

CHAPTER 2011-236

Senate Bill No. 404

An act relating to transition-to-adulthood services; amending s. 985.03, F.S.; defining the term “transition-to-adulthood services”; creating s. 985.461, F.S.; providing legislative intent concerning transition-to-adulthood services for youth in the custody of the Department of Juvenile Justice; providing for eligibility for services for youth served by the department who are legally in the custody of the Department of Children and Family Services; providing that an adjudication of delinquency does not disqualify a youth in foster care from certain services from the Department of Children and Family Services; providing powers and duties of the Department of Juvenile Justice for transition services; providing for assessments; requiring that services be part of a plan leading to independence; amending s. 985.0301, F.S.; providing for retention of court jurisdiction over a child for a specified period following the child’s 19th birthday if the child is participating in transition-to-adulthood services; providing that certain services require voluntary participation by affected youth and do not create an involuntary court-sanctioned residential commitment; creating the College-Preparatory Boarding Academy Pilot Program for dependent or at-risk students; providing a program purpose; requiring that the State Board of Education implement the program; providing definitions; requiring the state board to select a private nonprofit corporation that meets certain qualifications to operate the program; requiring the state board to issue a request for proposals; providing requirements for the proposals; requiring that the state board enter into a contract with the operator of the selected academy; requiring that the contract contain specified requirements; requiring that the operator of the academy adopt bylaws, subject to approval by the state board; requiring that the operator adopt an outreach program with the local education agency or school district and community; providing program funding requirements; requiring the school to be a public school; requiring the State Board of Education and certain state agencies to develop a plan relating to funding for the academy; requiring that enrolled students remain under case management services and the supervision of the lead agency; authorizing the operator to appropriately bill Medicaid for services rendered to eligible students or earn federal or local funding for services provided; providing for eligible students to be admitted by lottery if the number of applicants exceeds the allowed capacity; authorizing the operator to board dependent, at-risk students; requiring that the state board issue an annual report; providing an effective date.

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

Section 1. Present subsections (57) and (58) of section 985.03, Florida Statutes, are renumbered as subsections (58) and (59), respectively, and a new subsection (57) is added to that section to read:

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

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

- (a) Assessment of the youth’s ability and readiness for adult life.
- (b) A plan for the youth to acquire the knowledge, information, and counseling necessary to make a successful transition to adulthood.
- (c) Services that have proven effective toward achieving the transition to adulthood.

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

985.461 Transition to adulthood.—

(1) The Legislature finds that older youth are faced with the need to learn how to support themselves within legal means and overcome the stigma of being delinquent. In most cases, parents expedite this transition. It is the intent of the Legislature that the department provide older youth in its custody or under its supervision with opportunities for participating in transition-to-adulthood services while in the department’s commitment programs or in probation or conditional release programs in the community. These services should be reasonable and appropriate for the youths’ respective ages or special needs and provide activities that build life skills and increase the ability to live independently and become self-sufficient.

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

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

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

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

(b) Develop a list of age-appropriate activities and responsibilities to be incorporated in the child's written case plan for any youth 17 years of age or older who is under the custody or supervision of the department. Activities may include, but are not limited to, life skills training, including training to develop banking and budgeting skills, interviewing and career planning skills, parenting skills, personal health management, and time management or organizational skills; educational support; employment training; and counseling.

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

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

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

(5) For a child who is 17 years of age or older, under the department's care or supervision, and without benefit of parents or legal guardians capable of assisting the child in the transition to adult life, the department may provide an assessment to determine the child's skills and abilities to live independently and become self-sufficient. Based on the assessment and within existing resources, services and training may be provided in order to develop the necessary skills and abilities before the child's 18th birthday.

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

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

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

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

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

(e) A description of the proposed residence;

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

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

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

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

985.0301 Jurisdiction.—

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

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.

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

(a) “Board” means the board of trustees of a college-preparatory boarding academy for at-risk students.

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

- 1. The child is in foster care or has been declared an adjudicated dependent by a court.
- 2. The student’s head of household is not the student’s custodial parent.
- 3. The student resides in a household that receives a housing voucher or has been determined eligible for public housing assistance.
- 4. A member of the student’s immediate family has been incarcerated.

(c) “Operator” means a private, nonprofit corporation that is selected by the state under subsection (3) to operate the program.

(d) “Program” means a college-preparatory boarding academy for at-risk students which includes:

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

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

(3) PROPOSALS.—

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

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

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

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

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

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

(c) Each proposal must contain the following information:

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

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

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

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

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

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

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

(d) The operator complies with this section.

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

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

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

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

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

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

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

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

(7) FUNDING.—The college-preparatory boarding academy must be a public school and part of the state's program of education. If the program receives state funding from noneducation sources, the State Board of Education shall coordinate, streamline, and simplify any requirements to eliminate duplicate, redundant, or conflicting requirements and oversight by various governmental programs or agencies. Funding for the operation of the boarding academy is contingent on the development of a plan by the Department of Education, the Department of Juvenile Justice and the Department of Children and Family Services which details how educational and noneducational funds that would otherwise be committed to the students in the school and their families can be repurposed to provide for the operation of the school and related services. Such plans must be based on federal and state funding streams for children and families meeting the eligibility criteria for eligible students as specified in paragraph (2)(b) and include

recommendations for modifications to the criteria for eligible students which furthers the program's goals or improves the feasibility of using existing funding sources. The plan shall be submitted, together with relevant budget requests, through the legislative budget request process under s. 216.023, Florida Statutes, or through requests for budget amendments to the Legislative Budget Commission in accordance with s. 216.181, Florida Statutes.

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

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

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

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

(12) ANNUAL REPORT.—

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

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

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

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

Approved by the Governor June 28, 2011.

Filed in Office Secretary of State June 28, 2011.