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LEGISLATIVE ACTION

Senate

House

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Floor: 2/AD/2R

05/06/2011 08:55 PM

Senator Wise moved the following:

1 **Senate Substitute for Amendment (585488) (with title**
2 **amendment)**

3
4 Between lines 159 and 160
5 insert:

6 Section 4. 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
13 Board of Education shall implement this program.



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

15 (a) "Board" means the board of trustees of a 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 who meets at
22 least one of the following additional risk factors:

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

25 2. The student's head of household is not the student's
26 custodial parent.

27 3. The student resides in a household that receives a
28 housing voucher or has been determined eligible for public
29 housing assistance.

30 4. A member of the student's immediate family has been
31 incarcerated.

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

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

37 1. A remedial curriculum for middle school grades;

38 2. The college-preparatory curriculum for high school
39 grades;

40 3. Extracurricular activities, including athletics and
41 cultural events;

42 4. College admissions counseling;



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43 5. Health and mental health services;
44 6. Tutoring;
45 7. Community service and service learning opportunities;
46 8. A residential student life program;
47 9. Extended school days and supplemental programs; and
48 10. Professional services focused on the language arts and
49 reading standards, mathematics standards, science standards,
50 technology standards, and developmental or life skill standards
51 using innovative and best practices for all students.

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

54 (3) PROPOSALS.—

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

58 1. The nonprofit corporation has, or will receive as a
59 condition of the contract, a public charter school authorized
60 under s. 1002.33, Florida Statutes, to offer grades 6 through
61 12, or has a partnership with a sponsor to operate a school.

62 2. The nonprofit corporation has experience operating a
63 school or program similar to the program authorized under this
64 section.

65 3. The nonprofit corporation has demonstrated success with
66 a school or program similar to the program authorized under this
67 section.

68 4. The nonprofit corporation has the capacity to finance
69 and secure private funds for the development of a campus for the
70 program.

71 (b) Within 60 days after July 1, 2011, the State Board of



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72 Education shall issue a request for proposals from private,
73 nonprofit corporations interested in operating the program. The
74 state board shall select operators from among the qualified
75 responders within 120 days after the issuance of the requests
76 for proposal.

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

78 1. The proposed location of the college-preparatory
79 boarding academy;

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

83 3. Any other information about the proposed educational
84 program, facilities, or operations of the school determined
85 necessary by the state board.

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

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

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

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

97 (d) The operator complies with this section.

98 (e) The operator complies with any other provisions of law
99 specified in the contract, the charter granted by the local
100 school district or the operating agreement with the sponsor, and



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101 the rules adopted by the state board for schools operating in
102 this state.

103 (f) The operator complies with the bylaws adopted pursuant
104 to subsection (5).

105 (g) The operator complies with the standards for admission
106 of students to the academy and for dismissal of students from
107 the academy which are included in the contract and may be
108 reevaluated and revised by mutual agreement between the operator
109 and the state board.

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

112 (i) The state board or the operator may terminate the
113 contract in accordance with the procedures specified in the
114 contract, which must at least require that the party seeking
115 termination give prior written notice of the intent to terminate
116 and that the party receiving the termination notice is granted
117 an opportunity to redress any grievances cited therein.

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

121 (5) OPERATOR BYLAWS.—The operator of the program shall
122 adopt bylaws for the oversight and operation of the academy
123 which are in accordance with this section, state law, and the
124 contract between the operator and the State Board of Education.
125 The bylaws must include procedures for the appointment of board
126 members to the academy's board of trustees, which may not exceed
127 25 members, 5 members of whom shall be appointed by the Governor
128 with the advice and consent of the Senate. The bylaws are
129 subject to approval of the state board.



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130 (6) OUTREACH.—The program operator shall adopt an outreach
131 program with the local education agency or school district and
132 community. The outreach program must give special attention to
133 the recruitment of eligible children in the state who are
134 academic underperformers and who, if given the unique
135 educational opportunity provided in the program, have the
136 potential to progress from at-risk children to college-bound
137 children.

138 (7) FUNDING.—The college-preparatory boarding academy must
139 be a public school and part of the state's program of education.
140 If the program receives state funding from noneducation sources,
141 the State Board of Education shall coordinate, streamline, and
142 simplify any requirements to eliminate duplicate, redundant, or
143 conflicting requirements and oversight by various governmental
144 programs or agencies. Funding for the operation of the boarding
145 academy is contingent on the development of a plan by the
146 Department of Education, the Department of Juvenile Justice and
147 the Department of Children and Family Services which details how
148 educational and noneducational funds that would otherwise be
149 committed to the students in the school and their families can
150 be repurposed to provide for the operation of the school and
151 related services. Such plans must be based on federal and state
152 funding streams for children and families meeting the
153 eligibility criteria for eligible students as specified in
154 paragraph (2) (b) and include recommendations for modifications
155 to the criteria for eligible students which furthers the
156 program's goals or improves the feasibility of using existing
157 funding sources. The plan shall be submitted, together with
158 relevant budget requests, through the legislative budget request



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159 process under s. 216.023, Florida Statutes, or through requests
160 for budget amendments to the Legislative Budget Commission in
161 accordance with s. 216.181, Florida Statutes.

162 (8) STUDENT SERVICES.—Students enrolled in the program who
163 have been adjudicated dependent must remain under the case
164 management services and supervision of the lead agency and its
165 respective providers. The operator may contract with its own
166 providers as necessary to provide services to children in the
167 program and to ensure continuity of the full range of services
168 required by children in foster care who attend the academy. The
169 decision of a foster parent to withdraw a child from the program
170 who is in foster care and has been admitted to the program is
171 subject to the review and approval of the state agency.

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

176 (10) ADMISSION.—An eligible student may apply for admission
177 to the program. If more eligible students apply for admission
178 than the number of students permitted by the capacity
179 established by the board of trustees, admission shall be
180 determined by lottery.

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

186 (12) ANNUAL REPORT.—

187 (a) The State Board of Education shall issue an annual



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188 report for each college-preparatory boarding academy which
189 includes all information applicable to schools.

190 (b) The college-preparatory boarding academy shall report
191 to the Department of Education, in the form and manner
192 prescribed in the contract, all information applicable to public
193 schools and any additional information as specified by the
194 contract.

195 (c) The operator shall comply with all provisions
196 applicable to public schools. The operator shall provide the
197 student's legal guardians with sufficient information on whether
198 the student is reading at grade level and whether the student
199 gains at least a year's worth of learning for every year spent
200 in the program.

201
202 ===== T I T L E A M E N D M E N T =====

203 And the title is amended as follows:

204 Delete line 25

205 and insert:

206 creating the College-Preparatory Boarding Academy
207 Pilot Program for dependent or at-risk students;
208 providing a program purpose; requiring that the State
209 Board of Education implement the program; providing
210 definitions; requiring the state board to select a
211 private nonprofit corporation that meets certain
212 qualifications to operate the program; requiring the
213 state board to issue a request for proposals;
214 providing requirements for the proposals; requiring
215 that the state board enter into a contract with the
216 operator of the selected academy; requiring that the



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217 contract contain specified requirements; requiring
218 that the operator of the academy adopt bylaws, subject
219 to approval by the state board; requiring that the
220 operator adopt an outreach program with the local
221 education agency or school district and community;
222 providing program funding requirements; requiring the
223 school to be a public school; requiring the State
224 Board of Education and certain state agencies to
225 develop a plan relating to funding for the academy;
226 requiring that enrolled students remain under case
227 management services and the supervision of the lead
228 agency; authorizing the operator to appropriately bill
229 Medicaid for services rendered to eligible students or
230 earn federal or local funding for services provided;
231 providing for eligible students to be admitted by
232 lottery if the number of applicants exceeds the
233 allowed capacity; authorizing the operator to board
234 dependent, at-risk students; requiring that the state
235 board issue an annual report; providing an effective
236 date.