

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

29 certain qualifications are met; requiring that the state
30 board request proposals from private, nonprofit
31 corporations; providing requirements for such proposals;
32 requiring that the state board enter into a contract with
33 the operator of the academy; requiring that the contract
34 contain specified requirements; requiring that the
35 operator adopt bylaws, subject to approval by the state
36 board; requiring that the operator adopt an outreach
37 program with the local education agency or school district
38 and community; providing that the academy is a public
39 school and part of the state's education program;
40 providing program funding guidelines and requiring
41 development of a plan; limiting the capacity of eligible
42 students attending the academy; requiring that enrolled
43 students remain under case management services and the
44 supervision of the lead agency; authorizing the operator
45 to appropriately bill Medicaid for services rendered to
46 eligible students or earn federal or local funding for
47 services provided; providing for eligible students to be
48 admitted by lottery if the number of applicants exceeds
49 the allowed capacity; authorizing the operator to house
50 and educate dependent, at-risk children; requiring that
51 the state board issue an annual report and adopt rules;
52 providing effective dates.

53
54 Be It Enacted by the Legislature of the State of Florida:

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56 Section 1. Present subsections (57) and (58) of section

57 985.03, Florida Statutes, are renumbered as subsections (58) and
58 (59), respectively, and a new subsection (57) is added to that
59 section to read:

60 985.03 Definitions.—As used in this chapter, the term:
61 (57) "Transition-to-adulthood services" means services
62 that are provided for youth in the custody of the department or
63 under the supervision of the department and that have the
64 objective of instilling the knowledge, skills, and aptitudes
65 essential to a socially integrated, self-supporting adult life.
66 The services may include, but are not limited to:

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

69 (b) A plan for the youth to acquire the knowledge,
70 information, and counseling necessary to make a successful
71 transition to adulthood.

72 (c) Services that have proven effective toward achieving
73 the transition to adulthood.

74 Section 2. Section 985.461, Florida Statutes, is created
75 to read:

76 985.461 Transition to adulthood.—

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

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

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

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

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

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

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

113 training to develop banking and budgeting skills, interviewing
114 and career planning skills, parenting skills, personal health
115 management, and time management or organizational skills;
116 educational support; employment training; and counseling.

117 (c) Provide information related to social security
118 insurance benefits and public assistance.

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

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

139 (5) For a child who is 17 years of age or older, under the
140 department's care or supervision, and without benefit of parents

141 or legal guardians capable of assisting the child in the
142 transition to adult life, the department may provide an
143 assessment to determine the child's skills and abilities to live
144 independently and become self-sufficient. Based on the
145 assessment and within existing resources, services and training
146 may be provided in order to develop the necessary skills and
147 abilities before the child's 18th birthday.

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

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

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

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

159 (d) Present financial and budgeting capabilities and a
160 plan for improving resources and abilities;

161 (e) A description of the proposed residence;

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

164 (g) Documentation of proposed services to be provided by
165 the department and other agencies, including the type of
166 services and the nature and frequency of contact; and

167 (h) A plan for maintaining or developing relationships
168 with family, other adults, friends, and the community, as

169 appropriate.

170 Section 3. Paragraph (a) of subsection (5) of section
171 985.0301, Florida Statutes, is amended to read:

172 985.0301 Jurisdiction.—

173 (5) (a) Notwithstanding ss. 743.07, 985.43, 985.433,
174 985.435, 985.439, and 985.441, and except as provided in ss.
175 985.461, 985.465, and 985.47 and paragraph (f), when the
176 jurisdiction of any child who is alleged to have committed a
177 delinquent act or violation of law is obtained, the court shall
178 retain jurisdiction, unless relinquished by its order, until the
179 child reaches 19 years of age, with the same power over the
180 child which ~~that~~ the court had before ~~prior to~~ the child became
181 ~~becoming~~ an adult. For the purposes of s. 985.461, the court may
182 retain jurisdiction for an additional 365 days following the
183 child's 19th birthday if the child is participating in
184 transition-to-adulthood services. The additional services do not
185 extend involuntary court-sanctioned residential commitment and
186 therefore require voluntary participation by the affected youth.

187 Section 4. Effective July 1, 2011, the following section
188 is created to read:

189 College-Preparatory Boarding Academy Pilot Program.—

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

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

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

199 (b) "Eligible student" means a student who is a resident
200 of the state and entitled to attend school in a participating
201 school district, is at risk of academic failure, is currently
202 enrolled in grade 5 or 6, is from a family whose income is below
203 200 percent of the federal poverty guidelines, and who meets at
204 least two of the following additional risk factors:

205 1. The student has a record of suspensions, office
206 referrals, or chronic truancy.

207 2. The student has been referred for academic intervention
208 or has not attained at least a proficient score on the state
209 achievement assessment in English and language arts, reading, or
210 mathematics.

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

212 4. The student does not live with the student's custodial
213 parent.

214 5. The student resides in a household that receives a
215 housing voucher or has been determined as eligible for public
216 housing assistance.

217 6. A member of the student's immediate family has been
218 incarcerated.

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

221 8. The student has received a referral from a school,
222 teacher, counselor, dependency circuit court judge, or
223 community-based care organization.

224 9. The student meets any additional criteria prescribed by

225 an agreement between the State Board of Education and the
 226 operator of a college-preparatory boarding academy.

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

230 (d) "Program" means a college-preparatory boarding academy
 231 for at-risk youth which includes:

- 232 1. A remedial curriculum for middle school grades.
- 233 2. The college-preparatory curriculum for high school
 234 grades.
- 235 3. Extracurricular activities, including athletics and
 236 cultural events.
- 237 4. College admissions counseling.
- 238 5. Health and mental health services.
- 239 6. Tutoring.
- 240 7. Community service and service learning opportunities.
- 241 8. A residential student life program.
- 242 9. Extended school days and supplemental programs.
- 243 10. Professional services focused on the language arts and
 244 reading standards, mathematics standards, science standards,
 245 technology standards, and developmental or life skill standards
 246 using innovative and best practices for all students.

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

249 (3) PROPOSALS.—

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

253 1. The nonprofit corporation has, or will receive as a
254 condition of the contract, a public charter school authorized
255 under s. 1002.33, Florida Statutes, to offer grades 6 through
256 12, or has a partnership with a sponsor to operate a school.

257 2. The nonprofit corporation has experience operating a
258 school or program similar to the program authorized under this
259 section.

260 3. The nonprofit corporation has demonstrated success with
261 a school or program similar to the program authorized under this
262 section.

263 4. The nonprofit corporation has the capacity to finance
264 and secure private funds for the development of a campus for the
265 program.

266 (b) Within 60 days after July 1, 2011, the State Board of
267 Education shall issue a request for proposals from private,
268 nonprofit corporations interested in operating the program. The
269 state board shall select operators from among the qualified
270 responders within 120 days after the issuance of the request for
271 proposals.

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

273 1. The proposed location of the college-preparatory
274 boarding academy.

275 2. A plan for offering grade 6 in the program's initial 2
276 years of operation and a plan for expanding the grade levels
277 offered by the school in subsequent years.

278 3. Any other information about the proposed educational
279 program, facilities, or operations of the school as determined
280 necessary by the state board.

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

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

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

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

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

293 (e) The operator shall comply with any other provisions of
294 law specified in the contract, the charter granted by the local
295 school district or the operating agreement with the sponsor, and
296 the rules adopted by the state board for schools operating in
297 this state.

298 (f) The operator shall comply with the bylaws that it
299 adopts.

300 (g) The operator shall comply with standards for admission
301 of students to the academy and standards for dismissal of
302 students from the academy which are included in the contract and
303 may be reevaluated and revised by mutual agreement between the
304 operator and the state board.

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

307 (i) The state board or the operator may terminate the
308 contract in accordance with the procedures specified in the

309 contract, which must at least require that the party seeking
310 termination give prior written notice of the intent to terminate
311 the contract and that the party receiving the termination notice
312 be granted an opportunity to redress any grievances cited
313 therein.

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

317 (5) OPERATOR BYLAWS.—The program operator shall adopt
318 bylaws for the oversight and operation of the academy which are
319 in accordance with this section, state law, and the contract
320 between the operator and the State Board of Education. The
321 bylaws must include procedures for the appointment of board
322 members to the academy's board of trustees, which may not exceed
323 25 members, 5 of whom shall be appointed by the Governor with
324 the advice and consent of the Senate. The bylaws are subject to
325 approval of the state board.

326 (6) OUTREACH.—The program operator shall adopt an outreach
327 program with the local education agency or school district and
328 community. The outreach program must give special attention to
329 the recruitment of children in the state's foster care program
330 as a dependent child or as a child in a program to prevent
331 dependency who are academic underperformers who, if given the
332 unique educational opportunity found in the program, have the
333 potential to progress from at-risk youth to college-bound youth.

334 (7) FUNDING.—The college-preparatory boarding academy must
335 be a public school and part of the state's education program.
336 Funding for the operation of the boarding academy shall be

337 contingent on development of a plan by the Department of
338 Education, the Department of Juvenile Justice, and the
339 Department of Children and Family Services that details how
340 educational and noneducational funds that would otherwise be
341 committed to the students in the school and their families can
342 be repurposed to provide for the operation of the school and
343 related services. Such plan shall be based on federal and state
344 funding streams for children and families meeting the
345 eligibility criteria for eligible students as specified in
346 paragraph (2) (b). The Department of Education, the Department of
347 Juvenile Justice, and the Department of Children and Family
348 Services shall submit the plan along with relevant budget
349 requests either through the legislative budget request process
350 in accordance with s. 216.023, Florida Statutes, or through
351 requests for budget amendments to the Legislative Budget
352 Commission in accordance with s. 216.181, Florida Statutes.

353 (8) PROGRAM CAPACITY.—Beginning August 2012, or later
354 pursuant to the funding plan required in subsection (7), the
355 program shall admit 80 students. In each subsequent fiscal year,
356 the program shall grow by an additional number of students, as
357 specified in the contract, until the program reaches a capacity
358 of 400 students.

359 (9) STUDENT SERVICES.—Students enrolled in the program who
360 have been adjudicated dependent must remain under the case
361 management services and supervision of the lead agency and its
362 respective providers. The operator may contract with its own
363 providers as necessary to provide services to youth in the
364 program and to ensure continuity of the full range of services

365 required by youth in foster care who attend the academy.

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

370 (11) ADMISSION.—An eligible student may apply for
371 admission to the program. If more eligible students apply for
372 admission than the number of students permitted by the capacity
373 established by the board of trustees, admission shall be
374 determined by lottery.

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

380 (13) ANNUAL REPORT.—

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

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

387 1. The total number of students enrolled in the academy.
388 2. The number of students enrolled in the academy who are
389 receiving special education services pursuant to an individual
390 education plan.

391 3. Any additional information specified in the contract.

392 (c) The operator shall comply with s. 1002.33, Florida

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393 Statutes, and shall annually assess reading and mathematics
394 skills. The operator shall provide the student's legal guardians
395 with sufficient information on whether the student is reading at
396 grade level and whether the student gains at least a year's
397 worth of learning for every year spent in the program.

398 (14) RULES.—The State Board of Education shall adopt rules
399 to administer this section. These rules must identify any
400 existing rules that are applicable to the program and preempt
401 any other rules that are not specified for the purpose of
402 clarifying the rules that may be conflicting, redundant, or
403 result in an unnecessary burden on the program or the operator.

404 Section 5. Except as otherwise provided in this act, this
405 act shall take effect October 1, 2011.