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 education programs pursuant to sections 1003.51 and 1003.52, Florida Statutes, by delineating the responsibilities of the Department of Juvenile Justice education program, school district, Department of Education (Department), and Department of Juvenile Justice; setting timelines for the process, as well as consequences for continued low performance; and establishing intervention and support strategies, including the submission of corrective action plans.

(2) Definitions. For the purposes of this rule, the following definitions, listed alphabetically, shall be used:

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

(b) “Department of Juvenile Justice education program accountability rating” or “accountability rating” means the rating of “Commendable,” “Acceptable,” or “Unsatisfactory” resulting from the accountability system, pursuant to Rule 6A-1.099812, Florida Administrative Code, that is used to evaluate the delivery of educational services within a juvenile justice program.

(c) “Department of Juvenile Justice education program evaluation” or “DJJ education program evaluation” means the process by which the Department of Juvenile Justice uses systematic inquiry to review compliance with statutory requirements and the effectiveness of a DJJ education program in addressing the academic, behavioral, and social-emotional needs of students in pursuit of individual, long-term academic and career goals.

(d) “Education program provider” means a school district or private provider contracted by the school district in which a juvenile justice program is located to provide educational services to students placed with the Department of Juvenile Justice in prevention, day treatment, or residential programs.
(e) “School advisory council” or “SAC” means the sole body, pursuant to section 1001.452, Florida Statutes, responsible for final decision making relating to implementation of school improvement.

(f) “School district” means a public authority legally constituted by the state as an administrative agency to provide control of, and direction for, kindergarten through grade 12 public education institutions.

(g) “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.

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

(3) Identification of Low-Performing DJJ Education Programs. Annually, low-performing DJJ education programs shall be identified based upon their most recently released accountability rating. Beginning in 2020-2021, a program shall be identified as low performing when it receives an accountability rating of “Unsatisfactory.” Following the release of accountability ratings:

(a) Within fourteen (14) calendar days of the release of accountability ratings, the Department shall notify a school district of any DJJ education programs identified as “Unsatisfactory.” Additionally, the notification will include the DJJ education program improvement process and timeline.

(b) A school district will have thirty (30) days to appeal the rating, pursuant to Rule 6A-1.099812, Florida Administrative Code.

(c) The school district will be notified of the onsite DJJ education program evaluation date at least forty-five (45) calendar days prior to the onsite evaluation.

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

(a) Upon identification of Low-Performing DJJ Education Programs, the school district will have forty-five (45) calendar days to develop a schoolwide improvement plan. The SIP development process shall:
1. Engage stakeholders to gather and review data, identify opportunities for improvement, and determine conditions contributing to the underperformance;

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

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

1. A school district that changes the service delivery model shall enter into a contract with an education program provider, if no such contract currently exists, or terminate its contract with an education program provider and assume control of the educational services.

2. A school district that changes the education program provider shall end its contract with the current provider and reassign the contract to a different provider.

(5) Evaluation of Low-Performing DJJ Education Programs. The Department of Juvenile Justice shall serve as the lead agency for conducting an onsite education program evaluation for each DJJ education program identified as “Unsatisfactory” and will provide an educational program evaluation report to the Department and the school district within thirty (30) calendar days of conducting the onsite evaluation. The report may include recommendations and observations and shall identify areas of noncompliance with ss. 1003.51 and 1003.52, F.S., and Rule 6A-6.05281, F.A.C., required actions, and a timeline to address the deficiencies and underperforming areas within 6 months of the onsite evaluation. Other recommendations may be included in the report.

(6) DJJ Schoolwide Improvement Plan Revision. The school district shall receive thirty (30) calendar days from the date of receipt of the education program evaluation report to revise the SIP to address the recommendations and required actions in the report for the improvement of the DJJ education program within the prescribed timelines.

(a) The district must approve the revised SIP prior to the submission to the Department.

(b) The Department, in collaboration with DJJ, shall receive no less than thirty (30) calendar days to review and comment on the revised SIP.
(7) Program Improvement Implementation. Following the receipt of feedback on the SIP that meets the requirements of subparagraphs (4)(b)(1.-2.) of this rule, the school district shall:

(a) Make final revisions, approve, and ensure implementation of the SIP;
(b) Provide ongoing technical assistance;
(c) Conduct, at a minimum, quarterly, on-site monitoring of the DJJ education program to identify and provide follow-up supports needed to ensure fidelity of implementation of the SIP; and
(d) Refine the SIP as necessary in response to changing conditions at the DJJ education program.

(8) Program Improvement Monitoring. The Department of Juvenile Justice shall serve as the lead agency for monitoring school district implementation of the SIP required by subsection (4) of this rule.

(a) DJJ shall conduct monitoring of the prescribed recommendations and required actions within the six-month prescribed timelines dictated in the onsite evaluation report. If the prescribed corrective actions are not remedied:

1. DJJ shall prescribe additional corrective actions to address the deficiencies.
2. The school district shall refine the plan to implement the corrective actions within a timeline prescribed by DJJ.

(b) DJJ shall monitor the program improvement implementation of the schoolwide improvement plan until the subsequent accountability ratings are released.

(9) Program Improvement Evaluation. Following the one-year program improvement monitoring period, the school district’s implementation of the program improvement process shall be evaluated based upon the most recently released accountability rating of DJJ education programs.

(a) If the DJJ education program has a performance rating of “Acceptable” or “Commendable” at the end of the one-year monitoring period, the school district shall be released from the monitoring activities required by subsection (7) of this rule. The DJJ education program shall sustain the activities and strategies outlined in the SIP that contributed to its improvement, refining as necessary.
(b) If the DJJ education program does not have a performance rating of “Acceptable” or “Commendable” at the end of the one-year monitoring period, the school district shall remain in the program improvement process at least one more year and the activities must include the following:

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

2. In addition to the requirements of paragraph (4) of this rule, the school district must develop a plan for targeted oversight. The plan for targeted oversight must be district school board-approved.

3. DJJ shall conduct an onsite education program evaluation paragraph (5) of this rule.

4. The school district must complete activities in paragraphs (6)-(7) and (8)(a)(1.-2.) of this rule.

(c) If the DJJ education program has a performance rating of “Acceptable” or “Commendable” at the end of the two-year monitoring period, the school district shall be released from the monitoring activities required by subsection (7) of this rule. The DJJ education program shall sustain the activities and strategies outlined in the school improvement plan that contributed to its improvement, refining as necessary.

(d) If the DJJ education program does not have a performance rating of “Acceptable” or “Commendable” at the end of the two-year monitoring period, the school district shall remain in the program improvement process for the final year and activities must include the following:

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

2. In addition to the requirements of paragraph (4) of this rule, the school district must develop a plan for intensive oversight. The plan for intensive oversight must be district school board- and state-approved.

3. DJJ shall conduct an onsite education program evaluation.

4. The school district must complete activities in subsections (6)-(7) and subparagraphs (8)(a)(1.-2.) of this rule.
(e) If the DJJ education program has a performance rating of “Acceptable” or “Commendable” at the end of the three-year monitoring period, the school district shall be released from the monitoring activities required by subsection (7) of this rule. The DJJ education program shall sustain the activities and strategies outlined in the school improvement plan that contributed to its improvement, refining as necessary.

(f) 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 has failed to comply with the DJJ Education Program Accountability, Improvement and Monitoring Process as defined in Rules 6A-1.099812 and 6A-1099813, F.A.C., and is subject to one of the following:

1. The school district must terminate its contract with the education program provider and reassign the contract to a different provider or assume control of the educational services; or

2. If the school district is the educational services provider, the school district must enter into a contract with a contracted education provider, another school district or external operator.

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

(11) A school district will be excluded from the school improvement process if the DJJ program closes prior to release of the accountability ratings.

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

History–New