

6A-1.099813 Education Program Improvement Process for Department of Juvenile Justice Programs.

(1) Purpose. The purpose of this rule is to set forth the education program improvement process for Department of Juvenile Justice (DJJ) education programs pursuant to sections 1003.51 and 1003.52, Florida Statutes (F.S.), by delineating the responsibilities of the DJJ education program, school district, Department of Education (Department), and DJJ; setting timelines for the process, as well as consequences for continued low performance; and establishing intervention and support strategies.

(2) Definitions. For the purposes of this rule, the following definitions apply:

(a) “DJJ education program” means a program operated by or under contract with the DJJ that provides educational services to students receiving prevention, day treatment, or residential commitment services designated within subsection 985.03(44), F.S.

(b) “DJJ education program accountability rating” or “accountability rating” means the rating of “Commendable,” “Acceptable,” or “Unsatisfactory” as established in Rule 6A-1.099812, Florida Administrative Code (F.A.C.).

(c) “Education program provider” means a school district or private provider contracted by the school district where a juvenile justice program is located that provides educational services to students placed with the DJJ in prevention, day treatment, or residential programs.

(d) “School advisory council” or “SAC” means the sole body, pursuant to section 1001.452, F.S., responsible for decision making relating to implementation of school improvement.

(e) “Schoolwide improvement plan” or “SIP” means the school-level plan, pursuant to section 1001.42(18)(a), F.S., that includes strategies for increasing student achievement.

(f) “Service delivery model” means the framework through which a school district provides educational services to students in DJJ programs, either directly or through a contract with an education program provider.

(3) Identification of Low-Performing DJJ Education Programs.

(a) Low-performing DJJ education programs shall be identified annually based upon their most recently released accountability rating.

(b) Beginning in 2020-2021, a program is identified as low-performing when it receives an accountability rating of “Unsatisfactory.”

(4) Program Improvement Planning. The program improvement planning process must include collaboration between the school district, the SAC and the DJJ education program.

(a) Upon identification of a low-performing DJJ education program, the school district will have forty-five (45) calendar days, following the appeal window set forth in Rule 6A-1.099812, F.A.C., to develop a SIP. The SIP development process shall:

1. Engage stakeholders to gather and review data, identify opportunities for improvement, and determine conditions contributing to the underperformance; and

2. Develop activities, rationale for low performance, intended outcomes, action steps, and identify persons responsible to improve low-performing components.

(b) The school district must evaluate the current education service delivery model and, if applicable, the education program provider, to determine whether a change is needed in order to improve performance.

(5) On-Site Evaluation of Low-Performing DJJ Education Programs.

(a) Each school district with a low-performing DJJ education program shall receive an on-site visit by DJJ during the school year in which the low-performing rating was received.

(b) School districts will be notified by DJJ of the on-site visit date at least forty-five (45) calendar days prior to the visit.

(c) The on-site visit will identify areas of noncompliance with ss. 1003.51 and 1003.52, F.S., and Rule 6A-6.05281, F.A.C., and will provide a timeline to address deficiencies and underperforming areas within six (6) months of the school district's receipt of the onsite evaluation report.

(d) DJJ will provide an educational program evaluation report to the Department and the school district within thirty (30) calendar days of conducting the on-site evaluation.

(6) DJJ Schoolwide Improvement Plan Revision.

(a) Following receipt of the educational program evaluation report, the school district must revise the SIP to address areas of noncompliance and consider any recommendations for the improvement of the DJJ education program noted in the report.

(b) The proposed revisions to the SIP must be completed within thirty (30) calendar days from the date of receipt of the education program evaluation.

(c) The Department, in collaboration with DJJ, shall receive no less than thirty (30) calendar days to review and comment on the proposed revised SIP.

(d) The school district must review the comments provided by the Department in collaboration with DJJ and finalize the SIP by means of approval of the district school board.

(7) Program Improvement Implementation. The school district shall:

(a) Ensure implementation of the SIP; and

(b) Refine the SIP in response to changing conditions at the DJJ education program in order to improve the performance of the DJJ education program.

(8) Program Improvement Monitoring.

(a) DJJ shall serve as the lead agency for monitoring the correction and improvement of the areas of noncompliance noted in the on-site education program evaluation report. DJJ is authorized to recommend additional corrective actions to address deficiencies.

(b) Monitoring of a low-performing DJJ education program shall continue throughout the school year.

(c) The school district must consider the recommendations of the DJJ and revise the SIP in order to improve performance of the DJJ education program.

(9) Continued Low-Performing DJJ Education Programs.

(a) If the DJJ education program earns a performance rating of “Acceptable” or “Commendable” at any time during the monitoring period, the school district will be released from monitoring activities required by this rule. The DJJ education program shall sustain the activities and strategies that contributed to its improvement, refining as necessary.

(b) If the DJJ education program does not have a performance rating of “Acceptable” or “Commendable” after one year of monitoring, the program improvement process shall continue for up to two (2) more years, unless the provisions of paragraph (9)(a) applies. During the last two (2) years of the program improvement process, the following actions are required:

1. The school district must re-engage stakeholders in the program improvement process pursuant to the requirements of subsection (4) of this rule.

2. The school district must complete the requirements for program improvement planning, as established in subsection (4) of this rule.

3. The school district must develop a plan for oversight and submit the plan to the Department.

a. The plan must be approved by the district school board.

b. The plan must be reviewed annually in order to review areas of progress and describe strategies, including any additional resources or staff, designed to improve the program's accountability rating.

4. No less than annually, DJJ shall conduct an onsite education program evaluation as described in subsection (5) of this rule.

5. The school district must complete activities in subsections (6)-(7) of this rule.

(10) Requirement to Establish New DJJ Education Program Provider. Unless the provisions of subsection (11) apply, if the DJJ education program does not have a performance rating of "Acceptable" or "Commendable" at the end of the three-year monitoring period, the school district must take one of the following actions within no more than six (6) months:

(a) The school district must terminate its contract with the education program provider and enter into a contract with a different provider or assume control of the educational services; or

(b) If the school district is the educational services provider, the school district must enter into a contract with an education provider, another school district, or an external operator in order to operate the DJJ education program.

(11) Extension of Program Improvement. In order for the Department to grant a request for an extension of the program improvement process for a DJJ education program that has not achieved a rating of "Acceptable" or "Commendable" at the end of the three-year monitoring period, the request must:

(a) Be made by a school district;

(b) Demonstrate improvement in the percentage of possible points earned by the program in its accountability rating during the three-year monitoring period; and

(c) Include a plan reasonably designed to achieve a rating of at least "Acceptable" within one (1) year.

(12) Failure to comply with the requirements of this rule may subject a school district to the remedies provided in section 1008.32, F.S.

Rulemaking Authority 1001.02(2)(n), 1003.51(2), 1003.52(16), FS. Law Implemented 1003.51, 1003.52 FS.

History--New