

STATE BOARD OF EDUCATION

Action Item

February 25, 2015

SUBJECT: Approval of Amendment to Rule 6A-6.05281, Educational Programs for Students in Department of Juvenile Justice Detention, Prevention, Residential, or Day Treatment Programs

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1003.51, Florida Statutes

EXECUTIVE SUMMARY

This rule is being revised to conform to statutory changes enacted by the 2014 Florida Legislature. The rule addresses instructional programs and academic expectations, student services, student assessment, and transition services in the provision of education to students in these programs. Additionally, the revisions will align the rule with Florida Statutes, including the addition of prevention programs to the title as Department of Juvenile Justice education programs are composed of detention, prevention, residential and day treatment programs.

Supporting Documentation Included: Proposed Rule 6A-6.05281, Educational Programs for Students in Department of Juvenile Justice Detention, Prevention, Residential, or Day Treatment Programs

Facilitator/Presenter: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

Rule 6A-6.05281 is substantially rewritten to read (see Florida Administrative Code for present text):

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

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

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

(a) "Program district" means the Florida school district in which the DJJ program in which a student has been placed is located;

(b) "Post-release district" means the Florida school district in which a student is or will be enrolled immediately following the student's release from a DJJ program.

(2) Student Services.

(a) Students who do not attend a local public school due to their placement in a DJJ detention, prevention, residential, or day treatment program shall be provided high-quality and effective educational programs by the local school district in which the DJJ facility is located or by an education provider through a contract with the local school district.

(b) If any student in these DJJ facilities has filed an intent to terminate school enrollment, the program district shall notify the student of the option of enrolling in a program to attain the equivalency high school diplomas authorized by s. 1003.435, F.S

(c) Exceptional Student Education (ESE). All students placed in a DJJ program who meet the eligibility criteria for ESE services or who require accommodations due to a disability shall be provided a free appropriate public education consistent with the requirements of s. 1003.57, F.S.

(d) English Language Learners. All students designated as English language learners who are placed in a DJJ program shall have equal access to entitled services, including assessment and appropriate instructional strategies consistent with the requirements of s. 1003.56, F.S.

(3) Student Records.

(a) Content. Each program district shall maintain educational records for students in DJJ programs in accordance with s. 1003.25, F.S., and Rule 6A-1.0955, F.A.C., and s. 1003.51, F.S. Pursuant to s. 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) Access to District System. In accordance with s. 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.

(c) Transfer of Educational Records. Each school district shall transfer records of students entering or exiting

DJJ programs as provided in Rules 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.

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

(4) Student Assessment.

(a) To ensure high-quality and effective educational programs for students in DJJ detention, prevention, residential, or day treatment programs, the school district shall provide for the review of each student's educational records and conduct assessments, consistent with the requirements of this subsection, in order to identify the students' individual needs, provide appropriate educational programs, and report the learning gains of the student.

(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 assessment shall include:

1. Academic measures that provide proficiency levels in:

a. English language arts.

b. Mathematics.

2. Career 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 s. 1003.51, F.S., students placed in a detention center shall be 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) 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 ss. 1008.22, 1008.25, 1008.30, 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 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 transition plan must include:

1. Services and interventions that are based on the student's assessed educational needs and post-release

education plans.

2. Services to be provided during the program stay and services to be implemented upon release, including, but not limited to, continuing education in secondary school, Career and Professional Education (CAPE) programs, postsecondary education, or career opportunities.

3. The recommended educational placement for the student post-release from a juvenile justice program must be based on individual needs and performance in the juvenile justice programs.

4. Specific monitoring responsibilities by individuals who are responsible for the reintegration and coordination of the provision of support services.

(c) An individual progress monitoring plan shall be developed 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. Specific, individualized academic and career objectives;

2. Remedial strategies, as needed;

3. Progress monitoring evaluation procedures; and,

4. An implementation schedule for determining progress toward meeting the goals of academic and career objectives, including specific monitoring responsibilities. An ESE student's progress monitoring plan must be consistent with the student's individual educational plan (IEP).

(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 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 commitment or day treatment program: The DJJ educational program staff shall forward an exit portfolio to the student's post-release district. The exit portfolio shall include, at a minimum:

1. Transition plan;

2. Results of district and statewide assessments;

3. Progress monitoring plan;

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

5. Cumulative transcript;

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

7. Any industry certifications earned;

8. Common assessment results; and

9. High school equivalency results, if applicable.

(6) Instructional Program and Academic Expectations.

(a) School Day and Year. The instructional program shall consist of instructional school days pursuant to s. 1003.01(11), F.S.

(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 ss.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 Standards 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 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 s. 1003.52(3)(a), F.S., school districts shall provide the performance-based exit option for all juvenile justice education programs. 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 ss. 1002.37, 1002.45, and 1003.498, F.S., as required in ss. 1003.51(2)(h)6. and 1003.52(4), F.S.

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

(a) The school district shall ensure that only qualified instructional staff members, consistent with the requirements of the Florida Course Code Directory and Instructional Personnel Assignments as adopted in Rules 6A-1.09441, 6A-1.0502, and 6A-1.0503, F.A.C. are employed to provide instruction to students in DJJ programs.

(b) School districts shall establish procedures for the use of noncertified instructional personnel who possess expert knowledge or experience in their fields of instruction consistent with the requirement of Rule 6A-1.0502, F.A.C.

(c) School districts shall establish procedures to ensure that instructors 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 s. 1008.44, F.S.

(d) As required by s.1003.52(11), F.S., school districts shall recruit and train teachers who are interested, qualified, 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 shall be taken once per class period or during each course reported for FTE purposes.

2. Time students spend participating in school activities, such as field trips, performances, or receiving school-based services such as counseling, may be counted as direct instructional time.

3. Certain interruptions to the education program, over which the teacher and student have no control, do not have to be deducted from the direct instructional time reported for FTE. These include:

a. Disaster drills;

b. Lockdowns of the classroom or program for security purposes;

c. Bomb scares;

d. Court hearings; and

e. Meetings students have with law enforcement personnel during school hours.

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 ss. 1003.51 and 1010.20, F.S., at least ninety (90) percent of the FEFP funds generated by students in DJJ programs must be spent on instructional costs for these students and one hundred (100) percent of the formula-based categorical funds generated by these students must be spent on appropriate categoricals, such as instructional materials and public school technology, for these students.

(c) Compliance with the expenditure requirement in s. 1010.20, F.S., for programs provided directly by local school boards shall be verified by the Department of Education through the review of the district's cost report as required by s. 1010.20, F.S. If school districts enter into contracts with contracted providers for these educational programs, an accounting of the expenditures, as specified in ss.1003.51(2)(i) and 1010.20, F.S., shall be required by the local school board.

(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 services directly or may enter into a contract with a contracted provider to provide educational services to students in DJJ programs. Such contracts shall include the following:

(a) Payment structure and amounts, including:

1. The method of computation for the contracted amount, including the components for the FEFP and other funding sources.

2. The schedule by which payments will be made to the vendor.

(b) Access to district services, including the following:

1. In accordance with s. 1001.31, F.S., school districts shall provide instructional personnel at juvenile justice facilities with access to the district school system database for students' academic, immunization, and registration records.

2. In accordance with ss. 1003.51 and 1003.52, F.S., school districts shall provide juvenile justice programs access to appropriate courses, instruction, and resources, including:

a. Virtual courses pursuant to ss. 1002.37, 1002.45, and 1003.498, F.S.;

b. Basic, CAPE, exceptional student programs, and high school equivalency examination preparation;

c. Textbooks, technology, and instructional support commensurate to resources provided to other students in public schools within the district the program is located; and

d. Transition services that include monitoring provisions as referenced in subsection (5) of this rule.

(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;

4. Quantifiable, measurable, and verifiable units of deliverables that must be received and accepted in writing by the contract manager before payment;

5. The consequences of failure to perform the specified responsibilities by either party;

6. The procedures that will be used by the district to monitor the implementation of the contract;

7. The procedures that will be used to amend the contract; and

8. Circumstances under which the contract may be terminated by either party.

(d) Data maintenance and reporting requirements necessary to enable the program district to meet its data maintenance and reporting obligations pursuant to paragraph (3)(a) of this rule. Such provisions shall include mechanisms for data quality control, such as deadlines for data submission by the contracted provider, submission of error reports by the district to the contracted provider, and a process for data review and correction by the contract provider. In addition, the provisions shall include requirements to maintain the confidentiality of personally identifiable education records;

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

(f) The requirement that all educational services comply with this rule.

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,