
 133 ~~viability of the pilot program.~~

134 Section 2. Paragraph (p) of subsection (2) of section
 135 1012.05, Florida Statutes, is amended to read:

136 1012.05 Teacher recruitment and retention.—

137 (2) The Department of Education shall:

138 (p) ~~The Department of Education shall~~ Notify each teacher,
 139 via e-mail, of each item in the General Appropriations Act and
 140 legislation that affects teachers, including, but not limited

PCS for HB 1033

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141 | to, the Excellent Teaching Program, the Florida Teachers
 142 | Classroom Supply Assistance ~~Lead~~ Program, liability insurance
 143 | protection for teachers, death benefits for teachers,
 144 | substantive legislation, rules of the State Board of Education,
 145 | and issues concerning student achievement.

146 | Section 3. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 369 Student Safety
SPONSOR(S): La Rosa and others
TIED BILLS: IDEN./SIM. BILLS: SB 284

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee		Ammel <i>JA</i>	Fudge <i>CF</i>
2) Local & Federal Affairs Committee			
3) Education Committee			

SUMMARY ANALYSIS

The bill requires the agency responsible for notifying a school district for each type of emergency to be listed in each district school board's emergency response policy and in its model emergency management and preparedness procedures. The emergency response agencies listed must notify private schools in the school district of occurrences that threaten student safety if the private school requests such notification by opting into the district school board's emergency notification procedures.

Florida law requires each district school board to establish emergency response policies and model emergency management and preparedness procedures. Emergency response policies must include procedures for responding to fires, natural disasters, and bomb threats. Model emergency management and preparedness procedures must address life-threatening emergencies, such as weapon-use and hostage situations; hazardous materials or toxic chemical spills; weather emergencies; and exposure resulting from manmade emergencies. Florida law does not expressly require that district school board emergency response policies and model emergency management and preparedness procedures list the agencies responsible for notifying the school district regarding each type of emergency.

Private school emergency policies are not regulated by the state. Private schools typically make arrangements to receive notification of emergencies from the appropriate emergency response agency. Florida law does not expressly authorize private schools to opt into school district emergency notification procedures for the purpose of receiving emergency notifications.

The bill does not have fiscal impact on state or local governments.

The bill takes effect July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida law requires each district school board to establish emergency response policies and model emergency management and preparedness procedures. Emergency response policies must include procedures for responding to fires, natural disasters, and bomb threats. Commonly used alarm system responses for specific types of emergencies must be incorporated into such policies.¹ Additionally, district school boards must establish model emergency management and preparedness procedures for weapon-use and hostage situations; hazardous materials or toxic chemical spills; weather emergencies, including hurricanes, tornadoes, and severe storms; and exposure resulting from manmade emergencies.²

Florida law does not expressly require that school district emergency response policies and model emergency management and preparedness procedures list the agencies responsible for notifying the school district regarding emergencies. However, cooperation with emergency response agencies is incorporated into the *Safety and Security Best Practices*, a self-assessment tool that each school district must use to annually assess the effectiveness of district emergency response policies. Among other "best practices," the self-assessment suggests that school districts:

- Make arrangements to work with local emergency officials, including, without limitation, law enforcement; fire department; emergency management; hospital, mental health, health, and social services agencies; and court officials.
- Share comprehensive school safety plans and emergency procedures with appropriate emergency response agencies.
- Implement procedures for contacting all district schools simultaneously regarding an emergency.³

Private school emergency policies are not regulated by the state.⁴ Private schools typically make arrangements to receive notification of emergencies from the appropriate emergency response agency. Despite such arrangements, private schools do not always receive notification.⁵ Florida law does not expressly authorize private schools to opt into district school board emergency notification procedures for the purpose of receiving notification of emergencies from an emergency response agency.⁶

Effect of Proposed Changes

The bill requires the agency responsible for notifying a school district for each type of emergency to be listed in each district school board's emergency response policy and in its model emergency management and preparedness procedures. The emergency response agencies listed must notify

¹ Section 1006.07(4)(a), F.S.

² Section 1006.07(4)(b), F.S.

³ Section 1006.07(6), F.S.; Florida Department of Education, *District Safety and Security Best Practices*, <http://www.fldoe.org/EM/security-practices.asp> (last visited March 10, 2011). The Best Practices are developed by the Office of Program Policy Analysis and Government Accountability. *Id.* Each district school superintendent must make recommendations to the school board for improving emergency response policies based upon the self-assessment results. The self-assessment results and superintendent's recommendations must be addressed in a publicly noticed school board meeting. The results of the self-assessment and any school board action on the superintendent's recommendations must be reported to the Commissioner of Education within 30 days after the school board meeting. Section 1006.07(6), F.S.

⁴ Telephone interview with Bureau Chief, Emergency Management, Florida Department of Education (March 17, 2011).

⁵ Telephone interview with Executive Director, Florida Council of Independent Schools (March 11, 2011).

⁶ *See* s. 1002.42, F.S.

private schools in the school district of occurrences that threaten student safety if the private school requests such notification by opting into the district school board's emergency notification procedures.

This will enable a private school to receive emergency notifications on the same basis as district public schools.

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.07, F.S., relating to district school board duties regarding student discipline and school safety; requires school boards to identify in emergency policies and procedures the agency responsible for notifying the school district regarding emergencies.

Section 2. Amends s. 1002.42, F.S., relating to private schools; requires an emergency response agency to notify private schools of emergencies that threaten student safety; authorizes private schools to request such notification by opting into school board notification procedures.

Section 3. Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to student safety; amending s.
 3 1006.07, F.S.; requiring district school board
 4 policies to list the emergency response agencies that
 5 are responsible for notifying the school district of
 6 emergencies; amending s. 1002.42, F.S.; requiring the
 7 emergency response agencies to notify private schools
 8 in the school district under certain circumstances;
 9 providing an effective date.

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

Section 1. Subsection (4) of section 1006.07, Florida Statutes, is amended to read:

1006.07 District school board duties relating to student discipline and school safety.—The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

(a) Formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, and bomb threats, for all the public schools of the district which comprise grades K-12. District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as

29 required by law and fire protection codes. The emergency
 30 response agency that is responsible for notifying the school
 31 district for each type of emergency must be listed in the
 32 district's emergency response policy.

33 (b) ~~The district school board shall~~ Establish model
 34 emergency management and emergency preparedness procedures,
 35 including emergency notification procedures pursuant to
 36 paragraph (a), for the following life-threatening emergencies:

- 37 1. Weapon-use and hostage situations.
- 38 2. Hazardous materials or toxic chemical spills.
- 39 3. Weather emergencies, including hurricanes, tornadoes,
 40 and severe storms.
- 41 4. Exposure as a result of a manmade emergency.

42 Section 2. Subsection (16) is added to section 1002.42,
 43 Florida Statutes, to read:

44 1002.42 Private schools.—

45 (16) EMERGENCY PROCEDURES.—The emergency response agencies
 46 identified in a district school board's emergency response
 47 policy pursuant to s. 1006.07(4) which are responsible for
 48 notifying the school district of an occurrence that threatens
 49 student safety shall also notify private schools in the district
 50 that request such notification by opting into the district
 51 school board's emergency notification procedures.



52 Section 3. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 525 Joint Use of Public School Facilities

SPONSOR(S): Raburn and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 392

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee		Ammel 	Fudge 
2) Civil Justice Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

Currently, the county and municipalities located within the geographic area of a school district must enter into an interlocal agreement with the district school board. Within the agreement, the parties must jointly establish the specific ways the entities will coordinate their growth and development plans and processes. The agreement must also include a process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency. Some district school boards currently authorize, through their interlocal agreements, public access to sports and recreational facilities on school campuses.

In an effort to address the obesity epidemic, the bill encourages each district school board to adopt written policies to promote public access to outdoor recreation and sports facilities on public school property and to increase the number of joint-use agreements a district school board enters into with local governments or private organizations. A public access policy should outline the outdoor recreation and sports facilities that are open to the public and the hours the facilities are open. A joint-use agreement should set forth the terms and conditions for the shared use of outdoor recreation and sports facilities on public school property.

The Department of Education (DOE) is required to develop and post on its website a model joint-use agreement; develop and post on its website criteria for the acceptance of grants for implementing joint-use agreements; and post links to, or copies of, the public access policies and joint-use agreements submitted by a district school board.

The bill also grants a district school board immunity from liability for civil damages for personal injury, property damage, or death that occurs on a public school property that the district has opened up to the public, through public access policies or joint-use agreements, unless gross negligence or intentional misconduct on the part of the district school board is a proximate cause of the damage, injury, or death.

This bill may have a minimal fiscal impact on state and local governments. See FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT.

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Overweight Children and Adults

Present Situation

The Centers for Disease Control and Prevention (CDC) estimates that 35.9% of American adults are obese and another 33.3% are overweight, and more than 12.5 million children and adolescents are obese.¹ The prevalence of obesity among children and adolescents has almost tripled since 1980.²

The Surgeon General estimates 300,000 deaths per year may be attributed to obesity and reports individuals who are obese have a 50-100% increased risk of premature death from all causes, when compared to individuals with a healthy weight.³

One of the reasons proffered by the CDC for the increasing rates of obesity is the lack of safe and appealing places to play or be active. According to the CDC, many communities are built in ways that make it difficult or unsafe to be physically active. For some families, getting to parks and recreation centers may be difficult, and public transportation may not be available. For many children, safe routes for walking or biking to school or play may not exist. According to the Department of Health and Human Services and the CDC, less than half of Florida's youth have access to parks, community centers and sidewalks in their neighborhood. Also, youth without access to opportunities for physical activity during nonschool hours are less likely to be as physically active as their peers.⁴

Effect of Proposed Changes

In an effort to address the obesity epidemic, the bill encourages each district school board to adopt written policies to promote public access to outdoor recreation and sports facilities on public school property and to increase joint-use agreements between district school boards and local governments or private organizations. A public access policy should outline the outdoor recreation and sports facilities that are open to the public and the hours the facilities are open. A joint-use agreement should set forth the terms and conditions for the shared use of outdoor recreation and sports facilities on public school property. The bill requires that within 30 days of adopting a public access policy or entering into a joint-use agreement, a district school board must submit a copy of the policy or agreement to the DOE.

Interlocal Agreements

Present Situation

Currently, the county and municipalities located within the geographic area of a school district must enter into an interlocal agreement with the district school board. Within the agreement, the parties must jointly establish the specific ways they will coordinate their growth and development plans and

¹ Centers for Disease Control and Prevention, *Obesity and Overweight*, <http://www.cdc.gov/nchs/fastats/overwt.htm> (last visited Jan. 15, 2012); Centers for Disease Control and Prevention, Data and Statistics, *Obesity rates among all children in the United States*, <http://www.cdc.gov/obesity/childhood/data.html> (last visited Feb. 20, 2013).

² Centers for Disease Control and Prevention, Data and Statistics, *Obesity rates among all children in the United States*, <http://www.cdc.gov/obesity/childhood/data.html> (last visited Feb. 20, 2013).

³ Office of the Surgeon General, *Overweight and Obesity: Health Consequences*, http://www.surgeongeneral.gov/topics/obesity/calltoaction/fact_consequences.htm (last visited Feb. 20, 2013).

⁴ Centers for Disease Control and Prevention, *Overweight and Obesity: A Growing Problem*, <http://www.cdc.gov/obesity/childhood/problem.html> (last visited Feb. 20, 2013); Department of Health and Human Services and Centers for Disease Control and Prevention, *State Indicator Report on Physical Activity, 2010*, at 3 and 13, available at http://www.cdc.gov/physicalactivity/downloads/PA_State_Indicator_Report_2010.pdf.

processes. The agreement must also include a process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.⁵ Usually, interlocal agreements provide general information related to sharing facilities, but not specific details. The specific details related to sharing facilities, such as, the hours the facility will be open and which entity will be liable for any damages or injuries sustained on the property, are contained in a joint-use agreement.

Some district school boards currently authorize, through their interlocal agreements, public access to sports and recreational facilities on school campuses. In fact, according to DOE, school district facilities' staff members have informally expressed support for shared use of facilities. However, the school district staff members report that reaching agreements for shared use is highly dependent on variables related to individual facilities. For this reason, while a district school board may have a general policy to allow public access and shared use of facilities, agreements for shared or public use of facilities are typically considered on a facility-by-facility basis.⁶

For example, the Pinellas County interlocal agreement with the School Board of Pinellas County, among others, authorizes the parties to establish an agreement "for each instance of collocation and shared use to address legal liability, operating and maintenance costs, scheduling of use, and facility supervision or any other issues that may arise from collocation or shared use."⁷

According to the DOE, school district facilities planners have noted the following barriers to expanding joint-use of and public access to facilities: premises liability concerns; additional costs for supervision, custodial services, utilities, and wear and tear on fields and equipment; and forecasts of continued reductions in revenues available for facilities operation and maintenance.⁸ Additionally, one school district risk manager reported that the school board has directed the development of a policy to prohibit public use of outdoor school grounds and facilities during periods of darkness.⁹ The bill does not specifically address access during daylight hours; however, the bill does not prohibit a school district from establishing such a policy.

School districts are not limited to partnering with governmental entities in joint-use agreements. Pursuant to the terms of the school district's interlocal agreements, school districts may establish joint-use agreements with private entities. For example, in 2003, a Best Financial Management Practices Review of the Duval County School District stated that the school district had established 47 joint-use agreements with the City of Jacksonville, the YMCA, and various community groups for the use of school facilities.¹⁰

When establishing an interlocal agreement, the law requires district school boards and local governments to consider, among other things, allowing students to attend the school located nearest their homes when a new housing development is constructed, including attendance at a school located in an adjacent county; consider the effects of the location of public education facilities, including the

⁵ Sections 163.31777(1) and (2)(g) and 1013.33(2) F.S.

⁶ Staff of the Florida Department of Education, *2012 Agency Legislative Bill Analysis for HB 431* (2012).

⁷ The Pinellas County interlocal agreement states, "The collocation and shared use of facilities are important to the Parties. The Parties will look for opportunities to collocate or share the use of each Parties' facilities. Opportunities for collocation and shared use will be considered for libraries, parks, recreational facilities, community centers, auditoriums, learning centers, museums, performing arts centers, stadiums, healthcare and social services, schools, and other uses and facilities as may be determined appropriate. An agreement will be developed for each instance of collocation and shared use to address legal liability, operating and maintenance costs, scheduling of use, and facility supervision or any other issues that may arise from collocation or shared use." *Interlocal Agreement between Pinellas County, Florida, et al. and the School Board of Pinellas County, Florida*, at 4 (2012), available at www.pinellascounty.org/Plan/pdf_files/1906_IA.pdf

⁸ Staff of the Florida Department of Education, *2012 Agency Legislative Bill Analysis for HB 431* (2012).

⁹ *Id.*

¹⁰ The Florida Legislature, Office of Program Policy Analysis and Government Accountability, *Best Financial Management Practices Review of the Duval County School District*, Report No. 03-41, ch. 7 Facilities Construction, at 18, Aug. 2003, available at <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=03-41> (last visited Feb. 20, 2012).

feasibility of keeping central city facilities viable in order to encourage central city redevelopment; and consult with state and local road departments to assist in implementing the Safe Routes to Schools Program administered by the Department of Transportation.¹¹

Additional public access to educational facilities and grounds is currently authorized in law for any legal assembly, community use centers, or voting precinct, if allowed by the district school board or the board of trustees for the Florida College System institution, the State University System institution, or the Florida School for the Deaf and the Blind. Rules, regulations, or policies and procedures must be adopted by each board to protect educational facilities and grounds when used for such purposes.¹²

Effect of Proposed Changes

The bill encourages each district school board to adopt written policies to promote public access to outdoor recreation and sports facilities on public school property during nonschool hours when a school-sponsored or school-related activity is not occurring and to increase joint-use agreements between district school boards and local governments or private organizations. However, as demonstrated by Pinellas and Duval Counties, district school boards currently appear to have the authority to adopt public use policies and enter into joint-use agreements that include provisions regarding public use of school facilities.

The bill also requires the DOE to develop and post a model joint-use agreement on its website; develop and post criteria for the acceptance of grants for implementing joint-use agreements; and post links to or copies of each joint-use agreement received from a district school board on the DOE. However, school districts are no longer required to submit their interlocal agreements, that may have contained joint-use agreements, to the DOE.¹³

The bill also requires schools boards to create a process for appeal to the district school superintendent should negotiations with a school board fail. This appeals process may create problems in school districts when the superintendent is an employee of the school board.

School District Liability

Present Situation

Landowner Liability

In tort law, a plaintiff must prove that a lawful duty exists, that the duty was breached, and that the plaintiff suffered damages as a result of the breach. Current tort law related to a landowner's duty to persons on his or her land is governed by the status of the person. There are two basic categories of persons on land: invitees and trespassers.

An invitee is a person who was invited to enter the land. Section 768.075(3)(a)1., F.S., defines invitation to mean "that the visitor entering the premises has an objectively reasonable belief that he or she has been invited or is otherwise welcome on that portion of the real property where injury occurs." A landowner owes certain duties to invitees, and can be sued in tort should the landowner fail a duty and a person is injured due to that failure. The duties owed to most invitees are: the duty to keep property in reasonably safe condition; the duty to warn of concealed dangers which are known or should be known to the property holder, and which the invitee cannot discover through the exercise of due care; and the duty to refrain from wanton negligence or willful misconduct.

A trespasser is any person who is not an invitee. This bill does not affect tort law related to trespassers.

¹¹ Section 1013.33(1), F.S.

¹² Section 1013.10, F.S.; *see also* s. 1013.01(3), F.S. (defines "Board").

¹³ Section 19, ch. 2012-99, F.A.C.

Sovereign Immunity

Where a government may be liable in tort, such as for landowner liability, current law limits such liability. Article X, s. 13 of the Florida Constitution recognizes the concept of sovereign immunity and gives the Legislature the right to waive the state's immunity in part or in full by general law. The Legislature did in fact establish a limited waiver of sovereign immunity for liability for tort for state agencies or subdivisions.¹⁴ School districts are a state agency or subdivision for purposes of sovereign immunity.¹⁵ The statutory waiver of sovereign immunity limits the recovery in a tort action against the state or subdivision to \$200,000 for any one person or one incident and limits all recovery related to one incident to a total of \$300,000.¹⁶ When the state's sovereign immunity applies, the officers, employees, and agents of the state that were involved in the commission of the tort are not personally liable to an injured party.¹⁷

Effect of Proposed Changes

The bill changes the standard for liability for district school boards from negligence to gross negligence or intentional misconduct under certain circumstances. More particularly, the bill provides a district school board immunity from liability for personal injury, property damage, or death that occurs on a public school property that the district school board has opened up to the public, through public access policies or joint-use agreements, unless gross negligence or intentional misconduct on the part of the district school board is a proximate cause of the damage, injury, or death.¹⁸

By changing the liability standard from negligence to gross negligence or intentional misconduct, the bill may encourage more district school boards to adopt public access policies or enter into more joint-use agreements, and thus, increase the number of outdoor recreation and sports facilities available to the public.

The limitation on liability established in the bill will result in a plaintiff only receiving damages for personal injury, property damage, or death that was caused by gross negligence or intentional misconduct. Therefore, an injured party will not be able to recover damages for an injury sustained due to negligence. However, the bill does not prevent a lawsuit from being filed against the district; therefore, a school district may incur costs associated with litigation.

Additionally, even if a school district's actions are found to be a proximate cause of the damage, injury, or death, the school district is protected by sovereign immunity, and the damages would be capped pursuant to law.¹⁹ The bill makes clear that this sovereign immunity still applies.

¹⁴ Section 768.28(1) and (2), F.S.; see Op. Att'y Gen. Fla. 78-145 (1978); see also *Wallace v. Dean*, 3 So.3d 1035, 1045 (Fla. 2009), citing *Hutchins v. Mills*, 363 So.2d 818, 821 (Fla. 1st DCA 1978). "Prior to the effective date of s. 768.28(6), F.S., courts did not have subject matter jurisdiction of tort suits against the State and its agencies because they enjoyed sovereign immunity pursuant to Article X, section 13, Florida Constitution. However, by enacting s. 768.28[, F.S.,] the Legislature provided for waiver of sovereign immunity in tort actions. Therefore, pursuant to that statute, courts now have subject matter jurisdiction to consider suits that fall within the parameters of the statute."

¹⁵ The term "state" means "state agencies or subdivisions" which includes the executive departments, the Legislature, the judicial branch, and the independent establishments of the state, including state university boards of trustees; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities. Section 768.28(2), F.S.

¹⁶ Section 768.28(5), F.S.

¹⁷ Section 768.28(9), F.S.

¹⁸ While Art. 1, s. 21, Fla. Const., provides that the "courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay," and the Florida Supreme Court has in the past found that this provision limits the ability of the Legislature to amend tort law, the court in *Abdin v. Fischer*, held that limiting liability of owners and lessees who provide the public with a park area for outdoor recreational purposes, is a reasonable exercise of legislative power and does not violate Art. I, s. 21, Fla. Const., regarding access to courts. 374 So.2d 1379 (Fla. 1979).

¹⁹ Section 768.28(5), F.S.

B. SECTION DIRECTORY:

Section 1. Creates s. 1013.105, F.S., relating to joint use of public school facilities.

Section 2. Creates s. 768.072, F.S., relating to limitation on public school premises liability.

Section 3. Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

The bill requires the DOE to: develop and make available a model joint-use agreement; develop criteria for accepting grants for implementing joint-use agreements; and post links to or copies of district joint-use agreements on their website. However, school districts are no longer required to submit their interlocal agreements to DOE that may have contained any joint-use agreements. These requirements are anticipated to be accomplished within departmental resources. Accordingly, no impact on state expenditures is expected.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill appears to have an indeterminate impact on local government expenditures. The bill encourages school districts to adopt public access policies and enter into joint-use agreements to increase public access to outdoor recreation and sports facilities on public school property. If more school recreational facilities are open to the public, cities and counties may be able to reduce spending on the development and maintenance of public parks and recreation areas; however, school districts may have a fiscal impact from the increased "wear and tear" on the facilities. Additionally, school districts anticipate needing someone to oversee the use of the school property, which may result in an additional cost to the school district, even though the bill does not require this supervision.²⁰

While the bill provides districts immunity from liability except in cases of gross negligence or intentional misconduct, the bill does not prevent a suit from being filed against the district; therefore, a school district may incur costs associated with litigation.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Damages received by an injured party may be limited due to a school district's immunity from liability. A plaintiff will only receive damages if the injury, damage, or death was caused by gross negligence or

²⁰ Memorandum, Florida School Boards Association, Inc. (Jan. 18, 2012).

intentional misconduct. Therefore, an injured party will not be able to recover damages for an injury sustained due to negligence.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

It is unclear how the appeals process will work in a school district when the superintendent is an employee of the school board.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to the joint use of public school facilities; creating s. 1013.105, F.S.; providing legislative findings; encouraging each district school board to adopt written policies to promote public access to outdoor recreation and sports facilities on school property, to increase the number of joint-use agreements, and to develop and adopt policies and procedures for an appeal process if negotiations for a joint-use agreement fail; providing duties of district school boards and the Department of Education; creating s. 768.072, F.S.; providing immunity from liability for a district school board that adopts public access policies or enters into a joint-use agreement except in instances of gross negligence or intentional misconduct; providing application; providing an effective date.

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

Section 1. Section 1013.105, Florida Statutes is created to read:

1013.105 Joint use of public school facilities.—

(1) The Legislature finds that greater access to recreation and sports facilities is needed to reduce the impact of obesity on personal health and health care expenditures. The Legislature further finds that public schools are equipped with taxpayer-funded playgrounds, fields, tracks, courts, and other

29 outdoor recreation and sports facilities that offer easily
 30 accessible opportunities for physical activity for residents of
 31 the community.

32 (2) Each district school board is encouraged to:

33 (a) Adopt written policies to promote public access to the
 34 outdoor recreation and sports facilities on public school
 35 property during nonschool hours when a school-sponsored or
 36 school-related activity is not occurring. A public access policy
 37 should outline the outdoor recreation and sports facilities that
 38 are open to the public and the hours the facilities are open.

39 (b) Increase the number of joint-use agreements entered
 40 into with a local government or a private organization. A joint-
 41 use agreement should specify the terms and conditions for the
 42 shared use of outdoor recreation and sports facilities on public
 43 school property.

44 (c) Develop and adopt policies and procedures providing
 45 for an appeal process in which a party seeking to enter into a
 46 joint-use agreement with a school district pursuant to this
 47 section may file an appeal with the district school
 48 superintendent if the negotiations for such joint-use agreement
 49 fail.

50
 51 Within 30 days after adopting a public access policy or entering
 52 into a joint-use agreement, a district school board shall submit
 53 a copy of the policy or agreement to the Department of
 54 Education.

55 (3) The Department of Education shall:

56 (a) Develop a model joint-use agreement and post the model

57 agreement on its website.

58 (b) Post on its website links to or copies of all public
 59 access policies and joint-use agreements submitted to the
 60 department by a district school board.

61 (c) Develop criteria for the acceptance of grants for
 62 implementing joint-use agreements and post the criteria on its
 63 website.

64 Section 2. Section 768.072, Florida Statutes, is created
 65 to read:

66 768.072 Limitation on public school premises liability.-

67 (1) A district school board is not liable for civil
 68 damages for personal injury, property damage, or death that
 69 occurs on a public school property that the district school
 70 board has opened up to the public, through public access
 71 policies or joint-use agreements under s. 1013.105, unless gross
 72 negligence or intentional misconduct on the part of the district
 73 school board is a proximate cause of the injury, damage, or
 74 death.

75 (2) This section does not change liability for injury,
 76 damage, or death that occurs during school hours or during a
 77 school-related or school-sponsored activity.

78 (3) This section does not waive sovereign immunity beyond
 79 the limited waiver in s. 768.28.

80 Section 3. This act shall take effect July 1, 2013.