

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 7095      PCB PKI 19-02      School Choice  
**SPONSOR(S):** Education Committee, PreK-12 Innovation Subcommittee, Aloupis  
**TIED BILLS:** None    **IDEN./SIM. BILLS:** SB 1410

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Innovation Subcommittee	11 Y, 3 N	Sleap	Brink
1) PreK-12 Appropriations Subcommittee	8 Y, 1 N	Seifert	Potvin
2) Education Committee	16 Y, 0 N, As CS	Sleap	Hassell

### SUMMARY ANALYSIS

In 2017, the Legislature established Schools of Hope to provide students in persistently low-performing schools quality educational options. To provide greater access to quality educational options and services for underserved students, the bill:

- allows Schools of Hope to open in “Florida Opportunity Zones”;
- allows Schools of Hope funds to be used for capital outlay and initial leasing and related costs and to compensate executive and regional directors until a school reaches full enrollment;
- revises the definition of “persistently low-performing schools” to include schools that have a grade below a “C” for 3 out of 5 years;
- allows additional facilities to house a charter school and specifies entities that may provide land to schools within the property on which the facilities are located or in adjacent properties;
- revises the charter school enrollment preference for students living in certain housing developments;
- codifies the Center for Community Schools and its community schools model and encourages participating schools to become self-sustaining;
- expands the traditional public school Schools of Hope grant program and eligible wrap-around services;
- expands the wrap-around services that may be provided and the ability to contract for these services for schools with a turnaround plan;
- requires school districts to report on controlled open enrollment applications;
- revises the reporting of underused, vacant, or surplus school facilities;
- clarifies background screening requirements for private school personnel; and
- allows a student to convert a Hope Scholarship to a transportation scholarship to a public school outside the school district.

The bill also revises the criteria for a school district to be designated as academically high-performing.

The bill does not appear to have a fiscal impact. See Fiscal Comments, *infra*.

The bill provides an effective date of July 1, 2019.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Controlled Open Enrollment**

###### Present Situation

To provide educational options for students and parents, Florida law allows parents of an eligible student in any school district in the state to enroll his or her child in any public or charter school that has not reached capacity.<sup>1</sup> The controlled open enrollment option is in addition to existing choice programs such as magnet schools, alternative schools, special programs, advanced placement, and dual enrollment.<sup>2</sup> The school district or charter school must determine capacity for its schools and keep the information current and posted on its website along with the process required to participate in controlled open enrollment.<sup>3</sup> The law requires preferential treatment for:

- dependent children of active duty military personnel who have relocated due to military orders;
- children who have relocated due to foster care placement in a different school zone;
- children who have relocated due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent; and
- students residing in the school district.<sup>4</sup>

As a part of the controlled open enrollment process, a student who resides in a school district, including charter school students, may not be displaced by a student from another district who is seeking to enroll under the process.<sup>5</sup>

###### Effect of Proposed Changes

The bill modifies the controlled open enrollment process to require school districts to report the number of controlled open enrollment applications it receives as well as the percentage of applications granted per school year. The bill clarifies annual public school choice reporting requirements of school districts to include the number of students who applied for and are using school choice.

##### **Charter Schools**

###### Present Situation

All charter schools in Florida are public schools and are a part of the state's public education system.<sup>6</sup> Charter schools are tuition-free public schools created through an agreement or "charter" that provides expanded freedom relative to regulations created for traditional public schools in return for a commitment to higher standards of accountability.<sup>7</sup> During the 2017-2018 school year, over 295,000 students were enrolled in 655 charter schools in Florida.<sup>8</sup> One of the guiding principles of charter

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<sup>1</sup> Section 1002.31(2)(a), F.S.

<sup>2</sup> Section 1002.31(3)(g) and s. 1002.20(6)(a), F.S.

<sup>3</sup> Section 1002.31(2)(b) and s. 1002.31(3), F.S.

<sup>4</sup> Section 1002.31(2)(c), F.S.

<sup>5</sup> Section 1002.31(2)(e), F.S.

<sup>6</sup> Section 1002.33(1), F.S.

<sup>7</sup> Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida's Charter Schools* (2018), available at <http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2018.pdf>.

<sup>8</sup> *Id.*

schools is to “meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state’s public school system.”<sup>9</sup>

Several types of entities may sponsor charter schools:

- School districts may sponsor charter schools.<sup>10</sup>
- State universities may sponsor charter lab schools.<sup>11</sup>
- School districts, Florida College System (FCS) institutions or a consortium of school districts or FCS institutions may sponsor a charter technical career center.<sup>12</sup>
- FCS institutions with a teacher preparation program may operate one charter school for students in kindergarten through grade 12.<sup>13</sup>

A sponsor’s responsibilities include:

- approving or denying charter school applications;
- overseeing each sponsored charter school’s progress toward the goals established in the charter;
- monitoring the revenues and expenditures of the charter school;
- ensuring that the charter school participates in the state’s education accountability system; and
- intervening when a sponsored charter school demonstrates deficient student performance or financial instability.<sup>14</sup>

### *Establishing a Charter School*

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under Florida law.<sup>15</sup> While a charter school must be a public or nonprofit entity, it may be managed by a for-profit education management organization.<sup>16</sup>

An applicant must submit a charter school application on a standard application form developed by the Department of Education (DOE). All charter school applications must be submitted to the sponsor by February 1 for a charter school to open 18 months later or at a time determined by the applicant. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses.<sup>17</sup> The charter school application must:

- demonstrate how the school will utilize the guiding principles;<sup>18</sup>
- provide a detailed curriculum plan aligned with the Next Generation Sunshine State Standards;
- contain goals and objectives for improving student learning and measuring such improvement;
- describe the reading curricula and differentiated strategies for serving students at various levels of reading ability;

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<sup>9</sup> Section 1002.33(2)(a)1., F.S.

<sup>10</sup> Section 1002.33(5)(a)1., F.S.

<sup>11</sup> Sections 1002.32(2) and 1002.33(5)(a)2., F.S.

<sup>12</sup> Section 1002.34(3)(b), F.S.

<sup>13</sup> Section 1002.33(5)(b)4., F.S.

<sup>14</sup> Section 1002.33(5)(b), F.S.

<sup>15</sup> Section 1002.33(3)(a), F.S.

<sup>16</sup> Section 1002.33(12)(i), F.S.

<sup>17</sup> Section 1002.33(6)(b), F.S.

<sup>18</sup> The legislative guiding principles for charter schools provide that they are to meet high standards of student achievement while increasing parental choice; increase learning opportunities for all students, with special emphasis on low-performing students and reading and utilizing innovative learning methods. Charter schools may also serve to provide rigorous competition to stimulate improvement in traditional public schools, expand the capacity of the public school system, mitigate the educational impact created by the development of new residential dwelling units and create new professional opportunities for teachers, including ownership of the learning program at the school site. Section 1002.33(2), F.S.

- contain an annual financial plan; and
- disclose the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of each charter school operated by the applicant;
- contains additional information required by the sponsor; and
- for a virtual charter school, document that the applicant has contracted with a provider for virtual instruction services.<sup>19</sup>

A sponsor may require the applicant to submit additional information as an addendum to the application.<sup>20</sup> The sponsor must approve or deny a charter school application within 90 calendar days of receipt, unless an extension of the deadline is mutually agreed to by the sponsor and applicant.<sup>21</sup> If an application is denied, within 10 calendar days, the sponsor must provide specific written reasons, based upon good cause, for its denial to the applicant and the DOE.<sup>22</sup> The applicant has 30 calendar days to file an appeal with the State Board of Education (SBE) after the denial of, or failure to act upon, an application. The state board's decision is a final action subject to judicial review in the District Court of Appeal.<sup>23</sup>

A sponsor approved charter school can be housed in certain identified facilities, such as a church, museum, or theatre, without rezoning or special use exceptions or land use change.<sup>24</sup>

### *Student Eligibility*

Charter schools are open to all students residing within a school district and students who are covered by an inter-district enrollment agreement.<sup>25</sup> In addition, controlled open enrollment requirements allow a parent whose child is not subject to a current expulsion or suspension order to seek enrollment in, and transport his or her child to any public school in the state, including a charter school, which has not reached capacity.<sup>26</sup> The charter school governing board determines its capacity based upon its contract.<sup>27</sup>

Prospective students must apply for enrollment in a charter school and, if the number of applications exceeds the school's capacity, a random lottery must be used to determine which students are enrolled.<sup>28</sup> Enrollment preference may be given to student populations such as siblings of current charter school students, children of charter school employees and members of the governing board, students who attend or are assigned to a failing school, and others.<sup>29</sup>

A charter school may limit the enrollment process in order to target the following student populations:

- students within specific age groups or grade levels;

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<sup>19</sup> Section 1002.33(6)(a), F.S.

<sup>20</sup> *Id.*

<sup>21</sup> Section 1002.33(6), F.S.

<sup>22</sup> Section 1002.33(6)(b)3., F.S.

<sup>23</sup> Section 1002.33(6)(c)-(d), F.S.; *see also* s. 120.68, F.S.

<sup>24</sup> Section 1002.33(18)(c), F.S.

<sup>25</sup> Section 1002.33(10)(a), F.S. A charter school receiving federal Charter School Program grant funds must use a lottery if more students apply for admission to the charter school than can be admitted, but may use a weighted lottery under certain circumstances. *See* U.S. Department of Education, *Charter Schools Program Title V, Part B of the ESEA, Non-Regulatory Guidance*, (January 2014), available at <http://www2.ed.gov/programs/charter/fy14cspnonregguidance.doc>.

<sup>26</sup> Section 1002.31(2)(a), F.S.

<sup>27</sup> Section 1002.31(2)(b), F.S.

<sup>28</sup> Section 1002.33(10)(b), F.S.

<sup>29</sup> Section 1002.33(10)(d), F.S.

- students considered at risk of dropping out of school or academic failure, to include exceptional education students;
- children of the business partner who seek to enroll in a charter school-in-the-workplace or children of municipal residents who seek to enroll in a charter school-in-a-municipality;
- students residing within a reasonable distance of the charter school;
- students who meet reasonable academic, artistic or other eligibility standards established by the charter school;
- students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor; or
- students living in a development in which a business entity provides the school facility and related property having an appraised value of at least \$5 million to be used as a charter school to mitigate the educational impact created by the development of new residential dwelling units; such students are entitled to no more than 50 percent of the student stations at the school<sup>30</sup>

### Effect of Proposed Changes

The bill repeals the requirement that a charter school sponsor report on draft applications it receives and revises the date by which a sponsor must annually report the number of applications it receives from August 31 to November 1. Accordingly, the bill revises the date by which the DOE annually reports the number of applications on its website from November 1 to January 15.

The bill repeals the obsolete August 1 application deadline and specifies that each sponsor's report to the DOE must reflect the applications it receives by the February 1 deadline, which became effective in 2018.

The bill adds community service organization facilities, houses of worship, and temples to the list of facilities that may house a charter school without any rezoning or special use exceptions or land use changes. The bill specifies that any such facilities may provide land to charter schools within their facilities, land on which facilities are located, or adjacent properties.

With respect to the enrollment preference for students who reside in a housing development in which the charter school facility is provided by a business entity, the bill specifies that:

- the preference applies if a developer or an affiliated business entity or charitable organization contributes to the formation, acquisition, construction, or operation of one or more charter schools or charter school facilities and related property in an amount equal to or having a total appraised value of \$5 million; and
- students living in the development are entitled to 50 percent of the student stations.

## **Schools of Hope**

### Present Situation

In 2017, the Legislature established Schools of Hope to provide students in areas of persistently low-performing schools the opportunity to access a high-quality education designed to close the opportunity gap and increase student achievement.<sup>31</sup> A school of hope is defined as a charter school operated by a hope operator to serve students from one or more persistently low-performing schools; is located within the attendance zone of the persistently low-performing school or within a five mile radius of the school, whichever is greater; and is a Title I eligible school.<sup>32</sup> A persistently low-performing school is defined as a school that has earned three consecutive grades lower than a "C" and a school that was closed as a

<sup>30</sup> Section 1002.33(10)(e), F.S. (2018).

<sup>31</sup> Section 43, ch. 2017-116, L.O.F., codified at s.1002.333, F.S.

<sup>32</sup> Section 1002.333(1)(c)1., F.S.

result of school improvement within two years after the submission of a notice of intent.<sup>33</sup> Based on 2017-2018 school grades data, 48 schools from 20 school districts in Florida meet the definition of a persistently low-performing school.<sup>34</sup>

A hope operator is a tax-exempt, nonprofit organization that operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families and is designated by the SBE as a hope operator.<sup>35</sup> State board rule designates an entity as a hope operator if it submits a complete application and meets at least one of the following criteria:

- the entity was awarded a United States Department of Education Charter School Program grant for the Replication and Expansion of High-Quality Charter Schools pursuant to Title IV, Part C of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act (20 U.S.C. 7221-7221j) within the preceding 3 years from the date the entity submits an application to the Department;
- the entity has a current and active grant award for funding through the National Fund of the Charter School Growth Fund; or
- the entity is a non-profit charter school that is selected by a district school board to turnaround the performance of a low-performing public school.<sup>36</sup>

Designation as a hope operator is valid for five years from the opening of a school of hope.<sup>37</sup> Presently, Florida has designated four hope operators: Democracy Prep Public Schools, Inc., IDEA Public Schools, KIPP New Jersey, and Somerset Academy, Inc.<sup>38</sup> Somerset Academy, Inc. currently operates the K-12 school in Jefferson County, and KIPP New Jersey and IDEA Public Schools have submitted notices of intent to open schools of hope in the Miami-Dade and Hillsborough school districts, respectively.<sup>39</sup>

### *Establishing a School of Hope*

A hope operator seeking to open a school of hope must submit a notice of intent to the school district in which a persistently low-performing school has been identified.<sup>40</sup> The intent must include among other things, a proposed location for the school, the student grades and numbers of students to be served, and the goals and objectives for increasing student achievement.<sup>41</sup> Within 60 days, a school district must enter into a performance-based agreement with a hope operator to open schools to serve students from persistently low-performing schools or reduce the charter school administrative fee to 1 percent for all charter schools operating in the district.<sup>42</sup>

No later than October 1, a school district must annually report to the DOE all underused, vacant, or surplus facilities owned or operated by the school district.<sup>43</sup> A hope operator establishing a school of hope may use a facility identified as underused, vacant, or surplus by a school district, at no cost or

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<sup>33</sup> Section 1002.333(1)(b), F.S.

<sup>34</sup> Florida Department of Education, *2017-2018 Persistently Low-Performing Schools Accountability Report* (2018), available at <http://www.fldoe.org/core/fileparse.php/18534/urlt/PLPSchools18.xls>.

<sup>35</sup> Section 1002.333(2), F.S.

<sup>36</sup> Rule 6A-1.0998271(2)(b), F.A.C.

<sup>37</sup> Section 1002.333(3), F.S.

<sup>38</sup> Florida Department of Education, *Schools of Hope*, <http://www.fldoe.org/schools/school-choice/other-school-choice-options/schools-of-hope/> (last visited March 6, 2019).

<sup>39</sup> Email from Bethany Swanson, Legislative Affairs, Florida Department of Education, RE: FDOE Update: KIPP and IDEA coming to Florida (March 11, 2019).

<sup>40</sup> Section 1002.333(4), F.S.

<sup>41</sup> Section 1002.333(4)(a), F.S.

<sup>42</sup> Section 1002.333(8), F.S.

<sup>43</sup> Section 1002.333(7)(d), F.S.

at a mutually agreeable cost not to exceed \$600 per student.<sup>44</sup> The facility used by a hope operator may not be sold or disposed of without the written permission of the school district.<sup>45</sup>

### *Schools of Hope Funding*

Schools of hope are funded in the same manner as other charter schools and traditional schools.<sup>46</sup> They are given priority in the Public Charter School Grant Program and are eligible to receive funds from the Schools of Hope Program.<sup>47</sup> Schools of hope are considered charter schools for purposes of charter capital outlay, but may not use the funds to purchase real property or construct school facilities.<sup>48</sup> The Schools of Hope Program within the DOE provides a school of hope with funds for eligible expenditures such as hiring and compensating staff, acquiring equipment and educational materials, startup costs for student transportation, and community engagement.<sup>49</sup>

A traditional public school that must submit a turnaround plan to address student performance under current law<sup>50</sup> is eligible to receive funding from the program based on the strengths of the plan for implementation and its focus on evidence-based interventions that lead to student success by providing wrap-around services that leverage community assets, improve school and community collaboration, and develop family and community partnerships.<sup>51</sup> The award amount is set at up to \$2,000 per full-time equivalent (FTE) student.<sup>52</sup>

The SBE evaluates the turnaround plans and determines which of the eligible schools will receive an award.<sup>53</sup> The SBE may select up to 25 schools.<sup>54</sup> In the 2017-2018 school year, 25 traditional public schools were approved by the SBE to receive a program award. In the 2018-2019 school year, 14 traditional public schools were approved by the SBE to receive a program award.<sup>55</sup>

The Schools of Hope Program was appropriated \$140 million in both FY 2017-2018<sup>56</sup> and FY 2018-2019.<sup>57</sup> Funds allocated for the program that are not used by June 30 of the fiscal year allocation may be carried forward for up to 5 years after the original appropriation date.<sup>58</sup>

Schools of Hope Program <sup>59</sup>	
2017-2018 Appropriation	\$140,000,000.00
2017-2018 Expenditures	-\$9,824,408.25
2018-2019 Expenditures	-\$2,382,868.00
2017-2018 Balance	\$127,792,723.75
2018-2019 Appropriation	\$140,000,000.00

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> Section 1002.333(9)(a) and s. 1002.33(17), F.S.

<sup>47</sup> Section 1002.333(9)(b), F.S.

<sup>48</sup> Section 1002.333(9)(c), F.S.

<sup>49</sup> Section 43, Ch. 2017-116, L.O.F., codified at s.1002.333, F.S.

<sup>50</sup> Section 1008.33(4), F.S.

<sup>51</sup> Section 1002.33(9)(b), F.S.

<sup>52</sup> *Id.*

<sup>53</sup> Section 1002.333(10)(c), F.S.

<sup>54</sup> *Id.*

<sup>55</sup> Florida Department of Education, *Schools of Hope Traditional Public Schools Grant*, Presentation to House Education Committee on Feb. 12, 2019, available at

<https://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=2996&Session=2019&DocumentType=Meeting%20Packets&FileName=edc%202-12-19.pdf>.

<sup>56</sup> Ch.2017-116, L.O.F.

<sup>57</sup> Ch. 2018-9, L.O.F.

<sup>58</sup> Section 1002.333(10)(d), F.S.

<sup>59</sup> Email, Florida House of Representatives, PreK-12 Appropriations (March 11, 2019).

2018-2019 Expenditures	-\$3,204,963.51
2018-2019 Balance	\$136,795,036.49

### *Florida Opportunity Zones*

In December 2017, the federal Tax Cuts and Jobs Act of 2017 was signed into law.<sup>60</sup> The act provides tax incentives for investments in opportunity zones, comprising economically-distressed communities, to spur economic development and job creation.<sup>61</sup> Tax incentives include a temporary deferral on capital gains taxes for investors who reinvest gains in opportunity funds invested in low-income opportunity zones.<sup>62</sup> The act allows the governor of each state to nominate up to 25 percent of eligible low-income census tracts as opportunity zones and then submit the nominations to the U.S. Department of Treasury to certify the zones or provide further guidance.<sup>63</sup> Based on the federal requirements for this program, Florida can nominate 427 census tracts.<sup>64</sup>

The act defines a qualified opportunity zone as “a population census tract that is a low-income community”<sup>65</sup> based on low-income requirements defined by the U.S. Internal Revenue Code as:

- A tract with a poverty rate of at least 20 percent, or
- A median family income of:
  - No more than 80 percent of the statewide median family income for census tracts in non-metropolitan areas.
  - No more than 80 percent of the greater statewide median family income or the overall metropolitan median family income for census tracts within metropolitan areas.<sup>66</sup>

The poverty rate for each census tract is based on how household income compares to the national thresholds calculated by the Census Bureau.<sup>67</sup>

To determine the opportunity zones Florida would nominate, economists at the Department of Economic Opportunity’s (DEO) created a statistical model using census tract data and other economic indicators, such as poverty level, unemployment rates and population density.<sup>68</sup> DEO used a method to ensure that every county in Florida received at least one census tract nomination and incorporated into the model requests from entities such as city and county governments, regional planning councils, developers, and others.<sup>69</sup>

In 2018, Governor Rick Scott nominated Florida’s 427 opportunity zone sites located throughout Florida’s 67 counties.<sup>70</sup> The zones were certified by the Treasury and will retain the designation for ten years.<sup>71</sup> Investments into these zones allow investors the ability to defer tax on any prior gains until no

<sup>60</sup> Tax Cuts and Jobs Act of 2017, Pub. L. No.115-97, H.R. 1, 115<sup>th</sup> Cong. (Dec. 22, 2017)

<sup>61</sup> *Id.* at Sec. 13823

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> Florida Department of Economic Opportunity, *Frequently Asked Questions on Opportunity Zone program* (2018), available at <http://www.floridajobs.org/docs/default-source/communicationsfiles/fl-opportunity-zones-faq.pdf>.

<sup>65</sup> Tax Cuts and Jobs Act of 2017, Pub. L. No.115-97, H.R. 1, 115<sup>th</sup> Cong., Sec. 13823 (Dec. 22, 2017)

<sup>66</sup> 26 U.S.C. s. 45(D)(e).

<sup>67</sup> Florida Department of Economic Opportunity, *Frequently Asked Questions on Opportunity Zone program* (2018), available at <http://www.floridajobs.org/docs/default-source/communicationsfiles/fl-opportunity-zones-faq.pdf>.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> Florida Department of Economic Opportunity, *Florida’s Certified Opportunity Zones* (2018), available at <http://www.floridajobs.org/docs/default-source/communicationsfiles/fl-opportunity-zones-county-summary.pdf>.

<sup>71</sup> U.S. Department of Treasury, Press Releases: Treasury, *IRS Announce Final Round of Opportunity Zone Designations* (June 14, 2018), <https://home.treasury.gov/news/press-releases/sm0414> (last visited March 6, 2019).



later than December 31, 2026, as long as the gain is reinvested in a qualified opportunity fund which makes investments in the opportunity zones.<sup>72</sup>

### Effect of Proposed Changes

The bill amends the definition of persistently low-performing schools to include Florida Opportunity Zones designated by the Treasury and revises the definition of persistently low-performing to mean a school that has earned three grades lower than a “C” in at least 3 of the last 5 years. The definition for a school of hope is amended to include a charter school operated by a hope operator serving students in a Florida Opportunity Zone.

The bill provides that, after the SBE adopts measureable eligibility criteria, a charter operator that meets the criteria established in statute or that receives funding through the National Fund of the Charter School Growth Fund may be designated as a hope operator.

The bill revises the reporting of underused, vacant, or surplus facilities providing that no later than January 1, the DOE must annually provide to school districts a list of all underused, vacant, or surplus facilities owned or operated by the school district as reported in the Florida Inventory of School Houses. Within 30 days, a district may provide evidence that the list contains errors or omissions. No later than April 1, the DOE must annually publish a final list of these facilities.

The bill expands eligible expenditures of Schools of Hope funds to include:

- capital outlay up to the amount a school would receive under the charter school capital outlay formula until the school is eligible for such funds;
- hiring of executive directors and regional directors;
- hiring and compensating of specified staff until the school has reached full enrollment; and
- initial leasing and related costs of a school facility in the event that a district-owned facility is not available or was not leased in a timely manner.

Program awards for traditional public schools are amended to an amount up to \$500 per FTE. The bill allows these awards to continue during the implementation of the school’s turnaround plan and for one school year after the school exits from turnaround status. Further, awards are now contingent upon approval of the turnaround plan by the SBE. The definition of wrap-around services is expanded to include health services, drug-prevention programs, and food and clothing banks. The bill provides that a school district may enter into a contract with a nonprofit organization to implement wrap-around services as part of an integrated student support services model.

A school’s turnaround plan must identify public and private funds to be used to sustain the turnaround plan beyond the award and assure that the award funds will not replace funds already provided to the school. The bill expands the number of program awards the SBE may provide to traditional public schools from up to 25 to up to 75 and requires the grant to describe how the plan can be continued beyond the award period.

## **Hope Scholarship Program**

### Present Situation

The Hope Scholarship Program (HSP) was established in 2018 to provide the parent of an eligible public school student subjected to an incident at school the opportunity to transfer the student to a public school within the school district, receive a scholarship to transport the student to a public school in another school district, or receive a scholarship for the student to attend a private school.<sup>73</sup> A student

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<sup>72</sup> *Id.*

<sup>73</sup> Section 16, Ch. 2018-6, L.O.F., codified at s.1002.40, F.S.

enrolled in a Florida public school in kindergarten through grade 12 is eligible for a scholarship under HSP if the student reported an “incident” defined as battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school.<sup>74</sup>

The scholarship program is funded by taxpayers who make eligible contributions to an eligible nonprofit scholarship funding organization, and, in turn, receive a credit against any tax due as a result of the purchase or acquisition of a motor vehicle.<sup>75</sup> Contingent upon available funds, scholarships are awarded on a first-come, first-served basis to eligible students who reported an incident to the school principal.<sup>76</sup>

A scholarship remains with a student until the student returns to public school or graduates from high school, whichever occurs first.<sup>77</sup> A scholarship student who enrolls in a public school or a public school program is considered to have returned to a public school.<sup>78</sup>

The DOE must contract with an independent entity to conduct an annual evaluation of the program which includes:

- reviewing the school bullying prevention education program, climate, and code of student conduct at a school where 10 or more students transferred from using the scholarship to determine investigation time and response to an incident, communication with involved parties, review of school incident and discipline data, and any challenges to implementing recommendations;
- reviewing the school bullying prevention education program, climate, and code of student conduct of a school where a student transferred to using the scholarship to identify best practices;
- reviewing the performance of participating students in a qualifying school; and
- surveying parents to determine academic, safety, and school climate satisfaction along with any challenges in addressing the incident or use of the scholarship.<sup>79</sup>

### Effect of Proposed Changes

The bill clarifies that a student who enrolls in a public school program within the district is considered to have returned to a public school for the purpose of determining the end of the scholarship’s term. However, a scholarship student who enrolls in a public school located outside of the district in which the incident occurred may convert the scholarship to a transportation scholarship for up to \$750.00.

## **Private School Eligibility in State School Choice Scholarship Programs**

### Present Situation

In addition to a myriad of public options, Florida offers four scholarship programs that allow parents of eligible students to register and attend private schools that may better serve a student’s particular needs. The four scholarship programs include:

- John M. McKay Scholarships for Student with Disabilities Program<sup>80</sup>
- Florida Tax Credit Scholarship Program<sup>81</sup>

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<sup>74</sup> Section 1002.40(3), F.S.

<sup>75</sup> Section 1002.420(2)(d) and (13), F.S.

<sup>76</sup> Section 1002.420(3) and (6), F.S.

<sup>77</sup> Section 1002.40(5), F.S.

<sup>78</sup> *Id.*

<sup>79</sup> Section 1002.40(8)(d)1.-4., F.S.

<sup>80</sup> Section 1002.39, F.S.

- Gardiner Scholarship Program<sup>82</sup>
- Hope Scholarship Program<sup>83</sup>

Private schools must meet specific criteria in order to be eligible to participate in these programs and the DOE and the Commissioner of Education are tasked with implementation and oversight responsibilities.<sup>84</sup> In 2018, the Legislature strengthened the oversight and accountability measures for all scholarship programs in the state to include among other things conducting site visits for new private schools or a school with a complaint regarding a violation of law or rule filed against it, obtaining copies of inspection reports, and new owner or operator requirements.<sup>85</sup>

Current law requires private schools that participate in a state educational scholarship have each employee and contracted personnel undergo a state and national criminal background screening.<sup>86</sup> The results of the screening are provided to the private school.<sup>87</sup> The private school must deny employment to or terminate the employee if he or she fails to meet the screening standards established in chapter 435, F.S.<sup>88</sup> An employee or contracted personnel who has a valid Florida teaching certificate and was previously fingerprinted is exempt from the screening.<sup>89</sup>

### Effect of Proposed Changes

The bill repeals the background screening exemption for teachers with a Florida educator certificate, to allow a participating private school to screen those teachers along with all of its instructional staff.

## **Academically High-Performing School Districts**

### Present Situation

A school district that meets the following criteria is designated as a high-performing school district:

- earn a school grade of “A” for 2 consecutive years;
- have no district-operated school that earns a school grade of “F”;
- comply with all class size requirements; and
- in their annual financial audit, have no material weaknesses or instances of material noncompliance.<sup>90</sup>

An academically high-performing school district is provided flexibility in specified statutes and state board rules.<sup>91</sup> The district may retain the designation for 3 years if it continues to meet the criteria of complying with class size requirements and has no weaknesses or noncompliance in annual financial audits, as well as earn a school grade of “A” for 2 years within a 3-year period.<sup>92</sup> If a school operated by the district earns a school grade of “F” during the 3-year period, the district will no longer be recognized as an academically high-performing district.<sup>93</sup>

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<sup>81</sup> Section 1002.395, F.S.

<sup>82</sup> Section 1002.385, F.S.

<sup>83</sup> Section 1002.40, F.S.

<sup>84</sup> Section 1002.421, F.S.

<sup>85</sup> Section 18, ch. 2018-6, L.O.F.

<sup>86</sup> Section 1002.421(1)(m), F.S.

<sup>87</sup> *Id.*

<sup>88</sup> Section 1002.421(1)(m), F.S. See s. 435.04, F.S. for a list of disqualifying offenses.

<sup>89</sup> Section 1002.421(1)(m)4., F.S.

<sup>90</sup> Section 1003.621(1)(a), F.S.

<sup>91</sup> Section 1003.621(1)(b), F.S.

<sup>92</sup> Section 1003.621(1)(d), F.S.

<sup>93</sup> Section 1003.621(1)(d)2., F.S.

## Effect of Proposed Changes

The bill provides that a school district may be designated as academically high-performing if it earns at least two school grades of “A” and no school grade below a “B,” during each of the previous 3 school years, or the district earned 2 consecutive school grades of “A” in the most recent 2 school years. In order for a school district to maintain the designation, the bill allows a school district to earn a school grade of “A” for 2 years within the 3-year period with no grade below a “B” during the same 3-year period.

## **Community Partnership Schools**

### Present Situation

The Coalition for Community Schools defines a community school as hub of educators, families, and local community partners working together to offer opportunities, support, and services to the children and families in the community.<sup>94</sup> Community schools provide local families and communities expanded learning opportunities both during and after the school day, health and social support and services, and encourage family and community engagement in the lives of their children and youth.<sup>95</sup>

Since the late 1980s, thousands of community schools have been established in diverse settings across the U.S. and beyond with varying approaches. One approach is the Community Partnership Schools (CPS) model, using a multiple core partner’s community school approach with an embedded university-assisted community school component.<sup>96</sup> The CPS model seeks to meet the social, emotional, mental, physical, nutritional, and financial needs of students so they are prepared and able to be successful in school.<sup>97</sup> In 2010, the first CPS model community school was founded by the University of Central Florida, Children’s Home Society of Florida, and Orange County Public Schools at Evans High School in Orlando, FL.<sup>98</sup>

The University of Central Florida established the Center for Community Schools in 2014 to respond to the demand for community school information and assistance with establishing a CPS.<sup>99</sup> The Center provides technical assistance and legislative funding to support CPS planning and operations in interested communities.<sup>100</sup>

### *Establishing a CPS*

A CPS includes four core community partners - a school district, university or college, community-based not-for-profit, and health care provider.<sup>101</sup> To establish a CPS, a school system must identify four or more core partners with sufficient resources and a willingness to commit, often through a memorandum of understanding, to support the established school for a minimum of 25 years.<sup>102</sup> The

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<sup>94</sup> Coalition for Community Schools at the Institute for Educational Leadership, *Frequently Asked Questions About Community Schools*, <http://www.communityschools.org/aboutschools/faqs.aspx> (last visited March 7, 2019).

<sup>95</sup> *Id.*

<sup>96</sup> University of Central Florida Center for Community Schools, *Community Schools*, <https://ccie.ucf.edu/communityschools/schools/> (last visited March 7, 2019).

<sup>97</sup> University of Central Florida, Center for Community Schools, *Community Partnership Schools Model*, <https://ccie.ucf.edu/communityschools/partnership-schools/#model> (last visited March 7, 2019).

<sup>98</sup> University of Central Florida Center for Community Schools, *About*, <https://ccie.ucf.edu/communityschools/about/> (last visited March 7, 2019).

<sup>99</sup> See University of Central Florida, Children’s Home Society, Orange County Public Schools, *Community Partnership Schools*, Presentation to House PreK-12 Innovation Subcommittee on Feb. 7, 2019, *available at* <https://www.myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2019&DocumentType=Meeting%20Packets&FileName=pki%202-7-19.pdf>. at 42.

<sup>100</sup> *Id.*

<sup>101</sup> University of Central Florida Center for Community Schools, *Community Partnership Schools Model*, (2018) *available at* <https://ccie.ucf.edu/wp-content/uploads/sites/12/2018/08/2018-community-partnership-schools-one-pager.jpg>.

<sup>102</sup> *Id.*

CPS is governed by a representative from each of the partner organizations along with leadership from the school and community to collectively make decisions around funding, allocation of resources, hiring staff, and working with providers.<sup>103</sup>

Conducting a community assessment is an important part of developing a CPS. The assessment may include data collection, interviews and focus groups with stakeholders, as well as conducting an inventory of existing programs and services in the community. The assessment assists in establishing the goals the partners will agree on for the short and long-term outcomes of the school.<sup>104</sup> Each CPS is required to provide a 25 percent local match from funds they receive<sup>105</sup> and develop a sustainability plan that recognizes the fluctuation of funding and the commitment of the core partners for long term success.<sup>106</sup> The majority of CPS resources are provided by the core partners and community organizations already funded to provide the services.<sup>107</sup>

Interested school districts and/or their community partners submit applications to the Center's grants committee for review and approval. The committee reviews based on need, the committed partnership, partner capacity, project goals, evaluation, diversified budget, and leveraged project budget.<sup>108</sup>

Schools that implement the 12 CPS standards<sup>109</sup> and then operate successfully for a full year are eligible to apply for certification as a University of Central Florida-Community Partnership School (UCF-CPS).<sup>110</sup> A UCF-CPS school must demonstrate appropriate alignment with the core components of the model and reach implementation benchmarks on the 12 standards.<sup>111</sup> Schools that do not reach certification status are given on-going support and may apply for certification once a year until certification is reached.<sup>112</sup> Currently in Florida, two schools are certified UCF-CPS: Evans High School in Orlando, and C.A. Weis Elementary School in Pensacola.<sup>113</sup>

## *Funding and Impact*

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<sup>103</sup> *Id.*

<sup>104</sup> University of Central Florida Center for Community Schools, *Community Partnership Schools Getting Started*, <https://ccie.ucf.edu/communityschools/partnership-schools/getting-started/> (last visited March 7, 2019).

<sup>105</sup> See University of Central Florida, Children's Home Society, Orange County Public Schools, *Community Partnership Schools*, Presentation to House PreK-12 Innovation Subcommittee on Feb. 7, 2019, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2019&DocumentType=Meeting%20Packets&FileName=pki%202-7-19.pdf>. at 15.

<sup>106</sup> University of Central Florida Center for Community Schools, *Community Partnership Schools Getting Started*, <https://ccie.ucf.edu/communityschools/partnership-schools/getting-started/> (last visited March 7, 2019).

<sup>107</sup> See University of Central Florida, Children's Home Society, Orange County Public Schools, *Community Partnership Schools*, Presentation to House PreK-12 Innovation Subcommittee on Feb. 7, 2019, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2019&DocumentType=Meeting%20Packets&FileName=pki%202-7-19.pdf>. at 43.

<sup>108</sup> *Id.* at 16.

<sup>109</sup> 1) Partnership 2) Governance, Structure and Leadership 3) Foundational Principles 4) Staffing 5) Integrated Community School Framework 6) After-school Programs and Services 7) Comprehensive Wellness Services 8) Parent and Community Involvement 9) Volunteering 10) School Climate 11) Evaluation 12) Sustainability. *Id.* at 49.

<sup>110</sup> University of Central Florida Center for Community Schools, *Community Partnership Schools Model*, (2018) available at <https://ccie.ucf.edu/wp-content/uploads/sites/12/2018/08/2018-community-partnership-schools-one-pager.jpg>.

<sup>111</sup> See University of Central Florida, Children's Home Society, Orange County Public Schools, *Community Partnership Schools*, Presentation to House PreK-12 Innovation Subcommittee on Feb. 7, 2019, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2019&DocumentType=Meeting%20Packets&FileName=pki%202-7-19.pdf>. at 49.

<sup>112</sup> *Id.*

<sup>113</sup> University of Central Florida Center for Community Schools, *Assessment and Evaluation Services*, <https://ccie.ucf.edu/communityschools/services/assessment/#certified> (last visited March 7, 2019).

Since 2014, the Legislature has appropriated \$5.4 million in total funding to implement the CPS model.<sup>114</sup> In Fiscal Year 2018-2019, the Legislature provided \$1.4 million<sup>115</sup> to support 10,220 students in ten CPS across the state.<sup>116</sup> Between July and December 2018, activities and services at all 17 sites (13,143 students) included:

- 1,572 students participating in 61,689 hours of enrichment programming;
- 1,682 students receiving 26,260 hours of academic support or tutoring;
- families and the community contributing 14,964 volunteer hours and 3,633 mentor hours;
- 1,096 students receiving dental services;
- 1,360 students receiving eye care or vision services; and
- 273 students receiving medical services.<sup>117</sup>

### Effect of Proposed Changes

The bill codifies the Center in law to provide technical assistance, university-assisted partnerships, training, assessment, and evaluation for the establishment and implementation of community school models.

The bill defines “community organization” and designates it as the lead partner in the community school model that facilitates the use of grant funds. The “community school model” is defined as the model developed by the Center that utilizes a long-term partnership among a school district, community organization, a college or university, and a healthcare provider. The bill requires the model to include a governance structure that includes members from the partnership and provides that it may include community leaders. The model must also establish standards for effective implementation, reporting, and evaluation of each participating school, and provide for family engagement and expanded learning opportunities and support.

Subject to available funds, the Center may use grants to facilitate the implementation of the CPS model in Florida. The bill requires that the Center:

- require a participating public school to establish a long-term partnership within 1 year after receiving grant funds and execute a memorandum of understanding with the partners, conditioning grant awards upon the attainment of matching funds as required by the Center; and
- prioritize planning grant awards for schools in school districts where the community school model has not been established and based on demonstration of the technical and financial ability to sustain the model beyond the initial grant award.

The Center must publish on its website information on each community organization receiving a grant to implement a community school, including:

- for each year awarded, the amount of funds awarded through the Center for each school and the amount of matching funds provided by the community organization;
- long-term partners listed in the memorandum of understanding;
- services and community engagement activities provided;
- the number of students, families, and community members served; and
- the academic progress of students enrolled at the school, to include student progression data, attendance, behavior, and student achievement and learning gains on statewide, standardized assessments.

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<sup>114</sup> University of Central Florida Center for Community Schools, *Community Partnership Schools Funding*, <https://ccie.ucf.edu/communityschools/partnership-schools/funding/> (last visited March 7, 2019).

<sup>115</sup> *Id.*

<sup>116</sup> Email from Melanie Rodriguez, Coordinator, Center for Community Schools RE: CPS Data (March 8, 2019).

<sup>117</sup> *Id.*

## B. SECTION DIRECTORY:

**Section 1:** Amends s. 1002.31, F.S., requiring district school boards to include a specific report in their process for controlled open enrollment; revising specified district school board reporting requirements to include information relating to school choice.

**Section 2:** Amends s. 1002.33, F.S., revising the contents of an annual report charter school sponsors must provide to the Department of Education; revising the date by which the department must post a specified annual report; deleting obsolete provisions; revising provisions relating to charter school enrollment preferences; providing that certain types of facilities may be used to house a charter school under certain circumstances; authorizing certain entities to provide land to charter schools under certain circumstances.

**Section 3:** Amends s. 1002.333, F.S., revising definitions; defining the term "Florida Opportunity Zone;" authorizing a hope operator to operate a school of hope in a school district located in a Florida Opportunity Zone; conforming provisions to changes made by the act; revising the list of school district facilities the department must annually provide to school districts; revising the school district and department responsibilities for such list; revising the approved uses of Schools of Hope Program funds by a hope operator; revising the amount of an award a traditional public school may receive through the Schools of Hope Program under certain circumstances; providing requirements for such awards; revising the number of traditional public school that will receive an award through the Schools of Hope Program; providing criteria for the selection of traditional public schools who receive awards.

**Section 4:** Amends s. 1002.40, F.S., revising the requirements for the termination of a Hope Scholarship upon enrollment in a public school.

**Section 5:** Amends s. 1002.421, F.S., deleting an exemption from certain background screenings for employees and personnel holding a valid Florida teaching certificate; conforming cross-references.

**Section 6:** Amends s. 1003.621, F.S., revising the eligibility criteria for a school district to be designated as an academically high-performing school district and to maintain its designation as such.

**Section 7:** Creates s. 1004.6499, F.S., providing the purpose of the Center for Community Schools within the University of Central Florida relating to community school models; providing definitions; providing requirements for a community organization; providing requirements for a community school model; authorizing the Center for Community Schools to award grants to community organizations to establish its community school model; providing requirements for the award of such grants; requiring the Center for Community Schools to publish certain information on its website.

**Section 8:** Provides an effective date of July 1, 2019.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

See fiscal comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There is no fiscal impact resulting from adding other eligible uses of the Schools of Hope Program fund as specified in Section 3 of the bill. Specific Appropriation 112 in HB 5001, General Appropriations Act for Fiscal Year 2019-2020 appropriates \$140,000,000 in recurring general revenue to the Schools of Hope program. Additionally, as of March 11, 2019, there is \$127.8 million in Fiscal Year 2017-2018 carry forward Schools of Hope program funds and there is an unexpended balance of \$136.8 million for Fiscal Year 2018-2019.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 19, 2019, the PreK-12 Innovation Subcommittee adopted one amendment and reported the proposed committee bill as amended favorably. The amendment adds community service organization facilities, houses of worship, and temples, to the list of facilities that may house a charter school without any rezoning or special use exceptions or land use changes. The bill specifies that any such facilities, may provide land to charter schools within their properties.

On April 9, 2019, the Education Committee adopted seven amendments and reported the bill favorably as a committee substitute. The amendments:

- clarify the prioritization of planning grant awards and the requirements of grantees of funds that are used to implement the CPS model in Florida;



- revise the charter school enrollment preference for students living in certain housing developments;
- expand eligible wrap-around services in the Schools of Hope grant program for traditional schools and allows a school district to enter into a contract with a nonprofit organization to implement the wrap-around services;
- revise the criteria for designation as an academically high-performing school district;
- revise the reporting of underused, vacant, or surplus school facilities;
- restore the DOE requirement to contract with an independent entity to provide an annual evaluation of the Hope Scholarship program; and
- clarify that certain identified facilities that house charter schools without any rezoning or special use exceptions or land use changes, may provide land to charter schools within their facilities, land on which facilities are located, or adjacent properties.

The analysis is updated to reflect the committee substitute as reported favorably by the Education Committee.