

Juvenile Justice Education Service Enhancement Annual Cooperative Agreement and Plan

2012-2013

This Cooperative Agreement and Plan (Agreement) is executed pursuant to the requirement in Section 1003.52(1), Florida Statutes (Educational services in Department of Juvenile Justice programs), that an annual cooperative agreement and plan for juvenile justice education service enhancement be developed between the Department of Juvenile Justice and the Department of Education and submitted to the Secretary of Juvenile Justice and the Commissioner of Education.

I. Purpose

The purpose of the Agreement, including the addendum outlining statutory and regulatory provisions, is to provide an organizational structure and processes for interagency communication and collaboration essential to the effective and efficient delivery of educational services to youth served in juvenile justice education programs in compliance with all applicable provisions of state statute and rule.

II. Organizational Structure and Processes

A. Coordinators for Juvenile Justice Education Programs

The following individuals are designated to serve as coordinators for juvenile justice education programs on behalf of their respective departments:

- Bureau Chief, Bureau of Exceptional Education and Student Services, Florida Department of Education, or designee
- Director of Education, Florida Department of Juvenile Justice, or designee
- The individuals in these positions shall serve as the point of contact for resolving issues not addressed by local district school boards and shall ensure each department's participation in
 - training, collaborating, and coordinating with the respective departments, local school districts, educational contract providers, and juvenile justice providers, whether state operated or contracted
 - collecting information on the academic performance of students in juvenile justice commitment and day treatment programs and reporting on the results

- developing academic and vocational protocols that provide guidance to school districts and providers in all aspects of education programming, including records transfer and transition
- ensuring timely notification to local school boards of the siting of new facilities and the awarding of new contracts, as well as closure of existing programs and intent to move existing programs.
- prescribing the roles of program personnel and interdepartmental local school district or provider collaboration strategies. Section 1003.52(1), Florida Statutes.

B. Juvenile Justice Education Interagency Workgroup

The Secretary of Juvenile Justice and the Commissioner of Education shall each designate as representatives to an Interagency Workgroup, staff who have responsibility for programs, services, or functions related to the development, implementation, monitoring, evaluation, and/or reporting of juvenile justice education programs, including policy coordination and fiscal support.

The Coordinators identified in Section II. A., or their designees, shall serve as co-chairs of the workgroup. The workgroup shall meet as often as necessary but no less frequently than each calendar quarter. Additional resource persons may be invited at the request of the co-chairs.

Workgroup responsibilities shall include, but are not limited to, the following:

- ongoing review of juvenile justice education programs to ensure compliance with applicable statutes, rules, and to evaluate their effectiveness
- coordination of activities as prescribed in Section 1003.52(1)(a)-(d), Florida Statutes
- coordination of activities necessary to the implementation of the “Recommendations for System Improvement” contained in the Annual Report, *Developing Effective Education in Department of Juvenile Justice and Other Dropout Prevention Programs: Year 2010-2011*, Florida Department of Education
- development and submission of the Annual Report within established timelines
- coordination and annual review of the Multiagency Plan for Career Education in accordance with Section 1003.52(22), Florida Statutes


- coordination of all activities necessary to maximize information and data sharing, in accordance with applicable state and federal statutes and rules, for purposes of service delivery and coordination, research, program improvement, program evaluation and reporting, and public information
- ongoing identification of issues affecting juvenile justice education and development of issue resolution strategies
- regular communication with the Commissioner and the Secretary regarding workgroup outcomes, proposed initiatives, program and resource needs, and recommended policy changes to support improved juvenile justice education programs.

The Cooperative Agreement and Plan shall be reviewed, updated, and submitted annually by June 30 to the Secretary of the Department of Juvenile Justice and the Commissioner of Education.

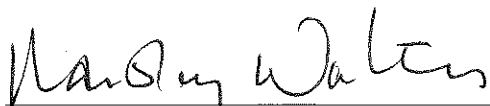
III. Modification

Attached and incorporated to this Agreement are Addendums I and II. Any proposed amendments or modifications shall be submitted in writing by either party at least thirty (30) days prior to formal discussion or negotiation on the issue. Any amendments shall become effective only if agreed to in writing observing all the formalities of this Agreement. The agreement can be terminated by either party with thirty days notice.

Approved:



Gerard Robinson, Commissioner
Florida Department of Education



Wansley Walters, Secretary
Florida Department of Juvenile Justice

Date 8/17/12

Date 8/21/12

Addendum 1

Statutory and Regulatory Provisions

This Agreement was developed to implement the following:

A. Juvenile Justice Education Programs

1. Legislative findings indicate that education is the single most important factor in the rehabilitation of adjudicated delinquent youth in juvenile justice detention or commitment facilities, and it is their goal that youth in the juvenile justice system continue to receive a high-quality education. (Section 1003.52(1), Florida Statutes)
2. Statutory program requirements including, but not limited to, the following and others cited in this document:
 - a. Students participating in a detention, commitment, or rehabilitation program pursuant to Chapter 985, Florida Statutes, which is sponsored by a community-based agency or is operated or contracted by the Department of Juvenile Justice shall receive educational programs according to rules of the State Board of Education. These students shall be eligible for services afforded to students enrolled in dropout prevention and academic intervention programs pursuant to Section 1003.53, Florida Statutes, and all corresponding State Board of Education Rules. (Section 1003.52(2), Florida Statutes)
 - b. The district school board of the county in which the residential or nonresidential care facility or juvenile assessment facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, and shall make provisions for each student to participate in basic, career education, and exceptional student programs as appropriate; such programs shall be conducted according to applicable law providing for the operation of public schools and rules of the state board. (Section 1003.52(3), Florida Statutes)
 - c. School districts may contract with a private provider for the provision of educational programs to youth placed with the Department of Juvenile Justice and shall generate local, state, and federal funding, including funding through the Florida Education Finance Program for such students. (Section 1003.52(11), Florida Statutes)
 - d. Each school district with juvenile justice education programs shall negotiate with the Department of Juvenile Justice a cooperative agreement on the delivery of education services to youth under the jurisdiction of that Department which includes all prescribed components. (Section 1003.52(13)(a)-(m), Florida Statutes)

- e. Pursuant to Rule 6A-6.05281(11), Florida Administrative Code, the cooperative agreement between the local school district and the Department of Juvenile Justice shall be submitted to the Department of Education prior to the October FTE Reporting Survey. The timelines and responsibilities, as required by Section 1013.53, Florida Statutes, for the notification by the Department of Juvenile Justice to the local school board of the siting of new facilities and the awarding of a contract for the construction or operation of such a facility shall be included in the agreement.
- f. The Department of Education shall ensure that all school districts make provisions for high school level committed youth to earn credits toward high school graduation while in residential and nonresidential juvenile justice facilities and that provisions are made for the transfer of credits and partial credits earned. (Section 1003.52(9), Florida Statutes)
- g. When additional facilities are required, the district school board and the Department of Juvenile Justice shall agree on the appropriate site based on the instructional needs of the students. When the most appropriate site is on district school board property, a special capital outlay request shall be made by the Commissioner in accordance with Section 1013.60, Florida Statutes. When the most appropriate site is on state property, state capital outlay funds shall be requested by the Department of Juvenile Justice as provided by Section 216.043, Florida Statutes, and shall be submitted as specified by Section 216.023, Florida Statutes. Any instructional facility to be built on state property shall have educational specifications jointly developed by the school district and the Department of Juvenile Justice and approved by the Department of Education. (Section 1003.52(17), Florida Statutes) The Department of Juvenile Justice will notify school districts as soon as possible if having to temporarily relocate students due to an emergency evacuation.
- h. The Department of Juvenile Justice shall provide early notice to school districts regarding the siting of new juvenile justice facilities. School districts shall include the projected number of students in the districts' annual estimates. School districts must be consulted regarding the types of students expected to be assigned to commitment facilities for educational planning and budgeting purposes. The Department of Juvenile Justice shall notify, in writing, the Department of Education when a request for proposals is issued for the construction or operation of a commitment or detention facility anywhere in the state. The Department of Juvenile Justice shall notify, in writing, the appropriate school district when a request for proposals is issued for the construction or operation of a commitment or detention facility when a county or site is specifically identified. The Department of Juvenile Justice shall also notify the district school superintendent within 30 days after the award of a contract for the construction or operation of a commitment or detention facility within that school district, or obtaining a permit to begin construction of a new detention or commitment facility within that school district. (Section 1013.53, Florida Statutes)

- i. The educational program at the Florida School for Boys in Okeechobee (Okeechobee Youth Development Center) shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public or duly accredited education agencies approved by the Department of Education. (Section 1003.52(20), Florida Statutes)
3. The regulatory provisions of Rule 6A-6.05281, Florida Administrative Code, addressing Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, and Day Treatment Programs. These include student eligibility, student records, student assessment, individual academic plans, transition services, instructional program and academic expectations, qualifications and procedures for selection of instructional staff, funding, contracts with private providers, interventions and sanctions, and coordination.

B. Lead Agency

The Department of Education shall serve as the lead agency for juvenile justice education programs, curriculum, support services, and resources. (Section 1003.52(1), Florida Statutes)

C. Educational Accountability

The Department of Education shall, in consultation with the Department of Juvenile Justice, school districts, and providers, establish an educational accountability process for the educational component of residential and nonresidential juvenile justice facilities.

D. Rulemaking Authority

The State Board of Education has the authority to adopt any rules necessary to implement the provisions of Section 1003.52, Florida Statutes, including uniform curriculum and funding. Such rules shall require the minimum amount of paperwork and reporting necessary to comply with the act. (Section 1003.52(21), Florida Statutes)

E. Quality Assurance and Cost-Effectiveness

Pursuant to quality assurance and cost-effectiveness provisions of Section 985.632, Florida Statutes, the Department of Juvenile Justice shall ensure that information on juvenile justice programs is provided to decision makers in a timely manner so that resources are allocated to programs which achieve desired performance levels; provide information about the cost of such programs and their differential effectiveness so that the quality of such programs can be compared and improvements made continually; provide information to aid in developing related policy issues and concerns; provide information to the public about the effectiveness of such programs in meeting established

goals and objectives; provide a basis for a system of accountability so that each client is afforded the best programs to meet his or her needs; improve service delivery to clients; and modify or eliminate activities that are not effective.

The Department of Juvenile Justice shall annually collect and report cost data for every program operated or contracted by the Department. The cost data shall conform to a format approved by the Department and the Legislature. Uniform cost data shall be reported and collected for state-operated and contract programs so that comparisons can be made among programs. The Department shall ensure that there is 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 shall be reported and included in the cost of a program. The Department shall submit an annual cost report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature, and the Governor, no later than December 1 of each year. Cost-benefit analysis for educational programs will be developed and implemented in collaboration with and in cooperation with the Department of Education, local providers, and local school districts. Cost data for the report shall include data collected by the Department of Education for the purposes of preparing the annual report required by Section 1003.52(19) and 985.632(3), Florida Statutes.

The Department of Juvenile Justice, in consultation with the Office of Economic and Demographic Research, and contract service providers, shall develop a cost-effectiveness model with prescribed components and apply the model to each commitment program; shall rank commitment programs based on the model and submit a report to the appropriate substantive and fiscal committees of each house of the Legislature by December 31 of each year; and, based on reports on client outcomes and program outputs and on the most recent cost-effectiveness rankings, may terminate a program which has failed to achieve a minimum threshold of program effectiveness. The Department shall construct a profile of each commitment program that uses the results of the quality assurance report required by Section 985.632, Florida Statutes, the cost-effectiveness report, and other reports available to the Department; target, for a more comprehensive evaluation, any commitment program that has achieved consistently high, low, or disparate ratings in the required reports; identify the essential factors that contribute to the high, low, or disparate ratings; and use the results of these evaluations in developing or refining juvenile justice programs or program models, client outcomes and program outputs, provider contracts, quality assurance standards, and the cost-effectiveness model. (Section 985.632(4), Florida Statutes)

F. Annual Report

The Department of Education and the Department of Juvenile Justice, after consultation with and assistance from local providers and local school districts, shall report annually to the Legislature by February 1 on the progress toward developing effective educational programs for juvenile

delinquents, including all prescribed information requirements. (Section 1003.52(19), Florida Statutes) The current report is published as *Developing Effective Education in Department of Juvenile Justice and Other Dropout Prevention Programs: Year 2010-2011*, Florida Department of Education.

G. Multiagency Plan for Career Education

The Department of Juvenile Justice and the Department of Education shall jointly develop a multiagency plan for career education which will be reviewed annually as required by Sections 1003.52(22) and 985.622, Florida Statutes. The current plan is published as *Multiagency State Plan: Career Education for Youth in Department of Juvenile Justice Educational Facilities*, Florida Department of Education and Florida Department of Juvenile Justice, April 2007.

The Department of Juvenile Justice and the Department of Education shall each align its respective agency policies, practices, technical manuals, contracts, performance-based budgeting measures, and outcome measures with the plan in commitment facilities.

All provider contracts executed by the Department of Juvenile Justice or the school districts after January 1, 2002, must be aligned with the plan. (Section 985.622(6), Florida Statutes)

Outcome measures reported by the Department of Juvenile Justice and the Department of Education for youth released on or after January 1, 2002, should include outcome measures that conform to the plan. (Section 985.622(8), Florida Statutes).

H. Financial Responsibility Determinations

Under Section 612(a)(12)(A) of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) the State of Florida must ensure that there is no delay in implementing a child's individual educational plan (IEP), including any case in which the payment source for providing or paying for special education and related services to the child is being determined. Therefore, in order to ensure that all services that are needed to ensure free appropriate public education (FAPE) are provided in a timely manner, including the provision of these services during the pendency of any dispute, this agreement includes the following:

1. Each local education agency (LEA) shall be primarily responsible for provision of services to ensure FAPE to children and youth with disabilities as outlined in sections 1003.51 and 1003.52, Florida Statute.
2. In cases where the LEA is unable to provide services to ensure FAPE due to insufficient funds as a result of untimely notice of a "new to the LEA" facility siting as required under 1003.52(18), the Department of Juvenile Justice in collaboration with the Department of Education and the LEA will devise a plan for monetary

reimbursement of the LEA.

3. The parties to this agreement resolve to address interagency disputes in a timely manner. Any complaint or grievance shall be in writing and identify the conflict and proposed action to be taken and by whom. The staff from the receiving agency shall provide a written response, which includes proposed solutions to the dispute, within forty-five (45) days of receipt of notice of the conflict. Should additional action be required, a report from both agencies will be submitted to the appropriate parties who signed the agreement representing their agency. Should further action be required to resolve a conflict, the state agency heads will proceed with any remedies available to them by law. Until final resolution of a dispute, each of the parties to this agreement shall respect the policies and procedures of one another. In the case of disputes regarding financial obligations, during the pendency of any disputes the public agency, as defined in 1003.52(3), responsible for educating the disabled child or youth must ensure that the child receives all required services at no cost to the parents.

Addendum 2

INTERAGENCY INFORMATION SHARING AGREEMENT

BETWEEN

THE FLORIDA DEPARTMENT OF JUVENILE JUSTICE

AND

THE FLORIDA DEPARTMENT OF EDUCATION

In order to allow for the mutual sharing of data to promote enhanced research, evaluation, and decision support, the Florida Department of Juvenile Justice and the Florida Department of Education have developed a common agreement to establish data sharing guidelines between the two agencies.

The purpose of this agreement is to facilitate the exchange of data for the purposes of interagency research and evaluation efforts while ensuring the privacy and security of confidential records from either agency.

Security, Public Access, and Dissemination

The Florida Department of Juvenile Justice and the Florida Department of Education mutually agree to share data resources according to the following conditions:

1. The parties acknowledge their separate obligation to perform this agreement in compliance with the requirements of Florida Statutes, including the Public Records Law, Chapter 119, Florida Statutes; statutes related to delinquency records, Section 985.04 *et seq.*, Florida Statutes; with other applicable Florida Statutes that constitute express exceptions to the requirements of Section 119.07(1), Florida Statutes, and with the requirements of the Federal Family Educational Rights and Privacy Act (20 USC 1232g) by making certain categories of records confidential, exempt from disclosure, or accessible as prescribed by statute.
2. The parties agree, consistent with the Public Records Law, to refer third parties requesting data to the originating agency of the data for the purposes of ensuring the most complete, accurate, and timely delivery of information to the requesting party.
3. The parties agree that exchanges of data to be processed or analyzed by providers under contract with the other agency will be permitted solely for the purposes of research, evaluation, or data processing services in fulfillment of the contract. Such data exchanges will take place through authorized agents of the respective departments. Contracted providers must agree to be bound by this agreement as well as the data privacy and security agreements of the respective agency that holds the contract.

4. The parties agree to work cooperatively toward research data development and agree to share those data as authorized by and between the two agencies upon written request. The parties acknowledge that the data exchanged between agencies has been provided for official purposes and that access and use of the data will be restricted to the purposes stated in the request. The parties will share information from Survey 5 that is part of the Florida Department of Education's student information database and data directly reported by Florida Department of Juvenile Justice programs to the Florida Department of Juvenile Justice's Education Office.
5. The parties agree to disseminate data only in compliance with confidentiality restrictions and in recognition of the exemptions from disclosure provided by law. The parties shall not disclose personal student identifying information to each other pursuant to this agreement, and will publish data pursuant to this agreement only in aggregate form.

The State of Florida will benefit from this agreement by obtaining extensive information on juvenile offenders in the delinquency and educational systems and the impact of educational and other interventions on achievement and future offending. This will provide a sound analytic basis to ensure that funds spent on education and delinquency are targeted and delivered in the most cost-effective manner possible. In addition, it is expected that these cooperative efforts will stimulate new ideas and interagency collaborations that will lead to improvements in the current transactional systems. This new understanding between the Florida Department of Education and the Department of Juvenile Justice shall be in the interests of both parties and the citizens of the State of Florida.