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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:

1 **Senate Amendment to Amendment (129976) (with title**
2 **amendment)**

3
4 Between lines 1624 and 1625
5 insert:

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

8 (1) PROGRAM CREATION.-The College-Preparatory Boarding
9 Academy Pilot Program is created for the purpose of providing
10 unique educational opportunities to dependent or at-risk
11 children who are academic underperformers, but who have the
12 potential to progress from at-risk to college-bound. The State



466794

13 Board of Education shall implement this program.

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

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

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

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

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

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

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

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

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

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

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



466794

42 9. The student meets any additional criteria prescribed by
43 an agreement between the State Board of Education and the
44 operator of the program.

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

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

- 50 1. A remedial curriculum for middle school grades;
51 2. The college-preparatory curriculum for high school
52 grades;
53 3. Extracurricular activities, including athletics and
54 cultural events;
55 4. College admissions counseling;
56 5. Health and mental health services;
57 6. Tutoring;
58 7. Community service and service learning opportunities;
59 8. A residential student life program;
60 9. Extended school days and supplemental programs; and
61 10. Professional services focused on the language arts
62 standards, math standards, science standards, technology
63 standards, and developmental or life skill standards using
64 innovative and best practices for all students.

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

67 (3) PROPOSALS.—

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



466794

71 qualifications:

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

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

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

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

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

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

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

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

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

99 (4) CONTRACT.—The State Board of Education shall enter into



466794

100 a contract with the operator of the college-preparatory boarding
101 academy. The contract must stipulate that:

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

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

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

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

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

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

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

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

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



466794

129 the contract and require that the party receiving the
130 termination notice be granted an opportunity to redress any
131 grievances cited therein.

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

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

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

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



466794

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

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

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

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



466794

187 earning federal or local funding for services provided.

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

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

198 (13) ANNUAL REPORT.—

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

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

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

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



466794

216 (14) RULES.—The State Board of Education shall adopt rules
217 to administer this section. These rules must identify any
218 existing rules that are applicable to the program and preempt
219 any other rules that are not specified for the purpose of
220 clarifying the rules that may be conflicting, redundant, or
221 result in an unnecessary burden on the program or the operator.
222

223 ===== T I T L E A M E N D M E N T =====

224 And the title is amended as follows:

225 Delete line 1747

226 and insert:

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



466794

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