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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/14/2011	.	
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The Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations (Siplin) recommended the following:

Senate Amendment (with title amendment)

Between lines 1936 and 1937
insert:

Section 29. College-preparatory boarding academy pilot program for at-risk students.-

(1) PROGRAM CREATION.-The College-Preparatory Boarding Academy Pilot Program is created for the purpose of providing unique educational opportunities to dependent or at-risk children who are academic underperformers, but who have the potential to progress from at-risk to college-bound. The State Board of Education shall implement this program.



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13 (2) DEFINITIONS.—As used in this section, the term:

14 (a) "Board" means the board of trustees of the college
15 preparatory boarding academy for at-risk students.

16 (b) "Eligible student" means a student who is a resident of
17 the state and entitled to attend school in a participating
18 school district; is at-risk of academic failure; is currently
19 enrolled in grade 5 or 6; is from a family whose income is below
20 200 percent of the federal poverty guidelines; and meets at
21 least two of the following additional risk factors:

22 1. The student has a record of suspensions, office
23 referrals, or chronic truancy.

24 2. The student has been referred for academic intervention
25 or has not attained at least a proficient score on the state
26 achievement assessment in English and language arts, reading, or
27 mathematics.

28 3. The student's parent is a single parent.

29 4. The student does not live with the student's custodial
30 parent.

31 5. The student has received a referral from a school,
32 teacher, counselor, dependency court circuit judge, or
33 community-based care organization.

34 6. The student resides in a household that receives a
35 housing voucher or has been determined eligible for public
36 housing assistance.

37 7. A member of the student's immediate family has been
38 incarcerated.

39 8. The student has been declared an adjudicated dependent
40 by a court of competent jurisdiction.

41 9. The student meets any additional criteria prescribed by



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42 an agreement between the State Board of Education and the
43 operator of the program.

44 (c) "Operator" means a private nonprofit corporation that
45 is selected by the state under subsection (3) to operate the
46 college-preparatory boarding academy for at-risk students.

47 (d) "Program" means the college-preparatory boarding
48 academy for at-risk students which includes:

49 1. A remedial curriculum for middle school grades;

50 2. The college-preparatory curriculum for high school
51 grades;

52 3. Extracurricular activities, including athletics and
53 cultural events;

54 4. College admissions counseling;

55 5. Health and mental health services;

56 6. Tutoring;

57 7. Community service and service learning opportunities;

58 8. A residential student life program;

59 9. Extended school days and supplemental programs; and

60 10. Professional services focused on the language arts
61 standards, math standards, science standards, technology
62 standards, and developmental or life skill standards using
63 innovative and best practices for all students.

64 (e) "Sponsor" means a public school district that acts as a
65 sponsor pursuant to s. 1002.33, Florida Statutes.

66 (3) PROPOSALS.—

67 (a) The State Board of Education shall select a private
68 nonprofit corporation to operate the college-preparatory
69 boarding academy for at-risk students which meets the following
70 qualifications:



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71 1. The nonprofit corporation has, or will receive as a
72 condition of the contract, a public charter school authorized
73 under s. 1002.33, Florida Statutes, to offer grades 6 through 12
74 or has a partnership with a sponsor to operate a school.

75 2. The nonprofit corporation has experience operating a
76 school or program similar to that authorized under this section.

77 3. The nonprofit corporation has demonstrated success with
78 a school or program similar to that authorized under this
79 section.

80 4. The nonprofit corporation has the capacity to finance
81 and secure private funds for the development of a campus for the
82 program.

83 (b) Within 60 days after July 1, 2011, the state board
84 shall issue a request for proposals from private nonprofit
85 corporations interested in operating the college preparatory
86 academy for at-risk students. The state board shall select the
87 operator from among the qualified responders within 120 days
88 after the issuance of the requests for proposal.

89 (c) Each proposal must contain the following information:

90 1. The proposed location of the college-preparatory
91 boarding academy;

92 2. A plan for offering grade 6 in the program's initial
93 year of operation and a plan for expanding the grade levels
94 offered by the school in subsequent years; and

95 3. Any other information about the proposed educational
96 program, facilities, or operations of the school as determined
97 necessary by the state board.

98 (4) CONTRACT.—The State Board of Education shall enter into
99 a contract with the operator of the college-preparatory boarding



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100 academy. The contract must stipulate that:

101 (a) The academy may operate only if, and to the extent
102 that, it holds a valid charter authorized under s. 1002.33,
103 Florida Statutes, or is authorized by a local school district
104 defined as a sponsor pursuant to s. 1002.33, Florida Statutes.

105 (b) The operator shall finance and oversee the acquisition
106 of a facility for the academy.

107 (c) The operator shall operate the academy in accordance
108 with the terms of the proposal accepted by the state board.

109 (d) The operator shall comply with this section.

110 (e) The operator shall comply with any other provisions of
111 law specified in the contract, the charter granted by the local
112 school district or operating agreement with the sponsor, and the
113 rules adopted by the state board for schools operating in this
114 state.

115 (f) The operator shall comply with the bylaws that it
116 adopts.

117 (g) The operator shall comply with standards for admission
118 of students to the academy and the dismissal of students from
119 the academy which are included in the contract and may be
120 reevaluated and revised by mutual agreement between the operator
121 and the state board.

122 (h) The operator shall meet the academic goals and other
123 performance standards established by the contract.

124 (i) The state board or the operator may terminate the
125 contract in accordance with the procedures specified in the
126 contract, which shall at least require that the party seeking
127 termination give prior written notice of the intent to terminate
128 the contract and require that the party receiving the



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129 termination notice be granted an opportunity to redress any
130 grievances cited therein.

131 (j) If the school closes for any reason, the academy's
132 board of trustees shall execute the closing in a manner
133 specified in the contract.

134 (5) OPERATOR BYLAWS.—The operator of the college
135 preparatory boarding academy for at-risk students shall adopt
136 bylaws for the oversight and operation of the academy which are
137 consistent with this section, state law, and the contract
138 between the operator and the State Board of Education. The
139 bylaws shall include procedures for the appointment of board
140 members to the academy's board of trustees, which may not exceed
141 25 members, five members of which shall be appointed by the
142 Governor with the advice and consent of the Senate. The bylaws
143 shall be subject to approval of the state board.

144 (6) OUTREACH.—The operator of the college-preparatory
145 boarding academy shall adopt an outreach program with the local
146 education agency or school district and community. The outreach
147 program shall give special attention to the recruitment of
148 children in the state's foster care program as a dependent child
149 or as a child in a program to prevent dependency who are
150 academic underperformers who, if given the unique educational
151 opportunity found in the program, have the potential to progress
152 from at-risk children to college-bound children.

153 (7) FUNDING.—The college-preparatory boarding academy shall
154 be a public school and is part of the state's program of
155 education. If the program receives state funding from
156 noneducation sources, the State Board of Education shall
157 coordinate, streamline, and simplify any requirements to



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158 eliminate duplicate, redundant, or conflicting requirements and
159 oversight by various governmental programs or agencies. The
160 applicable regulating entities shall, to the maximum extent
161 feasible, use independent reports and financial audits provided
162 by the program and coordinated by the state board to eliminate
163 or reduce contract and administrative reviews. Additional items
164 may be suggested, if reasonable, to the state board to be
165 included in independent reports and financial audits for the
166 purpose of implementing this section. Reporting paperwork that
167 is prepared for the state and local education agency must also
168 be shared with and accepted by other state and local regulatory
169 entities, to the maximum extent feasible.

170 (8) PROGRAM CAPACITY.—Beginning August 2012, the college
171 preparatory boarding academy shall admit 80 students. In each
172 additional fiscal year, the program shall grow by an additional
173 number of students, as specified in the contract, until the
174 program reaches a capacity of 400 students.

175 (9) STUDENT SERVICES.—Students enrolled in the program who
176 have been adjudicated dependent must remain under the case
177 management services and supervision of the lead agency and its
178 respective providers. The operator may contract with its own
179 licensed providers as necessary to provide services to children
180 in the program and to ensure continuity of the full range of
181 services required by children in foster care who attend the
182 academy.

183 (10) MEDICAID BILLING.—This section does not prohibit the
184 operator from appropriately billing Medicaid for services
185 rendered to eligible students through the program or from
186 earning federal or local funding for services provided.



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187 (11) ADMISSION.—Any eligible student may apply for
188 admission to the college-preparatory boarding academy. If more
189 eligible students apply for admission than the number of
190 students permitted by the capacity established by the board of
191 trustees, admission shall be determined by lottery.

192 (12) STUDENT HOUSING.—Notwithstanding ss. 409.1677(3) (d) and
193 409.176, Florida Statutes, or any other provision of law, an
194 operator may house and educate dependent, at-risk youth in its
195 residential school for the purpose of facilitating the mission
196 of the program and encouraging innovative practices.

197 (13) ANNUAL REPORT.—

198 (a) The State Board of Education shall issue an annual
199 report for each college-preparatory boarding academy which
200 includes all information applicable to schools.

201 (b) Each college-preparatory boarding academy shall report
202 to the Department of Education, in the form and manner
203 prescribed in the contract, the following information:

- 204 1. The total number of students enrolled in the academy;
205 2. The number of students enrolled in the academy who are
206 receiving special education services pursuant to an individual
207 education plan; and
208 3. Any additional information specified in the contract.

209 (c) The operator shall comply with s. 1002.33, Florida
210 Statutes, and shall annually assess reading and mathematics
211 skills. The operator shall provide the student's legal guardians
212 with sufficient information on whether the student is reading at
213 grade level and whether the child gains at least a year's worth
214 of learning for every year spent in the program.

215 (14) RULES.—The State Board of Education shall adopt rules



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216 to administer this section. These rules must identify any
217 existing rules that are applicable to the program and preempt
218 any other rules that are not specified for the purpose of
219 clarifying the rules that may be conflicting, redundant, or
220 result in an unnecessary burden on the program or the operator.

221
222 ===== T I T L E A M E N D M E N T =====

223 And the title is amended as follows:

224 Delete line 178

225 and insert:

226 certain teachers; creating the College Preparatory
227 Boarding Academy Pilot Program for dependent or at-
228 risk students; providing a purpose for the program;
229 requiring that the State Board of Education implement
230 the program; providing definitions; requiring that the
231 state board select a private nonprofit corporation to
232 operate the academy if certain qualifications are met;
233 requiring that the state board request proposals from
234 private nonprofit corporations; providing requirements
235 for such proposals; requiring that the state board
236 enter into a contract with the operator of the
237 academy; requiring that the contract contain specified
238 requirements; requiring that the operator adopt
239 bylaws, subject to approval by the state board;
240 requiring that the operator adopt an outreach program
241 with the local education agency or school district and
242 community; providing that the academy is a public
243 school and part of the state's education program;
244 providing program funding guidelines; limiting the



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245 capacity of eligible students attending the academy;
246 requiring that enrolled students remain under case
247 management services and the supervision of the lead
248 agency; authorizing the operator to appropriately bill
249 Medicaid for services rendered to eligible students or
250 earn federal or local funding for services provided;
251 providing for eligible students to be admitted by
252 lottery if the number of applicants exceeds the
253 allowed capacity; authorizing the operator to board
254 dependent, at-risk students; requiring the State Board
255 of education to provide a report with certain
256 information; authorizing the State Board of Education
257 to adopt rules to administer this act; providing
258 criteria; providing effective dates.