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TAP NUMBER: FY 2003-1 MEMORANDUM

To: School District Superintendents

From: Kathy Mizereck

Date: September 16, 2002

**Subject: COOPERATIVE AGREEMENTS AND CONTRACTS
FOR EDUCATIONAL PROGRAMS IN DEPARTMENT
OF JUVENILE JUSTICE FACILITIES**

CHARLIE CRIST

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Section 230.23161(14), Florida Statutes (F.S.), requires each school district to negotiate a cooperative agreement with the Department of Juvenile Justice (DJJ) regarding the delivery of educational programs to students under the jurisdiction of DJJ. Section 230.23161(12), F.S., also authorizes and encourages school districts to contract with private providers for the provision of educational programs to youth placed with DJJ. Rule 6A-6.05281(9)(c) and (11), Florida Administrative Code (FAC), requires school districts to submit contracts and cooperative agreements to the Department of Education (DOE) prior to the October FTE Reporting Survey for review to verify compliance.

DOE completed the 2001 review of these cooperative agreements and contracts, notified each district regarding receipt of the agreement and contract, and identified issues and concerns arising from review of the documents.

At that time, DOE staff recommended that each district strengthen the provisions identified as areas of concern through this review during the next opportunity to renegotiate the cooperative agreement and education service contracts with private providers. This process is intended to strengthen the methods by which the school district delivers educational programs to youth under the jurisdiction of DJJ.

During the review process, DOE staff identified some confusion related to the names of the various legal documents. Several districts named all of their documents "cooperative agreements," including the documents relating to the contract for educational programs with a private provider. Also, there appeared to be some confusion regarding appropriate use of interagency agreements and cooperative agreements with DJJ. Please find below specific information regarding cooperative agreements.

Cooperative Agreement: Section 230.23161(14), F.S., requires each school district to negotiate a cooperative agreement with DJJ regarding the delivery of educational programs to youth under the jurisdiction of DJJ. Districts may wish to develop one cooperative agreement with DJJ that addresses multiple juvenile justice sites or develop separate cooperative agreements for each individual site.

During the review of the cooperative agreements, DOE staff determined the following elements were often not appropriately addressed:

- allocation of resources, including the maximization of local, state, and federal funding
- documentation of student credit and transfer of student records
- provisions for ensuring safety of education personnel and support for the agreed-upon educational program
- accurate statutory and rule references, specifically to section 230.23161, F.S.
- assurance of annual review of cooperative agreement
- provision indicating timeline for notification of districts regarding new DJJ sites
- provision regarding program's need to have communication with district vocational directors.

Florida law requires that cooperative agreements must be developed between school districts and DJJ. Whether a district submits one agreement that addresses multiple sites or individual cooperative agreements for each juvenile justice site, the agreements **must** include all appropriate statutory and rule provisions and be signed by an **authorized DJJ agent**. Department of Juvenile Justice Secretary Bill Bankhead has authorized the DJJ Residential and Correctional Facility Regional Directors to sign the cooperative agreements between DJJ and school districts. Contact information can be accessed at <http://www.djj.state.fl.us>. These cooperative agreements must be submitted to DOE by the October FTE week.

Education Service Contract: Section 230.23161(12), F.S., authorizes and strongly encourages school districts to contract with a private provider for the provision of educational programs to youth placed with DJJ.

During the review of the education service contracts, DOE staff determined the following elements were often not appropriately addressed:

- how and with what instrument students will be assessed, especially students requiring exceptional student education, English for Speakers of Other Languages (ESOL), or 504 services
- development and implementation of appropriate individual academic plans and individual educational plans
- provision addressing pre-contract negotiations that require districts to review and consider the private provider's past performance history and the private provider's contract, if any, with DJJ to ensure that services and resources are coordinated and not duplicated.

These education service contracts must be submitted to DOE before the October FTE Reporting Survey week.

Interagency Agreement: Section 985.04(3)(a), F.S., provides that within each county, the sheriff, chief of police, district school superintendent, and DJJ must enter into an interagency agreement for the purpose of sharing information about juvenile offenders. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel and the conditions under which school records are to be made available to appropriate DJJ personnel. This agreement also requires notification to any classroom teacher of an assignment to the teacher's classroom of a juvenile who has been placed in a probation or commitment program for a felony offense. The agencies entering into such agreement must comply with section 943.0525, F.S., and must maintain the confidentiality of information that is otherwise exempt from section 119.07(1), Florida Statutes.

DOE encourages all districts to include the *no contact* provision that is mandatory pursuant to section 232.265, F.S., within this document. (See Memorandum #01-98 *Implementation of the New Provisions for District Cooperative Agreements and Contracts with the Department of Juvenile Justice.*) If a district chooses to use this document as the cooperative agreement with DJJ, all appropriate provisions required by section 230.23161(14), F.S., and all other applicable statutes must be addressed. In this case, the Interagency Agreement must be sent to DOE annually to be reviewed by the October FTE week.

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Facility Operating Agreement: If the school district provides the educational programs at a DJJ facility, it may be useful to develop a facility operating agreement to hold all parties accountable for their roles and responsibilities, such as security of staff, classroom space, and maintenance of educational facilities. If the agreement is used in this manner, it is **not** required to be submitted to DOE.

Many districts use the order and content of the authorizing statutes and State Board of Education rules to develop comprehensive cooperative agreements and education service contracts. Contracts, cooperative agreements, and program procedures are complementary working tools that, if used properly, will ensure roles and responsibilities are identified to maintain, strengthen, and enhance existing educational practices and programs. DOE encourages districts to use the opportunity when renewing cooperative agreements and contracts to reflect on the past year's performance of the site. This review should ensure a positive educational environment for youth in the care and custody of DJJ.

Please find enclosed the revised technical assistance paper on *Juvenile Justice Cooperative Agreements and Education Service Contracts*. This document provides school district personnel with information essential to the development of cooperative agreements with DJJ, development of education service contracts, and guidance for contract management. Effective cooperative agreements and education service contracts ensure accountability for proper development, implementation, and evaluation of educational programs at DJJ facilities. DOE considers contract management critical to the provision of quality educational programs in juvenile justice programs and has identified contract management as a priority indicator in the quality assurance review process.

School districts must submit cooperative agreements between the district and DJJ and education service contracts with private providers to DOE prior to the October FTE Reporting Survey. We ask that these documents be submitted by October 1, 2002, to:

Florida Department of Education
Attn: Cameron Dougherty
325 W. Gaines Street
501 Turlington Building
Tallahassee, FL 32399-0400

DOE staff are available to provide technical assistance as you and your staff review and renew these documents for 2002-2003. For your convenience, samples of a cooperative agreement and a contract are enclosed.

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These samples are intended simply to provide overall guidance, and are not to be considered as defining the only provisions a district may negotiate to ensure the highest quality education for its students.

Thank you for your diligence in this matter. If you have questions or need additional information, please contact Mary Jo Butler or Cameron Dougherty via email at maryjo.butler@fldoe.org or cameron.dougherty@fldoe.org or by telephone at (850) 487-3510.

KM:cdr

Enclosures:

Revised Technical Assistance Paper

cc: Assistant Superintendents for Instruction
District Dropout Prevention Coordinators
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Juvenile Justice District Coordinators
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