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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/12/2011	.	
Floor: 1/RS/2R	.	
05/06/2011 08:55 PM	.	
	.	

The Committee on Criminal Justice (Smith) recommended the following:

Senate Amendment (with title amendment)

Between lines 159 and 160
insert:

Section 4. 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.



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

14 (a) "Board" means the board of trustees of a 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 who 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 resides in a household that receives a
32 housing voucher or has been determined as eligible for public
33 housing assistance.

34 6. A member of the student's immediate family has been
35 incarcerated.

36 7. The student has been declared an adjudicated dependent
37 by a court of competent jurisdiction.

38 8. The student has received a referral from a school,
39 teacher, counselor, dependency circuit court judge, or
40 community-based care organization.

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 a college-preparatory boarding academy.

44 (c) "Operator" means a private, nonprofit corporation that
45 is selected by the state under subsection (3) to operate the
46 program.

47 (d) "Program" means a college-preparatory boarding academy
48 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 and
61 reading standards, mathematics standards, science standards,
62 technology standards, and developmental or life skill standards
63 using innovative and best practices for all students.

64 (e) "Sponsor" means a public school district that acts as
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 program which must meet all
69 of the following qualifications:

70 1. The nonprofit corporation has, or will receive as a



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71 condition of the contract, a public charter school authorized
72 under s. 1002.33, Florida Statutes, to offer grades 6 through
73 12, or has a partnership with a sponsor to operate a school.

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

77 3. The nonprofit corporation has demonstrated success with
78 a school or program similar to the program 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 of
84 Education shall issue a request for proposals from private,
85 nonprofit corporations interested in operating the program. The
86 state board shall select operators from among the qualified
87 responders within 120 days after the issuance of the requests
88 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 contract
99 with the operator of a college-preparatory boarding academy. The



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100 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 the operating agreement with the sponsor, and
113 the rules adopted by the state board for schools operating in
114 this 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 standards for dismissal of
119 students from the academy which are included in the contract and
120 may be reevaluated and revised by mutual agreement between the
121 operator 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 must at least require that the party seeking
127 termination give prior written notice of the intent to terminate
128 the contract and that the party receiving the termination notice



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129 be granted an opportunity to redress any grievances cited
130 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 program shall
135 adopt bylaws for the oversight and operation of the academy
136 which are in accordance with this section, state law, and the
137 contract between the operator and the State Board of Education.
138 The bylaws must include procedures for the appointment of board
139 members to the academy's board of trustees, which may not exceed
140 25 members, 5 members of whom shall be appointed by the Governor
141 with the advice and consent of the Senate. The bylaws are
142 subject to approval of the state board.

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

152 (7) FUNDING.—The college-preparatory boarding academy must
153 be a public school and part of the state's program of education.
154 If the program receives state funding from noneducation sources,
155 the State Board of Education shall coordinate, streamline, and
156 simplify any requirements to eliminate duplicate, redundant, or
157 conflicting requirements and oversight by various governmental



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

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

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

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

185 (11) ADMISSION.—An eligible student may apply for admission
186 to the program. If more eligible students apply for admission



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187 than the number of students permitted by the capacity
188 established by the board of trustees, admission shall be
189 determined by lottery.

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

195 (13) ANNUAL REPORT.—

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

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

202 1. The total number of students enrolled in the academy;
203 2. The number of students enrolled in the academy who are
204 receiving special education services pursuant to an individual
205 education plan; and

206 3. Any additional information specified in the contract.

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

213 (14) RULES.—The State Board of Education shall adopt rules
214 to administer this section. These rules must identify any
215 existing rules that are applicable to the program and preempt



216 any other rules that are not specified for the purpose of
217 clarifying the rules that may be conflicting, redundant, or that
218 result in an unnecessary burden on the program or the operator.

219
220 ===== T I T L E A M E N D M E N T =====

221 And the title is amended as follows:

222 Delete line 25

223 and insert:

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



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245 management services and the supervision of the lead
246 agency; authorizing the operator to appropriately bill
247 Medicaid for services rendered to eligible students or
248 earn federal or local funding for services provided;
249 providing for eligible students to be admitted by
250 lottery if the number of applicants exceeds the
251 allowed capacity; authorizing the operator to board
252 dependent, at-risk students; requiring that the state
253 board issue an annual report and adopt rules;
254 providing an effective date.