

6A-6.05281 Educational Programs for Students in Department of Juvenile Justice Detention, Prevention, Residential, or Day Treatment Programs

Pursuant to Sections 1003.51 and 1003.52, F.S., educational programs for students in Department of Juvenile Justice (DJJ) programs shall be operated as follows.

(1) through (2) No change.

(3) Student Records.

(a) Content. Each program district shall maintain educational records for students in DJJ programs in accordance with Sections 1003.25 and 1003.51, F.S., and Rule 6A-1.0955, F.A.C. Pursuant to Section 1008.385, F.S., the district shall comply with the requirements for the Comprehensive Management Information System established in Rule 6A-1.0014, F.A.C., and the requirements for completing and reporting the Florida Education Finance Program (FEFP) full-time equivalent (FTE) surveys and transported student membership surveys established in Rule 6A-1.0451, F.A.C.

(b) Cumulative Academic Transcript. Each program district shall:

1. Record each student's academic history upon entry into the DJJ program; and

2. Delineate each course upon completion and record full or partial credits earned by the student as provided by the Florida Course Code Directory, as adopted in Rule 6A-1.09441, F.A.C., including students in DJJ detention centers.

~~(c)(b)~~ Access to District System. In accordance with Section 1001.31, F.S., each program district shall, pursuant to cooperative agreement, provide personnel at juvenile justice facilities access to the district school system database for the purpose of accessing academic, immunization, and registration records for students assigned to the programs. Such access shall be in the same manner as provided to other schools in the district.

~~(d)(e)~~ Transfer of Educational Records. Each school district shall transfer records of students entering or exiting DJJ programs as provided in subsections 6A-1.0955(7) and 6A-1.0014(2), F.A.C. Each school district shall provide students' educational records ~~immediately upon request and~~ no later than five (5) school days after the receipt of the request for records from the new school or district.

~~(e)(d)~~ Protection of Privacy. The educational records of students in DJJ programs shall be maintained in accordance with Sections 1002.22, 1002.221, 1002.222, and 1002.225, F.S.

(4) Student Assessment.

(a) No change.

(b) All students in DJJ prevention, residential, or day treatment programs who have not graduated from school or filed a notice of intent to terminate school enrollment shall be assessed ~~on the department-selected common assessment~~ within ten (10) school days of the student's initial placement into a program. The ~~common~~ assessments shall include:

1. The department-selected common assessment measuring English language arts and Mathematics; and

~~Academic measures that provide proficiency levels in:~~

~~a. English language arts;~~

~~b. Mathematics; and,~~

2. Career assessments ~~interest and aptitude measures.~~

(c) For the students referenced in paragraph (4)(b) of this rule, exit assessments shall include, at a minimum, the academic measures.

(d) In accordance with Section 1003.51, F.S., students placed in a detention center shall be assessed ~~evaluated~~ to determine areas of academic need and strategies for appropriate intervention and instruction within five (5) school days upon entry. A research-based assessment that will assist the student in determining his or her educational and career options and goals shall be administered within twenty-two (22) school days after the student's entry into the program.

(e) All students in DJJ detention, prevention, residential, or day treatment programs shall also participate in the statewide and districtwide assessments required by Sections 1008.22, 1008.25, 1008.30, and 1003.4282, ~~and~~ 1003.438, F.S.

(5) Transition Services and Progress Monitoring Plan.

(a) For each student in DJJ prevention, residential, or day treatment programs, an individual education transition plan based on the student's post-release goals shall be developed, beginning upon a student's entry into the DJJ program. Key personnel relating to entry transition activities for students in juvenile justice programs include: the student; the student's parent(s), legal guardian(s), or caretaker(s); instructional personnel in the juvenile justice education program, DJJ personnel ~~for students in residential programs~~; personnel from the post-release district; a certified school counselor from the program school district or program personnel who are responsible for providing guidance services under the supervision of the school district's guidance counselor; a registrar or a designee of the program district who has access to the district's Management Information System; and reentry personnel.

(b) The education transition plan must include:

1. through 4. No change.

(c) An individual progress monitoring plan shall be developed no more than thirty (30) calendar days after ~~within ten (10) school days of a student's entry into a DJJ prevention, residential, or day treatment program or no later than three (3) school days after the administration of the entry assessment.~~ This plan shall be based upon the student's entry assessments and past educational history. The plan shall include:

1. through 4. No change.

(d) Key personnel involved in re-entry transition activities for students returning to a school district must include the personnel described in paragraph (5)(a) of this rule, and a representative from the local workforce board ~~Department of Economic Opportunity Career Center~~ in the post-release district. Re-entry counselors, probation officers, and additional personnel from the post-release district should be involved in transition planning to the extent practicable.

(e) Upon the student's exit from a residential, prevention commitment ~~commitment~~ or day treatment program: The DJJ educational program staff shall provide forward ~~provide forward~~ an exit portfolio to the student's post-release district. The exit portfolio shall include, at a minimum:

1. Education Transition plan;

2. through 9. No change.

(f) For each student in a DJJ detention center, an education transition plan shall be developed for students with a length of stay over twenty-two (22) consecutive school days. The education transition plan must include:

1. Identified academic need and appropriate educational program;

2. Academic strategies and interventions; and

3. Individualized academic and career goals

(g) Upon the student's exit from a detention center: The DJJ educational program staff shall provide an exit portfolio to the student's post-release district or DJJ residential program for students in detention for more than twenty-two (22) consecutive school days. The exit portfolio shall include, at a minimum:

1. Education transition plan;

2. Results of district and statewide assessments, if applicable;

3. Research-based assessment results;

4. Section 504 Plan, English language learner plan, and IEP, if applicable;

5. Cumulative transcript;

6. A list of courses in-progress, with grade to date; and

7. High school equivalency results, if applicable.

(6) Instructional Program and Academic Expectations.

(a) School Day and Year. The instructional program shall consist of 250 instructional school days pursuant to Section 1003.01(11), F.S., and Rule 6A-1.045111, F.A.C.

(b) Requirements. DJJ detention centers, prevention, day treatment, and residential programs shall have the flexibility in student scheduling to meet the basic academic and career needs of the student. The instructional program shall meet the requirements of Sections 1003.4156, 1003.4282, 1003.435, ~~1003.438~~, 1003.52, 1008.23, and 1008.25, F.S., as applicable, and shall include:

1. Course offerings and instructional personnel assignments consistent with the Florida Course Code Directory, as adopted in Rule 6A-1.09441, F.A.C., the Next Generation Sunshine State Standards (Benchmarks for Excellent Student Thinking (B.E.S.T.)) adopted in Rule 6A-1.09401, F.A.C., and course descriptions adopted in Rule 6A-1.09412, F.A.C. Curricular offerings must reflect the students' assessed educational and transition needs and meet the students' needs as identified by the individual plan as required by subsection (5) of this rule. All students shall receive a curriculum to address their individual, academic, career, and transition needs. Students shall be placed in courses and programs that can be completed during the DJJ program or continued in the school district to which they will return.

2. High school equivalency examination diploma preparation that meets course requirements as specified in Rule 6A-6.0571, F.A.C., and testing requirements as specified in Rule 6A-6.0201, F.A.C. If offered, adult general education courses shall meet course requirements specified in Rules 6A-6.014 and 6A-6.0571, F.A.C. Pursuant to Section 1003.52(3)(a), F.S., school districts shall provide the performance-based exit option for all juvenile justice education programs. School districts must apply and be approved by the Department in order to implement the Performance-Based Exit Option Model. The school district's approved performance-based exit option shall meet the requirements specified in Rule 6A-6.0212, F.A.C.

3. Instruction that is delivered through a variety of techniques to address students' individual academic needs, including competency-based programs and access to the virtual courses offered pursuant to Sections 1002.37, 1002.45, and 1003.498, F.S., as required in Sections 1003.51(2)(h)6. and 1003.52(4), F.S.

(c) Curricular flexibility for detention centers pursuant to Section 1003.51(2)(s), F.S. The instructional program shall meet the requirements of paragraphs (6)(a)-(b) of this rule. For students whose length of stay is less than ten (10) consecutive school days, the school district:

1. May enroll students in elective courses which address, but are not limited to, academic remediation, career employability skills, behavioral management, law skills and life skills.

2. Must provide guidance services to determine current academic status, graduation pathway and academic support services.

(d) Textbooks, technology, access to technology and instructional support must be commensurate to resources provided to other students in public schools within the district where the program is located.

(e) The district school board shall work with local district workforce education providers to access appropriate programs for youth in DJJ programs who are no longer served in a K-12 program.

(7) Qualifications of instructional staff, procedures for the selection of instructional staff, and procedures for consistent instruction and qualified staff year-round.

(a) through (b) No change.

(c) School districts shall establish procedures to ensure that instructors teaching courses leading to the attainment of industry certifications ~~of CAPE courses~~ meet the requirements of Rule 6A-1.0503, F.A.C., and hold an industry certification identified on the CAPE Industry Certification List or the Postsecondary Industry Certification funding list pursuant to Section 1008.44, F.S.

(d) As required by Section 1003.52(11), F.S., school districts shall recruit and train teachers who are interested, qualified, or ~~and~~ experienced in educating students in DJJ programs. Teachers assigned to educational programs operated by local school districts in DJJ facilities shall be selected by the school district in consultation with the director of the DJJ facility.

(e) The school district's substitute teacher pool shall be available for DJJ educational programs.

(8) Funding.

(a) To implement the FTE funding for students in DJJ programs based on direct instructional time:

1. Student attendance is required to be collected daily as referenced in Section 1003.23, F.S. ~~shall be taken once per class period~~ For students in grades 9-12, attendance must be maintained on a period by period basis for classes in which students receive credit or during each course reported for FTE purposes.

2. through 3. No change.

4. Direct instructional time shall not be counted for students who choose not to attend class or who are not present at school due to illness, or other non-school-related activity other than those listed above.

(b) As required by Sections 1003.51 and 1010.20, F.S., DJJ programs are entitled to one hundred (100) percent of the FEFP formula-based categorical funds generated by students in DJJ programs, and at least ninety-five (95) (90) percent of these the FEFP funds generated by students in DJJ programs must be spent on instructional costs for these students in DJJ programs or in an education program for juveniles under Section 985.19, F.S.

(c) No change.

~~(d) The district school board shall collaborate with their regional workforce board to pursue workforce development funds in addition to state appropriated funds.~~

(9) Contracts with Providers. School districts may provide educational services directly or may enter into a written contract with a contracted provider or another school district to provide educational services to students in DJJ programs. The contract shall be negotiated and executed within forty (40) days after the district school board provides the proposal to the juvenile justice education program, unless both parties agree to an extension. The Department of Education shall provide mediation services for any disputes relating to this paragraph. Such contracts shall include the following:

(a) Payment structure and amounts, including:

1. through 2. No change.

3. Satisfaction of invoices from providers within fifteen (15) working days of receipt of all proper and necessary documentation.

4. The payment of interest to providers by districts that fail to timely satisfy an invoice, at a rate of 1 percent per month, calculated daily.

5. A provision stating that a district school board may not delay payment of any portion of funds owed pending the receipt of local funds.

(b) No change.

(c) Contract management provisions, to include:

1. The names and contact information for the district and vendor staff responsible for the management of the contract;

2. The time period covered by the contract and provisions for extending and/or renewing the contract;

3. A scope of work that clearly establishes the responsibilities of both parties and includes the district's process for monitoring compliance of the contract;

4. through 8. No change.

(d) No change.

(e) Administrative guidelines and oversight of federal programs, such as Title I, Parts A and D, the Individuals with Disabilities Education Act, and the Strengthening Career and Technical Education for the 21st Century (PerkinsV) Act ~~Carl D. Perkins Career and Technical Education Act of 2006~~, that are in compliance with federal legislation; and,

(f) No change.

Rulemaking Authority 1003.51, 1003.52 FS. Law Implemented 1003.51, 1003.52 FS. History—New 4-16-00, Amended 5-19-08, 12-15-09, 4-1-15.