

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1515 Education for Student Inmates
SPONSOR(S): Criminal Justice & Public Safety Subcommittee, Clemons
TIED BILLS: **IDEN./SIM. BILLS:** SB 722

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice & Public Safety Subcommittee	16 Y, 0 N, As CS	Mathews	Hall
2) Education & Employment Committee			
3) Judiciary Committee			

SUMMARY ANALYSIS

In Florida, the Department of Corrections (DOC) oversees and manages state prisons, while counties or municipalities or designated county or municipal officers oversee and manage local jails. Chapter 944, F.S., requires DOC to provide a variety of services and programming to state inmates, including:

- Substance abuse treatment programs;
- Transitional services;
- Educational and vocational programs;
- Entrepreneurship education services; and
- Faith and character-based programs.

Section 944.801(1), F.S., establishes the Correctional Education Program (CEP) within DOC, which provides educational programming to state inmates. Among other duties, the CEP is responsible for developing and disseminating guidelines for collecting education-related inmate information, approving educational programs of appropriate levels and types in correctional institutions, and developing admission procedures for inmate students into such programs.

Section 944.801(7), F.S., authorizes DOC to contract with a district school board, the Florida Virtual School, or specified charter schools to provide education services to inmates in the CEP. Similarly, under s. 951.176, F.S., counties and municipalities are authorized to contract with a district school board, Florida Virtual School, or specified charter schools to provide education services to inmates in county and municipal detention facilities.

Section 1011.80(1), F.S., authorizes the use of state funds for workforce education or workforce education programs offered by a Florida College System institution or a school district that is not included in the statewide curriculum framework. Generally, funds allocated to a Florida College System institution may only be used by that specific institution. Additionally, s. 1011.80, F.S., prohibits the use of state funds for the operation of postsecondary workforce programs to benefit state inmates with more than 24 months remaining on their sentence or any federal inmate.

CS/HB 1515 expands the list of institutions DOC or county or municipal detention facilities are authorized to contract with to provide educational services to include a Florida College System institution. The bill authorizes a Florida College system institution to use state funds to provide education services to inmates in state prisons and county or municipal detention facilities.

The bill provides an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Programming Offered to Inmates

The Department of Corrections' (DOC) Bureau of Education provides meaningful opportunities to incarcerated individuals to help inmates better themselves and equip inmates with competencies conducive to successful social reintegration.¹ Programming offered to inmates includes academic education, career and technical education, library services, transition programs, and more.²

These programs provide inmates with skills and tools to assist with an inmate's successful transition into the community upon release. Career and technical education programs vary by facility and may include education relating to cosmetology, culinary arts, electricity, landscaping, plumbing technology, cabinetmaking, and air conditioning, refrigeration, and heating technology.³

Inmate Education

Department of Corrections

Section 944.801(1), F.S., establishes the Correctional Education Program (CEP) within DOC, which provides educational programming to state inmates. The duties of the CEP, in part, include:

- Developing guidelines for collecting education-related information during the inmate reception process and for disseminating such information to DOC classification staff.⁴
- Approving educational programs of appropriate levels and types in the correctional institutions and developing procedures for program admission of inmate students.⁵
- Entering into agreements with public or private school districts, entities, community colleges, junior colleges, colleges, or universities as may be deemed appropriate for the purpose of carrying out the CEP duties.⁶
- Ensuring that such local agreements require minimum performance standards and standards for measurable objectives, in accordance with established Department of Education (DOE) standards.⁷
- Developing and maintaining complete and reliable statistics on the number of high school equivalency diplomas and vocational certificates issued by each institution in each skill area, the change in inmate literacy levels, and the number of inmate admissions to and withdrawals from education courses.⁸

Section 944.801(7), F.S., authorizes DOC to contract with a district school board, the Florida Virtual School,⁹ or a charter school authorized to operate under s. 1002.33, F.S., to provide education services

¹ Fla. Dep't. of Corrections, *Bureau of Education*, <http://www.dc.state.fl.us/development/programs.html> (last visited Feb. 3, 2022).

² *Id.*

³ See Fla. DOC, *Annual Report: FY 2020-2021*, at pp. 43-51, http://www.dc.state.fl.us/pub/annual/2021/FDC_AR2020-21.pdf (last visited Feb. 3, 2022) for a comprehensive list of programs by institution.

⁴ S. 944.801(3)(a), F.S., also provides that the information collected must include the inmate's areas of educational or vocational interest, vocational skills, and level of education.

⁵ S. 944.801(3)(d), F.S.

⁶ S. 944.801(3)(e), F.S.

⁷ *Id.*

⁸ S. 944.801(3)(g), F.S.

⁹ Florida Virtual School (FLVS) is a fully accredited, statewide public school district which offers over 190 online courses to K-12 students. Through FLVS, certified teachers use a variety of personalized instructional programs to create individualized educational plans for every student. FLVS offers a full-time and a "flex" option, which allows students to take a hybrid of online and in-person courses. Florida Dep't. of Education, *Florida Virtual School*, <https://www.fldoe.org/schools/school-choice/virtual-edu/florida-virtual-school/> (last visited Feb. 3, 2022).

to inmates.¹⁰ DOC is not currently authorized to contract with a Florida College System institution to provide education services to inmates.

County or Municipal Detention Facilities

Section 951.176, F.S., requires a county or municipality to provide educational services to a minor who has not graduated from high school and an eligible student with a disability under the age of 22 while he or she is detained in a county or municipal detention facility.¹¹

Counties and municipalities are also authorized to contract with a district school board, Florida Virtual School, or a charter school authorized to operate under s. 1002.33, F.S., to provide education services to inmates in county and municipal detention facilities.¹² The education services may include any educational, career, or vocational training that is authorized by the sheriff or chief correctional officer, or his or her designee.¹³ Counties and municipalities are not currently authorized to contract with a Florida College System institution to provide education services to inmates.

Postsecondary Workforce Programs

Section 1011.80(1), F.S., authorizes the use of state funds for workforce education or workforce education programs. Workforce education or workforce education programs include:

- Adult general education programs designed to improve the employability of the state's workforce;
- Career certificate programs;¹⁴
- Applied technology diploma programs;
- Continuing workforce education courses;
- Degree career education programs; and
- Apprenticeship and pre-apprenticeship programs.¹⁵

The State Board of Education is responsible for establishing criteria for the review and approval of new workforce education programs offered by a Florida College System institution or a school district that is not included in the statewide curriculum framework.¹⁶ To be eligible to receive state funding, a college or school district's workforce education program must be reviewed and approved by the State Board of Education. Any funds allocated by the state to a Florida College System institution may only be used for the purpose of supporting that specific institution.¹⁷

Section 1011.80, F.S., prohibits the use of state funds to operate postsecondary workforce programs for a federal inmate or a state inmate with more than 24 months remaining on his or her sentence.

Effect of Proposed Changes

¹⁰ S. 944.801(7), F.S.

¹¹ S. 951.176(2), F.S.

¹² S. 951.176(1), F.S.

¹³ *Id.*

¹⁴ "Career certificate program" means a course of study that leads to at least one occupational completion point. The program may also confer credit that may articulate with a diploma or career degree education program, if authorized by rules of the State Board of Education. Any credit instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the Department of Education pursuant to ch. 1007, F.S. The term is interchangeable with the term "certificate career education program." S. 1004.02(20), F.S.

¹⁵ "Apprentice" means a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyworker craftspersons, which training should be combined with properly coordinated studies of related technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprenticeship agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee. S. 446.021(2), F.S. "Preapprentice" means any person 16 years of age or over engaged in any course of instruction in the public school system or elsewhere, which course is registered as a preapprenticeship program with the department. S. 446.021(1), F.S.

¹⁶ S. 1011.80(2)(a), F.S.

¹⁷ S. 1011.84(4), F.S.

CS/HB 1515 amends ss. 944.801 and 951.176, F.S., to expand the list of institutions DOC or county or municipal detention facilities are authorized to contract with to provide educational services to include a Florida College System institution. The bill authorizes a Florida College system institution to use state funds to provide education services to inmates in state prisons and county or municipal detention facilities. The following Florida Colleges are members of the Florida College System:¹⁸

- Broward College;
- Chipola College;
- College of Central Florida;
- Daytona State College;
- Eastern Florida State College;
- Florida Gateway College;
- The College of the Florida Keys;
- Florida Southwestern State College;
- Florida State College at Jacksonville;
- Gulf Coast State College;
- Hillsborough Community College;
- Indian River State College;
- Lake-Sumter State College;
- Miami-Dade College;
- North Florida College;
- Northwest Florida State College;
- Palm Beach State College;
- Pasco-Hernando State College;
- Pensacola State College;
- Polk State College;
- St. Johns River State College;
- St. Petersburg College;
- Santa Fe College;
- Seminole State College of Florida;
- South Florida State College;
- State College of Florida, Manatee-Sarasota;
- Tallahassee Community College; and
- Valencia College.

The bill provides an effective date of July 1, 2022.

B. SECTION DIRECTORY:

Section 1: Amends s. 944.801, F.S., relating to education for state prisoners.

Section 2: Amends s. 951.176, F.S., relating to provision of education.

Section 3: Amends s. 1011.80, F.S., relating to funds for operation of workforce education programs.

Section 4: Provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have an indeterminate fiscal impact on state expenditures. Due to the unknown costs for Florida College System institutions to provide programming, the fiscal impact is unknown.

¹⁸ Florida Department of Education, *Florida Colleges*, <https://www.fldoe.org/schools/higher-ed/fl-college-system/colleges/> (last visited Feb. 3, 2022).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill may have an indeterminate fiscal impact on local expenditures. Due to the unknown costs for Florida College System institutions to provide programming, the fiscal impact to local governments and municipalities is unknown.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 3, 2022, the Criminal Justice & Public Safety Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removed language that authorized the use of state funds to operate postsecondary workforce programs for federal inmates.

This analysis is drafted to the committee substitute as passed by the Criminal Justice & Public Safety Subcommittee.