

CHAPTER 2021-70

Committee Substitute for House Bill No. 723

An act relating to juvenile justice education programs; amending s. 1003.01, F.S.; redefining the term “juvenile justice education programs or schools”; amending s. 1003.51, F.S.; increasing the percentage of certain funds that must be spent on specified costs; clarifying that Department of Juvenile Justice education programs are entitled to certain funds; requiring such funds to be spent in a certain manner; amending 1003.52, F.S.; requiring that contracts between district school boards and juvenile justice education programs be in writing; providing a timeframe within which district school boards and juvenile justice education programs must negotiate and execute their contracts; authorizing an extension of time; requiring the Department of Education to provide mediation services for certain disputes; requiring district school boards satisfy certain invoices within a specified timeframe; requiring district school boards that fail to timely issue a warrant for payment to also pay interest at a specified rate to the juvenile justice education program; prohibiting school boards from delaying certain payments pending receipt of local funds; conforming a cross-reference; providing an effective date.

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

Section 1. Paragraph (a) of subsection (11) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(11)(a) “Juvenile justice education programs or schools” means programs or schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, for a school year ~~composed~~ comprised of 250 days of instruction, or the equivalent expressed in hours as specified in State Board of Education rule, distributed over 12 months. If the period of operation is expressed in hours, the State Board of Education must review the calculation annually. The use of the equivalent expressed in hours is only applicable to nonresidential programs. At the request of the provider, a district school board may decrease the minimum number of days of instruction by up to 10 days for teacher planning for residential programs and up to 20 days or equivalent hours as specified in the State Board of Education rule for teacher planning for nonresidential programs, subject to the approval of the Department of Juvenile Justice and the Department of Education.

Section 2. Paragraph (i) of subsection (2) of section 1003.51, Florida Statutes, is amended to read:

1003.51 Other public educational services.—

(2) The State Board of Education shall adopt rules articulating expectations for effective education programs for students in Department of Juvenile Justice programs, including, but not limited to, education programs in juvenile justice prevention, day treatment, residential, and detention programs. The rule shall establish policies and standards for education programs for students in Department of Juvenile Justice programs and shall include the following:

(i) Funding requirements, which ~~must provide shall include the requirement~~ that at least 95 ~~90~~ percent of the FEFP funds generated by students in Department of Juvenile Justice programs or in an education program for juveniles under s. 985.19 must be spent on instructional costs for those students. Department of Juvenile Justice education programs are entitled to 100 one hundred percent of the formula-based categorical funds generated by students in Department of Juvenile Justice programs. Such funds must be spent on appropriate categoricals, such as instructional materials and public school technology for those students.

Section 3. Present paragraphs (a) and (b) of subsection (3) of section 1003.52, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, and new paragraphs (a) and (b) are added to that subsection, and paragraph (a) of subsection (17) of that section is amended, to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

(3) The district school board of the county in which the juvenile justice education prevention, day treatment, residential, or detention program is located shall provide or contract for appropriate educational assessments and an appropriate program of instruction and special education services.

(a) All contracts between a district school board desiring to contract directly with juvenile justice education programs to provide academic instruction for students in such programs must be in writing. Unless both parties agree to an extension of time, the district school board and the juvenile justice education program shall negotiate and execute a new or renewal contract within 40 days after the district school board provides the proposal to the juvenile justice education program. The Department of Education shall provide mediation services for any disputes relating to this paragraph.

(b) District school boards shall satisfy invoices issued by juvenile justice education programs within 15 working days after receipt. If a district school board does not timely issue a warrant for payment, it must pay to the juvenile justice education program interest at a rate of 1 percent per month, calculated on a daily basis, on the unpaid balance until such time as a warrant is issued for the invoice and accrued interest amount. The district school board may not delay payment to a juvenile justice education program of any portion of funds owed pending the district's receipt of local funds.

(17) The department, in collaboration with the Department of Juvenile Justice, shall collect data and report on commitment, day treatment, prevention, and detention programs. The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor by February 1 of each year. The report must include, at a minimum:

(a) The number and percentage of students who:

1. Return 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.

2. Receive a standard high school diploma or a high school equivalency diploma.

3. Receive industry certification.

4. Enroll in a postsecondary educational institution.

5. Complete a juvenile justice education program without reoffending.

6. Reoffend within 1 year after completion of a day treatment or residential commitment program.

7. Remain employed 1 year after completion of a day treatment or residential commitment program.

8. Demonstrate learning gains pursuant to paragraph (3)(d) ~~(3)(b)~~.

Section 4. This act shall take effect July 1, 2021.

Approved by the Governor June 4, 2021.

Filed in Office Secretary of State June 4, 2021.