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1 A bill to be entitled
2 An act relating to transition-to-adulthood services;
3 amending s. 985.03, F.S.; defining the term
4 "transition-to-adulthood services"; creating s.
5 985.461, F.S.; providing legislative intent concerning
6 transition-to-adulthood services for youth in the
7 custody of the Department of Juvenile Justice;
8 providing for eligibility for services for youth
9 served by the department who are legally in the
10 custody of the Department of Children and Family
11 Services; providing that an adjudication of
12 delinquency does not disqualify a youth in foster care
13 from certain services from the Department of Children
14 and Family Services; providing powers and duties of
15 the Department of Juvenile Justice for transition
16 services; providing for assessments; requiring that
17 services be part of a plan leading to independence;
18 amending s. 985.0301, F.S.; providing for retention of
19 court jurisdiction over a child for a specified period
20 following the child's 19th birthday if the child is
21 participating in transition-to-adulthood services;
22 providing that certain services require voluntary
23 participation by affected youth and do not create an
24 involuntary court-sanctioned residential commitment;
25 creating the College-Preparatory Boarding Academy
26 Pilot Program for dependent or at-risk students;
27 providing a program purpose; requiring that the State
28 Board of Education implement the program; providing
29 definitions; requiring the state board to select a

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30 private nonprofit corporation that meets certain
31 qualifications to operate the program; requiring the
32 state board to issue a request for proposals;
33 providing requirements for the proposals; requiring
34 that the state board enter into a contract with the
35 operator of the selected academy; requiring that the
36 contract contain specified requirements; requiring
37 that the operator of the academy adopt bylaws, subject
38 to approval by the state board; requiring that the
39 operator adopt an outreach program with the local
40 education agency or school district and community;
41 providing program funding requirements; requiring the
42 school to be a public school; requiring the State
43 Board of Education and certain state agencies to
44 develop a plan relating to funding for the academy;
45 requiring that enrolled students remain under case
46 management services and the supervision of the lead
47 agency; authorizing the operator to appropriately bill
48 Medicaid for services rendered to eligible students or
49 earn federal or local funding for services provided;
50 providing for eligible students to be admitted by
51 lottery if the number of applicants exceeds the
52 allowed capacity; authorizing the operator to board
53 dependent, at-risk students; requiring that the state
54 board issue an annual report; providing an effective
55 date.

56
57 Be It Enacted by the Legislature of the State of Florida:
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59 Section 1. Present subsections (57) and (58) of section
60 985.03, Florida Statutes, are renumbered as subsections (58) and
61 (59), respectively, and a new subsection (57) is added to that
62 section to read:

63 985.03 Definitions.—As used in this chapter, the term:

64 (57) "Transition-to-adulthood services" means services that
65 are provided for youth in the custody of the department or under
66 the supervision of the department and that have the objective of
67 instilling the knowledge, skills, and aptitudes essential to a
68 socially integrated, self-supporting adult life. The services
69 may include, but are not limited to:

70 (a) Assessment of the youth's ability and readiness for
71 adult life.

72 (b) A plan for the youth to acquire the knowledge,
73 information, and counseling necessary to make a successful
74 transition to adulthood.

75 (c) Services that have proven effective toward achieving
76 the transition to adulthood.

77 Section 2. Section 985.461, Florida Statutes, is created to
78 read:

79 985.461 Transition to adulthood.—

80 (1) The Legislature finds that older youth are faced with
81 the need to learn how to support themselves within legal means
82 and overcome the stigma of being delinquent. In most cases,
83 parents expedite this transition. It is the intent of the
84 Legislature that the department provide older youth in its
85 custody or under its supervision with opportunities for
86 participating in transition-to-adulthood services while in the
87 department's commitment programs or in probation or conditional

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88 release programs in the community. These services should be
89 reasonable and appropriate for the youths' respective ages or
90 special needs and provide activities that build life skills and
91 increase the ability to live independently and become self-
92 sufficient.

93 (2) Youth served by the department who are in the custody
94 of the Department of Children and Family Services and who
95 entered juvenile justice placement from a foster care placement,
96 if otherwise eligible, may receive independent living transition
97 services pursuant to s. 409.1451. Court-ordered commitment or
98 probation with the department is not a barrier to eligibility
99 for the array of services available to a youth who is in the
100 dependency foster care system only.

101 (3) For a dependent child in the foster care system,
102 adjudication for delinquency does not, by itself, disqualify
103 such child for eligibility in the Department of Children and
104 Family Services' independent living program.

105 (4) To support participation in transition-to-adulthood
106 services and subject to appropriation, the department may:

107 (a) Assess the child's skills and abilities to live
108 independently and become self-sufficient. The specific services
109 to be provided shall be determined using an assessment of his or
110 her readiness for adult life.

111 (b) Develop a list of age-appropriate activities and
112 responsibilities to be incorporated in the child's written case
113 plan for any youth 17 years of age or older who is under the
114 custody or supervision of the department. Activities may
115 include, but are not limited to, life skills training, including
116 training to develop banking and budgeting skills, interviewing

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117 and career planning skills, parenting skills, personal health
118 management, and time management or organizational skills;
119 educational support; employment training; and counseling.

120 (c) Provide information related to social security
121 insurance benefits and public assistance.

122 (d) Request parental or guardian permission for the youth
123 to participate in transition-to-adulthood services. Upon such
124 consent, age-appropriate activities shall be incorporated into
125 the youth's written case plan. This plan may include specific
126 goals and objectives and shall be reviewed and updated at least
127 quarterly. If the parent or guardian is cooperative, the plan
128 may not interfere with the parent's or guardian's rights to
129 nurture and train his or her child in ways that are otherwise in
130 compliance with the law and court order.

131 (e) Contract for transition-to-adulthood services that
132 include residential services and assistance and allow the child
133 to live independently of the daily care and supervision of an
134 adult in a setting that is not licensed under s. 409.175. A
135 child under the care or supervision of the department who has
136 reached 17 years of age but is not yet 19 years of age is
137 eligible for such services if he or she does not pose a danger
138 to the public and is able to demonstrate minimally sufficient
139 skills and aptitude for living under decreased adult
140 supervision, as determined by the department, using established
141 procedures and assessments.

142 (5) For a child who is 17 years of age or older, under the
143 department's care or supervision, and without benefit of parents
144 or legal guardians capable of assisting the child in the
145 transition to adult life, the department may provide an

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146 assessment to determine the child's skills and abilities to live
147 independently and become self-sufficient. Based on the
148 assessment and within existing resources, services and training
149 may be provided in order to develop the necessary skills and
150 abilities before the child's 18th birthday.

151 (6) The provision of transition-to-adulthood services must
152 be part of an overall plan leading to the total independence of
153 the child from department supervision. The plan must include,
154 but need not be limited to:

155 (a) A description of the child's skills and a plan for
156 learning additional identified skills;

157 (b) The behavior that the child has exhibited which
158 indicates an ability to be responsible and a plan for developing
159 additional responsibilities, as appropriate;

160 (c) A plan for the provision of future educational,
161 vocational, and training skills;

162 (d) Present financial and budgeting capabilities and a plan
163 for improving resources and abilities;

164 (e) A description of the proposed residence;

165 (f) Documentation that the child understands the specific
166 consequences of his or her conduct in such a program;

167 (g) Documentation of proposed services to be provided by
168 the department and other agencies, including the type of
169 services and the nature and frequency of contact; and

170 (h) A plan for maintaining or developing relationships with
171 family, other adults, friends, and the community, as
172 appropriate.

173 Section 3. Paragraph (a) of subsection (5) of section
174 985.0301, Florida Statutes, is amended to read:

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175 985.0301 Jurisdiction.—

176 (5) (a) Notwithstanding ss. 743.07, 985.43, 985.433,
 177 985.435, 985.439, and 985.441, and except as provided in ss.
 178 985.461, 985.465, and 985.47 and paragraph (f), when the
 179 jurisdiction of any child who is alleged to have committed a
 180 delinquent act or violation of law is obtained, the court shall
 181 retain jurisdiction, unless relinquished by its order, until the
 182 child reaches 19 years of age, with the same power over the
 183 child which ~~that~~ the court had before ~~prior to~~ the child became
 184 ~~becoming~~ an adult. For the purposes of s. 985.461, the court may
 185 retain jurisdiction for an additional 365 days following the
 186 child's 19th birthday if the child is participating in
 187 transition-to-adulthood services. The additional services do not
 188 extend involuntary court-sanctioned residential commitment and
 189 therefore require voluntary participation by the affected youth.

190 Section 4. College-Preparatory Boarding Academy Pilot
 191 Program for at-risk students.—

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

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

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

201 (b) "Eligible student" means a student who is a resident of
 202 the state and entitled to attend school in a participating
 203 school district, is at risk of academic failure, is currently

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204 enrolled in grade 5 or 6, is from a family whose income is below
205 200 percent of the federal poverty guidelines, and who meets at
206 least one of the following additional risk factors:

207 1. The child is in foster care or has been declared an
208 adjudicated dependent by a court.

209 2. The student's head of household is not the student's
210 custodial parent.

211 3. The student resides in a household that receives a
212 housing voucher or has been determined eligible for public
213 housing assistance.

214 4. A member of the student's immediate family has been
215 incarcerated.

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

219 (d) "Program" means a college-preparatory boarding academy
220 for at-risk students which includes:

221 1. A remedial curriculum for middle school grades;

222 2. The college-preparatory curriculum for high school
223 grades;

224 3. Extracurricular activities, including athletics and
225 cultural events;

226 4. College admissions counseling;

227 5. Health and mental health services;

228 6. Tutoring;

229 7. Community service and service learning opportunities;

230 8. A residential student life program;

231 9. Extended school days and supplemental programs; and

232 10. Professional services focused on the language arts and

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233 reading standards, mathematics standards, science standards,
234 technology standards, and developmental or life skill standards
235 using innovative and best practices for all students.

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

238 (3) PROPOSALS.—

239 (a) The State Board of Education shall select a private,
240 nonprofit corporation to operate the program which must meet all
241 of the following qualifications:

242 1. The nonprofit corporation has, or will receive as a
243 condition of the contract, a public charter school authorized
244 under s. 1002.33, Florida Statutes, to offer grades 6 through
245 12, or has a partnership with a sponsor to operate a school.

246 2. The nonprofit corporation has experience operating a
247 school or program similar to the program authorized under this
248 section.

249 3. The nonprofit corporation has demonstrated success with
250 a school or program similar to the program authorized under this
251 section.

252 4. The nonprofit corporation has the capacity to finance
253 and secure private funds for the development of a campus for the
254 program.

255 (b) Within 60 days after July 1, 2011, the State Board of
256 Education shall issue a request for proposals from private,
257 nonprofit corporations interested in operating the program. The
258 state board shall select operators from among the qualified
259 responders within 120 days after the issuance of the requests
260 for proposal.

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

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262 1. The proposed location of the college-preparatory
263 boarding academy;

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

267 3. Any other information about the proposed educational
268 program, facilities, or operations of the school determined
269 necessary by the state board.

270 (4) CONTRACT.—The State Board of Education shall contract
271 with the operator of a college-preparatory boarding academy. The
272 contract must stipulate that:

273 (a) The academy operates only if, and to the extent that,
274 it holds a valid charter authorized under s. 1002.33, Florida
275 Statutes, or is authorized by a local school district defined as
276 a sponsor pursuant to s. 1002.33, Florida Statutes.

277 (b) The operator finances and oversees the acquisition of a
278 facility for the academy.

279 (c) The operator operates the academy in accordance with
280 the terms of the proposal accepted by the state board.

281 (d) The operator complies with this section.

282 (e) The operator complies with any other provisions of law
283 specified in the contract, the charter granted by the local
284 school district or the operating agreement with the sponsor, and
285 the rules adopted by the state board for schools operating in
286 this state.

287 (f) The operator complies with the bylaws adopted pursuant
288 to subsection (5).

289 (g) The operator complies with the standards for admission
290 of students to the academy and for dismissal of students from

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291 the academy which are included in the contract and may be
292 reevaluated and revised by mutual agreement between the operator
293 and the state board.

294 (h) The operator meets the academic goals and other
295 performance standards established by the contract.

296 (i) The state board or the operator may terminate the
297 contract in accordance with the procedures specified in the
298 contract, which must at least require that the party seeking
299 termination give prior written notice of the intent to terminate
300 and that the party receiving the termination notice is granted
301 an opportunity to redress any grievances cited therein.

302 (j) If the school closes for any reason, the academy's
303 board of trustees execute the closing in a manner specified in
304 the contract.

305 (5) OPERATOR BYLAWS.—The operator of the program shall
306 adopt bylaws for the oversight and operation of the academy
307 which are in accordance with this section, state law, and the
308 contract between the operator and the State Board of Education.
309 The bylaws must include procedures for the appointment of board
310 members to the academy's board of trustees, which may not exceed
311 25 members, 5 members of whom shall be appointed by the Governor
312 with the advice and consent of the Senate. The bylaws are
313 subject to approval of the state board.

314 (6) OUTREACH.—The program operator shall adopt an outreach
315 program with the local education agency or school district and
316 community. The outreach program must give special attention to
317 the recruitment of eligible children in the state who are
318 academic underperformers and who, if given the unique
319 educational opportunity provided in the program, have the

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320 potential to progress from at-risk children to college-bound
321 children.

322 (7) FUNDING.—The college-preparatory boarding academy must
323 be a public school and part of the state's program of education.
324 If the program receives state funding from noneducation sources,
325 the State Board of Education shall coordinate, streamline, and
326 simplify any requirements to eliminate duplicate, redundant, or
327 conflicting requirements and oversight by various governmental
328 programs or agencies. Funding for the operation of the boarding
329 academy is contingent on the development of a plan by the
330 Department of Education, the Department of Juvenile Justice and
331 the Department of Children and Family Services which details how
332 educational and noneducational funds that would otherwise be
333 committed to the students in the school and their families can
334 be repurposed to provide for the operation of the school and
335 related services. Such plans must be based on federal and state
336 funding streams for children and families meeting the
337 eligibility criteria for eligible students as specified in
338 paragraph (2)(b) and include recommendations for modifications
339 to the criteria for eligible students which furthers the
340 program's goals or improves the feasibility of using existing
341 funding sources. The plan shall be submitted, together with
342 relevant budget requests, through the legislative budget request
343 process under s. 216.023, Florida Statutes, or through requests
344 for budget amendments to the Legislative Budget Commission in
345 accordance with s. 216.181, Florida Statutes.

346 (8) STUDENT SERVICES.—Students enrolled in the program who
347 have been adjudicated dependent must remain under the case
348 management services and supervision of the lead agency and its

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349 respective providers. The operator may contract with its own
350 providers as necessary to provide services to children in the
351 program and to ensure continuity of the full range of services
352 required by children in foster care who attend the academy. The
353 decision of a foster parent to withdraw a child from the program
354 who is in foster care and has been admitted to the program is
355 subject to the review and approval of the state agency.

356 (9) MEDICAID BILLING.—This section does not prohibit an
357 operator from appropriately billing Medicaid for services
358 rendered to eligible students through the program or from
359 earning federal or local funding for services provided.

360 (10) ADMISSION.—An eligible student may apply for admission
361 to the program. If more eligible students apply for admission
362 than the number of students permitted by the capacity
363 established by the board of trustees, admission shall be
364 determined by lottery.

365 (11) STUDENT HOUSING.—Notwithstanding ss. 409.1677(3)(d)
366 and 409.176, Florida Statutes, or any other provision of law, an
367 operator may house and educate dependent, at-risk youth in its
368 residential school for the purpose of facilitating the mission
369 of the program and encouraging innovative practices.

370 (12) ANNUAL REPORT.—

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

374 (b) The college-preparatory boarding academy shall report
375 to the Department of Education, in the form and manner
376 prescribed in the contract, all information applicable to public
377 schools and any additional information as specified by the

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378 contract.

379 (c) The operator shall comply with all provisions
380 applicable to public schools. The operator shall provide the
381 student's legal guardians with sufficient information on whether
382 the student is reading at grade level and whether the student
383 gains at least a year's worth of learning for every year spent
384 in the program.

385 Section 5. This act shall take effect July 1, 2011.