

Committee on Education

HB 769 — Education

by Appropriations Committee; Education Committee; and Rep. M. Diaz and others (CS/CS/SB 1552 by Appropriations Committee; Education Committee; and Senator Simmons)

The bill includes provisions related to prekindergarten-12 education, including, but not limited to, school improvement and accountability; charter schools; K-12 student assessments; virtual instruction; civic education; educator certification, evaluation, and bonus; permissible school absence; school visitation; recess; and funding.

School Improvement and Accountability

- Expands the early warning system to include schools that serve students in kindergarten through grade 8.
- Provides that an educational emergency exists when a school district has one or more schools with grade of “D” or “F” and requires such school district to enter a memorandum of understanding that addresses the selection, placement, and expectations of instructional personnel and provides principals with the autonomy specified in law under the Principal Autonomy Pilot Program Initiative.
- Requires a school that earns 3 consecutive grades below a “C” to implement specified turnaround options, unless the State Board of Education (SBE) grants the school an additional year to implement a district-managed turnaround plan if the SBE determines that the school is likely to improve to a grade of “C” or higher after the first school year of implementation.
- Revises the turnaround options for low-performing schools by eliminating the hybrid option and maintaining the other turnaround options, with a modification, that requires such schools to:
 - Reassign the students to another school and monitor student progress;
 - Close and reopen as a charter school; or
 - Contract with an outside entity with a demonstrated record of effectiveness to operate the school, and such entity may include a district-managed charter school in which all instructional personnel are not school district employees, but are employees of an independent governing board composed of members that did not participate in the charter’s review or approval.
- Requires the Commissioner of Education (commissioner) to also assign a community assessment team to each school district or charter school governing board with a school that received a grade of “D.”

Charter Schools

- Requires a sponsor and a charter school governing board to use the standard charter contract, adopted in rule by the SBE.
- Provides that any term or condition differing from the standard contract must be presumed a limitation on charter school flexibility.

- Authorizes a high-performing charter school to establish more than one charter school within the state in any year if the charter school operates in the area of a persistently low-performing school and serves students from that school.
- Authorizes a high-performing charter school system to replicate its high-performing charter schools in any school district in the state and specifies standard application requirements.
- Specifies that for charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. Additionally, the bill modifies the following charter school funding provisions:
 - Revises eligibility criteria for charter school capital outlay funding and use of such funds.
 - Requires school districts to share local capital outlay millage revenue with charter schools, and establishes a formula for this purpose.
 - Modifies the criteria for designating a charter school system's governing board as a local educational agency for purposes of receiving federal funds.
 - Clarifies administrative fees for charter schools, high-performing charter schools, and charter school systems.
- Expands the purposes for forming charter school cooperative organizations to specify that such cooperatives may provide services to further education, operational, and administrative initiatives.
- Specifies that certain facilities may provide space to high-impact schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, land use charter, or any other form of approval.
- Specifies that the waiver of sovereign immunity for the purpose of tort liability that applies to a charter school, does not extend to any for-profit entity contracted by the charter school or its governing body.
- Requires each charter school to annually complete and submit a survey, in a format specified by the Department of Education (DOE), to rate the timeliness and quality of services provided by the applicable school district, and requires the DOE to compile the survey results.
- Eliminates the requirement for the Department of Education to compare student performance data of charter schools within a school district with public schools within that district, and with the other charter schools in Florida as well as the posting of such information on each charter school's Internet website.
- Authorizes an exemption from controlled open enrollment requirements for a charter school if such school is open to any student covered in an interdistrict agreement and any student residing in the school district in which the charter school is located.

Schools of Hope

- Establishes "school of hope" and "hope operator" to serve students in persistently low-performing schools.
 - Defines school of hope to mean a charter school that is operated by a hope operator:

- That serves students from one or more persistently low-performing schools, is located in the attendance zone of a persistently low-performing school or within in a 5-mile radius of such school, whichever is greater, and is a Title I eligible school.
- Or, pursuant to implementing a turnaround option, the school is operated by a hope operator that may include a district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.
- Defines persistently low-performing school to mean a school that has received 3 consecutive grades below a “C” and a school that was closed within two years after a hope operator submits to a school district a notice of intent to open a school of hope.
- Defines hope operator as a tax exempt, nonprofit organization that operates 3 or more charter schools that serve students in kindergarten through grade 12 in Florida or other states with a record of serving students from low-income families.
- Establishes a process for a hope operator to submit to a school district a notice of intent and execute a performance-based agreement with the applicable school district to open a school of hope; and specifies timeframe and SBE responsibilities.
- Provides that a school district that does not enter into a performance-based agreement with a hope operator within 60 days after receipt of the notice of intent must reduce the administrative fees withheld for all charter schools within the district to 1 percent until the agreement is executed.
- Specifies that the initial status as a hope operator is valid for 5 years from opening of a school of hope, and the renewal of such status must be based solely upon the academic and financial performance of all schools established by the operator in the state since its initial designation.
- Creates the Schools of Hope Program, within the DOE, to distribute funds to a school of hope for specified expenditures.
- Requires the SBE to provide, from the Schools of Hope Program, awards for up to 25 traditional public schools and prioritize awards for district-managed turnaround plans for implementation that are based on whole school transformation and that are developed in consultation with the school’s principal.
- Specifies such schools may receive up to \$2,000 per full-time equivalent (FTE) student, based upon the strength of the school’s 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.
- Specifies that the waiver of sovereign immunity for the purposes of tort liability applies to the hope operator, the school of hope, and its employees or agents, but does not extend to any for-profit entity contracted by the charter school or its governing body.
- Creates the Schools of Hope Revolving Loan Program to provide funds to hope operators to meet school building construction needs and pay for expenses related to startup costs.

Title I Funding

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- Specifies that after providing Title I funds to schools above the 75 percent poverty threshold, a school district must distribute remaining Title I funds directly to all eligible schools and provides that before the distribution of Title I funds, a school district may only withhold funds at specified amounts for certain purposes.

Schools of Excellence

- Creates the Schools of Excellence Program to provide administrative flexibility to the state's highest performing schools including, but not limited to, traditional public schools, so that the instructional personnel and administrative staff at such schools can continue to serve their communities and increase student learning.
- Requires the SBE to designate a school as a School of Excellence if the school's percentage of possible points earned in its school grades calculation is in the 80th percentile or higher for schools comprised of the same grade groupings (including elementary schools, middle schools, high schools, and schools with a combination of grade levels) for at least 2 of the last 3 school years.
- Specifies that the initial designation is valid for up to 3 years and authorizes renewal of the designation if the school was in the 80th percentile or higher for 2 of the previous 3 years and the school did not receive a school grade lower than a "B" during any of the previous 3 years.
- Provides qualifying schools the following administrative flexibilities:
 - Exempts the school from any law or rule that requires a minimum period of daily or weekly reading instruction.
 - Grants the school principal autonomy as provided under the Principal Autonomy Pilot Program Initiative and the following:
 - The authority to select the placement or refuse to accept the placement or transfer of qualified instructional personnel by the district school superintendent;
 - The authority to deploy financial resources to school programs at the principal's discretion to help improve student achievement; and
 - The responsibility to annually provide a budget for the operations of the participating school to the district school superintendent and the district school board.
 - Authorizes instructional personnel to substitute 1 school year of employment at a School of Excellence for 20 inservice points toward the renewal of a professional certificate, up to 60 inservice points in a 5-year cycle.
 - Exempts the school from compliance with district policies or procedures that establish times for the start and completion of the school day.
 - Calculates compliance with the maximum class size requirements based on the average number of students at the school level.

K-12 Student Assessment

- Eliminates Algebra II end-of-course (EOC) assessment requirement.
- Deletes the requirement for students who participate in two full seasons of an interscholastic sport to pass a competency test on personal fitness in order to satisfy the physical education credit required for graduation with a standard high school diploma.

- Requires English Language Arts (ELA) and mathematics statewide, standardized assessments for grades 3-6 to be delivered only in a paper-based format, beginning with the 2017-2018 school year, and all such assessments must be paper-based no later than the 2018-2019 school year.
- Modifies the timeframe for administering statewide, standardized assessments to require that:
 - The grade 3 ELA assessment and the writing portion of the ELA assessment for grades 4 through 10 must be administered no earlier than April 1 each year within an assessment window not exceeding 2 weeks.
 - Any statewide, standardized assessment that is delivered in a paper-based format, with the exception of the assessments specified above, must be administered no earlier than May 1 each year within an assessment window not exceeding 2 weeks.
 - All remaining statewide, standardized assessments must be administered within a 4-week assessment window that opens no earlier than May 1 each year.
- Specifies reporting of assessment results to students, parents, and teachers; and specifies the information that must be included in the results report.
- Requires DOE to publish statewide, standardized assessments on the department's website, which must occur no later than June 30, 2021, subject to appropriation.
- Requires the commissioner to contract for an independent study of the ACT and SAT as an alternative for grade 10 ELA assessment and Algebra I EOC assessment, consistent with federal requirements, and requires the commissioner to submit a report of the findings and recommendations to the Governor, the Legislature, and the SBE by January 1, 2018.
- Allows completion of blended learning course to satisfy online course requirement.

Student Instruction

- Eliminates student eligibility requirements for virtual instruction, including, but not limited to, the prior public school year requirement, and clarifies that all students, including home education and private school students, are eligible to participate in full-time virtual charter school as well as other full-time and part-time virtual instruction options throughout the state.
- Designates the month of September as "American Founders' Month," includes civic literacy as one of the priorities of Florida's K-20 education system, and requires postsecondary students to demonstrate civic literacy competence.
- Eliminates the required career and education planning course for middle grades promotion.
- Strengthens intervention and support strategies for students identified with a substantial reading deficiency.
- Requires superintendent to certify that K-5 reading instruction and intervention materials comply with criteria identified by Just Read, Florida! beginning July 1, 2021.
- Creates the Early Childhood Music Education Incentive Pilot Program, within the DOE, for a period of 3 years; establishes eligibility criteria for school districts to participate in the program; and requires the University of Florida's College of Education to evaluate effectiveness of program.

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Early Learning

- Defines “public school prekindergarten provider” to include a traditional public school and a charter school that is eligible to deliver the school-year Voluntary Prekindergarten Education Program (VPK).
- Establishes the Committee on Early Grade Success, within the DOE, to develop a proposal for establishing and implementing a coordinated child assessment system for the School Readiness Program, VPK, and the Kindergarten Readiness Assessment; requires the committee to submit a report of its findings and recommendations to the Governor and the Legislature by December 1, 2017.
- Requires data from statewide kindergarten screening, along with other available data, to be used in identifying students in need of interventions and support.

Educator Evaluation, Certification, and Bonus

- Makes the use of the student learning growth model (i.e., the value-added model), using formulas approved by the commissioner, for personnel evaluation optional.
- Streamlines the temporary teacher certificate application process; revises the professional development certification and education competency program to specify a teacher mentorship and induction component; requires teacher preparation curriculum to include training in evidence-based, phonics-driven reading strategies; allows mentorship activities to count toward certification renewal and professional development; and requires training in evidence-based reading strategies for renewal of certain certificates.
- Prohibits a district school board from awarding an annual employment contract on the basis of any contingency or condition that is not expressly authorized in law by the Legislature.
- Eliminates the cap on bonuses awarded to teachers of International Baccalaureate, Advanced International Certificate of Education, Advanced Placement, and Career and Professional Education courses, whose students earn specified score on the applicable examination.
- Revises eligibility criteria for participation in the minority teacher education scholars program and authorizes a student to use the scholarship to pursue a graduate degree with a major in education that leads to initial certification.

Florida Best and Brightest Teacher and Principal Scholarship

- Expands the Florida Best and Brightest Teacher Scholarship Program:
 - Specifies an award amount of \$6,000 for a classroom teacher who meets the eligibility criteria specified in law.
 - Revises eligibility criteria for the scholarship, beginning with the 2020-2021 school year, to require that a classroom teacher achieve a composite score at or above the 77th percentile or, if the classroom teacher graduated cum laude or higher with a baccalaureate degree, the 71st percentile on the SAT, ACT, GRE, LSAT, GMAT, or MCAT based on the national percentile ranks in effect when the classroom teacher took the assessment, or have been evaluated as highly effective in the school year immediately preceding the year in which the scholarship will be awarded, unless the classroom teacher is newly hired.

- Provides a scholarship of \$1,200 to a classroom teacher who was evaluated as highly effective and a scholarship of up to \$800 to a classroom teacher evaluated as effective in the school year immediately preceding the year in which the scholarship will be awarded.
- Creates the Florida Best and Brightest Principal Scholarship Program:
- Specifies that a school principal is eligible to receive a scholarship if he or she has served at his or her school for at least 2 consecutive school years, including the current school year, and the school has a ratio of best and brightest teachers to other classroom teachers that is at least the 80th percentile or higher for schools within the same grade group, statewide, including elementary schools, middle schools, high schools, and schools with a combination of grade levels.
- Requires a school district to provide a best and brightest principal with the additional authority and responsibilities authorized under the Principal Autonomy Pilot Program Initiative for a minimum of 2 years.
- Provides a scholarship of \$5,000 must be awarded to each eligible school principal assigned to a Title I school and a scholarship of \$4,000 to each eligible school principal who is not assigned to a Title I school.

Gardiner Scholarship

- Modifies the Gardiner Scholarship to expand student eligibility for the scholarship, and authorized uses of funds, and to define “inactive” account. Specifically, the bill expands the definition of disability, for purposes of the GSP, to include a child:
 - Identified as dual sensory impaired, as defined by the rules of the SBE and evidenced by reports from local school districts.

Student and Parent Rights

- Authorizes a parent to request and be granted permission for a student’s absence from school for treatment of autism spectrum disorder by a licensed health care practitioner or certified behavior analyst.
- Revises an exemption relating to parental responsibility for nonattendance of a student to include treatment for autism spectrum disorder.
- Allows a student to possess and use topical sunscreen on school property or at a school-sponsored event without a physician’s note or prescription if the sunscreen is regulated by the United States Food and Drug Administration for over-the-counter use to limit ultraviolet light-induced skin damage.

Recess

- Requires each district school board to provide at least 100 minutes of supervised, safe, unstructured free-play recess each week for students in kindergarten through grade 5 to allow for at least 20 consecutive minutes of free-play recess per day, and exempts charter schools from the specified requirements.

School Visitation

- Specifies that an individual district school board member may visit any school in his or her school district and an individual charter school governing board member may visit

any charter school governed by the charter school's governing board, at his or her pleasure.

Funding

- Codifies the supplemental academic instruction calculation and extra hour of reading for the 300 lowest-performing elementary schools and allows for recalculation based on student membership from FTE surveys throughout the school year.
- Allows for recalculation of the Exception Student Education Guaranteed Allocation and the Federally Connected Student Supplement throughout the school year.
- Revises eligibility criteria for the Small, Isolated Schools Supplement.
- Codifies the Safe Schools Allocation and revisions to the Sparsity Supplement calculation.
- Eliminates the requirement for district school boards to adopt a digital classrooms plan and modifies the Florida Digital Classrooms Allocation:
 - Specifies that each school district must receive a minimum digital classrooms allocation in the amount provided in the General Appropriations Act; and
 - Requires that the funds be used for costs associated with acquiring and maintaining the items on the eligible services list authorized by the federal E-rate program; acquiring computer and device hardware and associated operating system software; and providing professional development to enhance the use of technology for digital instructional strategies.
- Modifies eligibility and the funding calculation for the High Growth District Capital Outlay Assistance Grant Program.
- Revises uses of school district capital outlay millage funds, including, until July 1, 2018, authority to spend the funds on payout of accrued sick and annual leave for individuals who are no longer employed by a school district whose instructional program for all students has been transferred to a charter school operator (Jefferson County).
- Clarifies the calculation of capital outlay FTE (COFTE) to be consistent with current practice relative to facilities space needs and COFTE determination procedures and clarifies timelines and definitions for implementation of cost per student station standards and fund sources for new construction of educational plant space.
- Deletes the requirement that 50 percent of instructional materials allocation be used to purchase digital or electronic instructional materials.

In addition, the bill:

- Establishes shared-use agreements to facilitate the shared use of school facilities including, but not limited to, charter schools and public colleges, by the community; and establishes a task force to identify barriers to creating such agreements, and specifies that the task force expires after submitting a report of its findings and recommendations to the Legislature by June 30, 2018.
- Expands the College-Preparatory Boarding Academy Pilot Program to include a student currently enrolled in grades 5-12, if it is determined by the operator that a seat is available.

- Modifies the designation of school grades to require a high school to include a student in its graduation rate if the student transfers from the high school to a private school with which the school district has a contractual relationship.
- Authorizes inclusion of concordant scores in determining an alternative school's school improvement rating.
- Revises eligibility criteria for a private postsecondary institution to participate in dual enrollment to eliminate the requirement that such institution be located and chartered in Florida, and be accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and instead requiring such institution be accredited by a regional or national accrediting agency recognized by the United States Department of Education.
- Renames the ACT Aspire test as the preliminary ACT.

Appropriates \$413,950,000 in recurring General Revenue Funds and \$5 million in non-recurring General Revenue Funds to the DOE to be allocated as follows:

- \$233,950,000 for the Best and Brightest Teacher Scholarship Program and the Best and Brightest Principal Scholarship Program;
- \$30 million for continued implementation of the Gardiner Scholarship Program;
- \$10 million recurring and \$5 million nonrecurring funds to implement provisions of the act for changes to statewide student assessments; and
- The balance, \$140,000,000, to implement the remaining provisions of the act, which would include the Schools of Hope Program and the Schools of Hope Revolving Loan Program.

If approved by the Governor, these provisions take effect July 1, 2017, except as otherwise provided for Schools of Hope, certain school improvement provisions, and certain capital outlay funding requirements that are effective upon the bill becoming law.

Vote: Senate 0-0; House 0-0