

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

(a) “DJJ’s Florida Scholars Academy” means the entity established by the Department of Juvenile Justice under Section 985.619, F.S., to deliver educational opportunities to students served in DJJ residential commitment programs.

(b) “Program district” means the Florida school district in which the DJJ ~~detention, prevention or day treatment~~ program ~~in which a student has been placed~~ is located;

(c) ~~(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) Students who do not attend a local public school due to their placement in a DJJ residential commitment program shall be provided high-quality and effective educational programs by the DJJ’s Florida Scholars Academy.

(c) ~~(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 Section 1003.435, F.S

(d) ~~(e)~~ 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 Section 1003.57, F.S.

(e) Section 504 of the Rehabilitation Act (Section 504). All students placed in a DJJ program who meet the eligibility criteria and require accommodations due to a disability must be provided a Section 504 plan consistent with the requirements of Section 1000.05, F.S., and Chapter 6A-19, F.A.C.

~~(f)~~ (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 Section 1003.56, F.S.

~~(g)~~ Staff training. The program district and DJJ's Florida Scholars Academy must develop a plan to ensure that staff who are assigned students during instructional time, or who provide care and custody to students during instructional time, receive training in student services described in subsection (2) of this rule.

(3) Student Records.

(a) Content. Each program district and the DJJ's Florida Scholars Academy shall maintain educational records for students in DJJ programs in accordance with Sections 1002.22, 1003.25 and 1003.51, F.S., and Rule 6A-1.0955, F.A.C. Pursuant to Section 1008.385, F.S., the program district and the DJJ's Florida Scholars Academy shall comply with the requirements for the Comprehensive Management Information System established in Rule 6A-1.0014, F.A.C. The program district shall comply with, ~~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 and the DJJ's Florida Scholars Academy shall:

1. through 2. No change.

(c) Access to Student Information District System. In accordance with Sections 1001.31 and 1003.51(2), F.S., each program district ~~shall~~, pursuant to cooperative agreement, and DJJ's Florida Scholars Academy, shall 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) Transfer of Educational Records. Each school district and DJJ's Florida Scholars Academy shall transfer records of students entering or exiting DJJ programs as provided in Section 1003.51(4)(b), F.S., and in subsections 6A-1.0955(9) (8) and 6A-1.0014(2), F.A.C. Each school district and DJJ's Florida Scholars Academy shall provide students' educational records no later than three (3) working five(5) school days after the receipt of the request for records from the new school, ~~or district or DJJ's Florida Scholars Academy.~~

(e) No change.

(4) Student Assessment.

(a) To ensure high-quality and effective educational programs for students in DJJ detention, prevention, residential commitment, or day treatment programs, the program school district and the DJJ's Florida Scholars Academy 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 commitment, or day treatment programs who have not graduated from school or filed a notice of intent to terminate school enrollment ~~must~~ shall be administered an appropriate academic and career assessment selected by the program district school board or the DJJ's Florida Scholars Academy board of trustees ~~assessed within ten (10) school days of the student's initial placement into a program.~~ The assessments must be administered at the time of program entry and exit for the purpose of developing goals for education transition plans, progress monitoring plans, individual educational plans, as applicable, and federal reporting, as applicable. ~~shall include:~~

- ~~1. The department selected common assessment measuring English language arts and Mathematics; and~~
- ~~2. Career assessments.~~

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

~~(c)(d)~~ In accordance with Section 1003.51, F.S., students placed in a detention center shall be assessed 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.

~~(d)(e)~~ All students in DJJ detention, prevention, residential commitment, 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, F.S.

(5) Education Transition Plans and Progress Monitoring Plans for Residential Commitment, Prevention and Day Treatment Programs ~~Transition Services and Progress Monitoring Plan.~~

(a) Education Transition Plans. For each student in DJJ prevention, residential commitment, 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; personnel from the post-release district; a certified school counselor ~~or from the program school district or program personnel who are responsible for providing guidance services~~ under the supervision of the program school district's or the DJJ's Florida Scholars Academy's school guidance counselor; a registrar or a designee of the program district ~~or the DJJ's Florida Scholars Academy~~ who has access to the district's or the DJJ's Florida Scholars Academy's Management Information System; and reentry personnel.

(b) The initial education transition plan must include:

1. No change.
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 technical education ~~Career and Professional Education (CAPE) programs~~, postsecondary education, or career opportunities.
3. through 4. No change.

(c) Progress Monitoring Plan for Residential Commitment, Prevention and Day Treatment Programs. An individual progress monitoring plan shall be developed no more than thirty (30) calendar days after a student's entry into a DJJ prevention, residential commitment, or day treatment program. This plan shall be based upon the student's entry assessments and past educational history. The plan shall include:

1. through 2. No change.
3. Progress monitoring evaluation procedures; and,
4. No change.

(d) No change.

(e) Exit Portfolio for Residential Commitment, Prevention and Day Treatment Programs. Upon the student's exit from a residential commitment, prevention or day treatment program: The DJJ educational program staff shall provide an exit portfolio to the student's post-release district at least three (3) schools days prior to exit. The exit portfolio shall include, at a minimum:

1. through 3. No change.
4. Section 504 plan, English language learner plan, behavioral intervention plan (BIP) and IEP, if applicable;

5. through 6. No change.

7. Any industry certifications earned; and

~~8. Common assessment results; and,~~

~~8.9. High school equivalency results, if applicable.~~

(f) Education Transition Plan for Detention Programs. 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. through 3. No change.

(g) Exit Portfolio for Detention Programs. 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 commitment program for students in detention for more than twenty-two (22) consecutive school days at least three (3) days prior to exit. The exit portfolio shall include, at a minimum:

1. through 3. No change.

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

5. through 7. No change.

(6) Instructional Program and Academic Expectations.

(a) School Day and Year. The program district's instructional program shall consist of 250 instructional school days pursuant to section 1003.01(14)(a) ~~(11)~~, F.S., and Rule 6A-1.045111, F.A.C.

(b) Requirements. DJJ detention centers, prevention, day treatment, and residential commitment 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, 1003.52, 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 state academic standards ~~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 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., ~~program school~~ districts shall provide the performance-based exit option for DJJ detention, prevention and day treatment ~~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 direct instruction, blended learning under Section 1011.61(1), F.S., or district virtual instruction programs, virtual charter schools, Florida Virtual School, virtual course offerings, district franchises of Florida Virtual School pursuant to Sections 1002.33, 1002.37, 1002.45, 1002.455, 1003.498, and 1011.62(1), F.S., credit recovery course procedures, and 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) No change.

(d) Instructional materials ~~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 or the DJJ's Florida Scholars Academy board of trustees 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) The ~~program school~~ district or the DJJ's Florida Scholars Academy 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) ~~Program School~~ districts or the DJJ's Florida Scholars Academy 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) ~~Program School~~ districts or the DJJ's Florida Scholars Academy shall establish procedures to ensure that instructors teaching courses leading to the attainment of industry certifications meet the requirements of Rule 6A-1.0503, F.A.C., and hold an industry certification identified on the Master Credentials List as adopted in Rule 6A-6.0576, F.A.C. 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., ~~program school~~ districts and the DJJ's Florida Scholars Academy shall recruit and train teachers who are ~~interested, qualified, or 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 detention, prevention and day treatment educational programs.

(8) Accountability and Reporting.

(a) The Department will issue an alternative school improvement rating for day treatment and prevention programs pursuant to Section 1008.341, F.S.

(b) Beginning with the 2024-25 school year, the DJJ's Florida Scholars Academy must report to the Department of Education annually by September 1 the accountability rating for residential commitment programs.

(c) The program district and DJJ's Florida Scholars Academy must comply with the federal Elementary and Secondary Education Act (ESEA) and Florida's approved plan, as amended by the Every Student Succeeds Act (ESSA).

(d) The program district and DJJ's Florida Scholars Academy must comply with monitoring and documentation requests made by the Department of Education for Title I, Parts A and D, Title IV, Individuals with Disabilities Act (IDEA), Section 504 and the Strengthening Career and Technical Education for the 21st Century Act (Perkins V).

(9) ~~(8)~~ Funding for Program Districts.

(a) To implement the FTE funding for students in DJJ detention, prevention and day treatment programs based on direct instructional time:

1. through 4. No change.

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

(c) No change.

(10) (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 detention, prevention and day treatment programs that the DJJ reviews. 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) No change.

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

1. In accordance with Section 1001.31, F.S., program school ~~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 Sections 1003.51 and 1003.52, F.S., program school ~~school~~ districts shall provide juvenile justice programs access to appropriate courses, instruction, and resources, including:

a. No change.

b. Basic, career and technical education ~~CAPE~~, exceptional student programs, and high school equivalency examination preparation;

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

d. No change.

(c) Contract management provisions for detention, prevention and day treatment programs, to include:

1. through 8. No change.

(d) No change.

(e) Accountability requirements and corrective action plans, if needed;

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

(g) The requirement that the provider comply with monitoring and documentation requests for IDEA and Section 504; and

(h) (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, 4-1-15, 5-3-22.