

By Representative Andrews

1 A bill to be entitled
2 An act relating to education; creating s.
3 230.017, F.S.; authorizing the creation of
4 local governed subdistricts within a county
5 school district; providing for formation and
6 purpose; providing for governance and operation
7 of schools; requiring a written contractual
8 agreement between a subdistrict and the county
9 school district; providing accountability
10 measures; providing certain restrictions;
11 providing application procedures; limiting the
12 number of charter schools in a subdistrict;
13 providing student eligibility; providing that a
14 subdistrict shall be a nonprofit organization;
15 specifying requirements; providing criteria for
16 approval of an agreement; requiring annual
17 progress reports; providing causes for
18 nonrenewal or termination of an agreement;
19 specifying procedures in the case of nonrenewal
20 or termination; providing conditions for
21 employment; providing for funding of students
22 enrolled in a subdistrict; providing for length
23 of school year; providing facilities
24 requirements; authorizing a subdistrict to
25 raise working capital; requiring provision of
26 information to the public; authorizing the levy
27 of taxes and issuance of bonds for capital
28 improvement; providing for legislative review
29 of the operation of subdistricts; providing an
30 effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Section 230.017, Florida Statutes, is
4 created to read:

5 230.017 Local governed subdistricts.--

6 (1) AUTHORIZATION.--The creation of local governed
7 subdistricts within a county school district is authorized.
8 These subdistricts shall be a part of the state's program of
9 public education. A subdistrict may be formed by converting
10 existing public schools under the governance of the county
11 school district to public schools under the governance of a
12 defined municipal, multimunicipal, or municipal full-county or
13 partial-county division, according to a formal written
14 agreement between the subdistrict and the county school
15 district.

16 (2) PURPOSE.--The purpose of a subdistrict shall be
17 to:

18 (a) Provide individual or multiple communities, acting
19 as a singular unit, to operate public schools within their
20 legal boundaries.

21 (b) Identify and provide all portions of the
22 community's schools with programs that best fit the
23 community's desires for public education, addressing each
24 school as a neighborhood school responsible for the specific
25 needs and desires of those in the approximate surrounding
26 areas.

27 (c) Provide greater flexibility of community services
28 incorporated into the school program, such as, but not limited
29 to, sharing of community facilities, staff, and other
30 community and school assets. However, no subdistrict may

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1 receive enhanced benefits from a school without just
2 compensation paid back into the school for student benefits.
3 (3) OPERATION OF SCHOOLS.--
4 (a) A subdistrict shall be governed by elected
5 officials who shall perform their duties without pay from the
6 county school district.
7 (b) A subdistrict shall begin operation of the schools
8 with a minimum number of administrative staff, according to
9 existing formulas in place in the county school district.
10 (c) A written contractual agreement between a
11 subdistrict and the county school district shall set forth the
12 subdistrict's terms and conditions for operating the local
13 schools. The parts of the educational system operated by a
14 subdistrict shall be one or more of the following:
15 1. Educational programming.
16 2. Teacher and local administrative management.
17 3. School year.
18 4. School choice.
19 5. Extracurricular activities.
20 6. Purchasing and distribution of supplies. A
21 subdistrict may purchase goods and services through the county
22 school district, state contracts, county contracts, or
23 contracts with other subdistricts.
24 7. Security.
25 8. Food service.
26 9. Building maintenance.
27 10. Site acquisition and development.
28 11. Transportation.
29 (4) ACCOUNTABILITY.--Each subdistrict shall be
30 responsible for providing educational opportunities equal to
31 or greater than those of the county school district. Equal

1 does not necessarily mean the same when special needs that do
2 not apply to the subdistrict are required outside the
3 designated local area. The county school district may accept
4 special-needs students, such as severely handicapped students,
5 into facilities more suited and equipped for a student's
6 individual needs.

7 (a) Each subdistrict shall use testing methods in a
8 similar fashion to those used in the county school district to
9 show that the subdistrict is performing equal to or better
10 than the county school district. If a community accepts
11 currently low-performing schools, it has the same timeframes
12 and standards for improvement as if it were in a county school
13 district.

14 (b) Each subdistrict shall be accountable to the
15 elected municipal and county commission or council.

16 (5) RESTRICTION.--A private school, parochial school,
17 or home education program shall not be eligible for inclusion
18 in a subdistrict.

19 (6) PROCEDURE.--A district school board shall oversee
20 a subdistrict in the county over which it has jurisdiction in
21 a limited capacity as outlined in the agreement and this
22 section.

23 (a) A district school board shall receive and review
24 all applications for a subdistrict. A district school board,
25 by a majority vote, must approve or deny an application no
26 later than 60 days after the application is received. Upon
27 approval of a subdistrict application, the initial startup
28 must be consistent with the beginning of the public school
29 calendar for the county school district in which the
30 subdistrict is granted.

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1 (b) An applicant may appeal to the State Board of
2 Education any denial of that subdistrict's application no
3 later than 30 days after the district school board's decision.
4 The state board, by majority vote, must accept or reject the
5 decision of the district school board no later than 30 days
6 after an appeal is filed. The state board shall remand the
7 application to the district school board with its written
8 recommendation that the district school board approve or deny
9 the application consistent with the state board's decision.
10 The decision of the state board is not subject to the
11 provisions of chapter 120, the Administrative Procedure Act.

12 (c) The district school board must act upon the
13 recommendation of the State Board of Education within 30 days
14 after it is received. The district school board may fail to
15 act in accordance with the recommendation of the state board
16 only for good cause. Good cause for failing to act in
17 accordance with the state board's recommendation arises only
18 if the district school board determines by competent
19 substantial evidence that approving the state board's
20 recommendation would be contrary to law or contrary to the
21 best interests of the students or the community. The district
22 school board must articulate in written findings the specific
23 reasons based upon good cause supporting its failure to act in
24 accordance with the state board's recommendation. The
25 district school board's action on the state board's
26 recommendation is a final action subject to judicial review.

27 (d) The Department of Education may provide technical
28 assistance to a subdistrict applicant upon written request.

29 (e) Notwithstanding any provision of this section, a
30 state university may grant a charter to a developmental
31 research school created under s. 228.053. In considering such

1 charter, the state university must consult with the district
2 school board of the subdistrict, as well as the district
3 school board in which the developmental research school is
4 located. The decision of a state university may be appealed
5 pursuant to the procedure established in this subsection.

6 (f) The county school district shall monitor and
7 review the subdistrict in its progress toward the goals
8 established in the agreement.

9 (g) The county school district shall monitor the
10 revenues and expenditures of the subdistrict only to the
11 extent required of county school districts in reporting their
12 own operations to the state.

13 (7) NUMBER OF CHARTER SCHOOLS.--The number of existing
14 public schools which may convert to charter schools under s.
15 228.056 in a subdistrict is limited to no more than one in
16 each subdistrict beginning in the second year of an initial
17 agreement. Only one additional charter school may be added
18 each year thereafter. Any subdistrict shall have the right to
19 request from the state board an increase in the number of
20 charter schools located within its subdistrict beyond the
21 maximum allowed in this subsection.

22 (8) ELIGIBLE STUDENTS.--

23 (a) A subdistrict school shall be open to any student
24 residing in the subdistrict. When a subdistrict converts any
25 of its schools to charter school status under s. 228.056,
26 enrollment preference shall be given to students who would
27 have otherwise attended that public school.

28 (b) A student may withdraw from a subdistrict school
29 at any time and enroll in another public school as determined
30 by district school board policy.

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1 (c) Students with handicapping conditions and students
2 served in English for Speakers of Other Languages programs
3 shall have equal opportunity in a subdistrict.

4 (9) LEGAL ENTITY.--A subdistrict shall organize as a
5 nonprofit organization. As such, a subdistrict shall be a
6 public employer. As a public employer, a subdistrict may
7 participate in the Florida Retirement System upon application
8 and approval as a "covered group" under s. 121.021(34). If a
9 subdistrict participates in the Florida Retirement System, the
10 subdistrict employees shall be compulsory members of the
11 Florida Retirement System. As a public employer, a
12 subdistrict may contract for services with an individual or
13 group of individuals who are organized as a partnership or a
14 cooperative. Individuals or groups of individuals who
15 contract their services to the subdistrict are not public
16 employees.

17 (10) REQUIREMENTS.--

18 (a) A subdistrict shall be nonsectarian in its
19 programs, admission policies, employment practices, and
20 operations.

21 (b) A subdistrict shall be accountable to the
22 community for performance as provided in subsection (11).

23 (c) A subdistrict shall not charge tuition or fees,
24 except those fees normally charged by other public schools in
25 the county school district if designated by the subdistrict.

26 (d) A subdistrict shall meet all applicable state and
27 local health, safety, welfare, and civil rights requirements.

28 (e) A subdistrict shall not violate the
29 antidiscrimination provisions of s. 228.2001.
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1 (f) A subdistrict shall be subject to an annual
2 financial audit in a manner similar to that of a county school
3 district.

4 (11) LOCAL GOVERNED SUBDISTRICT AGREEMENT.--The major
5 issues involving the operation of a subdistrict shall be
6 considered in advance and written into the agreement. The
7 agreement shall be signed by the governing officials of the
8 subdistrict and the superintendent of the county school
9 district, following a public hearing to ensure districtwide
10 input.

11 (a) The agreement shall address, and criteria for
12 approval of the agreement shall be based on:

13 1. The missions of schools in the subdistrict, the
14 students to be served, and the ages and grades to be included.

15 2. The focus of the curriculum, the instructional
16 methods to be used, and any distinctive instructional
17 techniques to be employed.

18 3. The current baseline standard of achievement and
19 the outcome to be achieved and the method of measurement that
20 will be used.

21 4. The methods used to identify the educational
22 strengths and needs of students and how well educational goals
23 and performance standards are met by students attending
24 subdistrict schools that have requirements different from
25 state requirements. Students in subdistricts shall, at a
26 minimum, participate in the statewide assessment program.

27 5. In secondary schools, a method for determining that
28 a student has satisfied the requirements for graduation in s.
29 232.246.

30 6. A method for resolving conflicts between the county
31 school district and the subdistrict.

1 7. The admission procedures and dismissal procedures
2 which may include placement in second chance schools.

3 8. The ways by which the subdistrict will achieve a
4 racial and ethnic balance reflective of the community.

5 9. The financial and administrative management of the
6 subdistrict.

7 10. The manner in which the subdistrict will be
8 insured, including whether or not the subdistrict will be
9 required to have liability insurance, and, if so, the terms
10 and conditions thereof and the amounts of coverage.

11 11. The term of operation of the subdistrict, not to
12 exceed 5 years, which shall provide for cancellation of the
13 subdistrict if student achievement objectives do not meet the
14 minimum requirements of the agreement. If the subdistrict has
15 schools that, when initially acquired, do not meet the average
16 student achievement of the county school district, the
17 subdistrict must agree to improvement, standards, and
18 timelines as agreed to by the Department of Education.

19 12. The facilities to be used and their location.

20 13. The qualifications to be required of the teachers.

21 14. The governance structure of the subdistrict.

22 15. A timetable for implementing the operation of the
23 subdistrict which addresses each element and the date by which
24 the subdistrict shall be operational.

25 16. In the case of existing public schools being
26 converted to subdistrict schools, alternative arrangements for
27 current students who choose not to attend the subdistrict
28 school and for current teachers who choose not to teach in the
29 subdistrict school after conversion in accordance with the
30 existing collective bargaining agreement or district school
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1 board policy in the absence of a collective bargaining
2 agreement.

3 (b) The term of operation of a subdistrict may be
4 renewed in increments of 1 through 5 school years by a mutual
5 agreement of the subdistrict and the county school district.

6 (c) A subdistrict agreement may be modified during its
7 initial term of operation or any renewal term upon the
8 recommendation of the Department of Education and the approval
9 of both parties to the agreement.

10 (d) The governing officials of the subdistrict shall
11 make annual progress reports to the community, the State Board
12 of Education, and the Commissioner of Education. The report
13 shall contain at least the following information:

14 1. The subdistrict's progress toward achieving the
15 goals outlined in its agreement.

16 2. The information required in the annual school
17 report pursuant to s. 229.592.

18 3. Financial records of the subdistrict, including
19 revenues and expenditures.

20 4. Salary and benefit levels of subdistrict employees.

21 (e) A subdistrict agreement shall be consistent with
22 the state education goals established by s. 229.591.

23 (f) Using the annual report required by paragraph (d),
24 the subdistrict shall provide to the State Board of Education
25 and the Commissioner of Education an analysis and comparison
26 of the overall performance of the subdistrict school students,
27 to include all students whose scores are counted as part of
28 norm-referenced assessment tests, versus comparable public
29 school students in the county school district, as determined
30 by norm-referenced assessment tests currently administered in
31 the county school district and, as appropriate, the Florida

1 Writes Assessment Test, the Grade Ten Assessment Test, and the
2 High School Competency Test, and any future minimum academic
3 standards established by law that shall apply to the county
4 school district.
5 (12) CAUSES FOR NONRENEWAL OR TERMINATION.--
6 (a) At the end of the term or during the term of a
7 subdistrict agreement, the county school district may choose
8 not to renew or to terminate the subdistrict agreement for any
9 of the following grounds:
10 1. Failure to meet the minimum requirements for
11 student performance stated in the agreement.
12 2. Failure to meet generally accepted standards of
13 fiscal management.
14 3. Violation of law.
15 4. Other good cause shown.
16 (b) At the end of the term or during the term, a
17 subdistrict agreement may be terminated without cause upon
18 mutual consent of the county school district and the
19 subdistrict.
20 (c) At least 90 days prior to renewing, not renewing,
21 or terminating an agreement, the county school district shall
22 notify the subdistrict of the proposed action in writing. The
23 notice shall state in reasonable detail the grounds for the
24 proposed action and stipulate that the subdistrict's governing
25 officials may, within 14 days after receiving the notice,
26 request an informal hearing before the county school district.
27 The county school district shall conduct the informal hearing
28 within 30 days after delivery of a written request. The
29 subdistrict's governing officials may, within 14 days after
30 receiving the county school district's decision to terminate
31 or refuse to renew the agreement, appeal the decision to the

1 Department of Education. The Department of Education shall
2 rule within 60 days and shall make a final determination.

3 (d) A subdistrict agreement may be terminated
4 immediately if the Department of Education determines that
5 good cause has been shown or if the health, safety, or welfare
6 of the students is threatened. The county school district in
7 which the subdistrict is located shall assume operation of the
8 schools under these circumstances.

9 (e) When a subdistrict agreement is not renewed or is
10 terminated, the subdistrict shall be dissolved under the
11 provisions of law under which the subdistrict was organized,
12 and any unencumbered funds from the subdistrict shall revert
13 to the district school board. In the event a subdistrict is
14 dissolved or otherwise terminated, all district school board
15 property and improvements, furnishings, and equipment
16 purchased with public funds shall automatically revert to full
17 ownership by the district school board.

18 (f) If a subdistrict agreement is not renewed or is
19 terminated, the subdistrict is responsible for all debts of
20 the subdistrict. The district school board may not assume the
21 debt from any contract for services made between the
22 subdistrict and a third party, except for a debt that is
23 previously detailed and agreed upon in writing by both the
24 county school district and the subdistrict and that may not
25 reasonably be assumed to have been satisfied by the county
26 school district.

27 (g) If a subdistrict agreement is not renewed or is
28 terminated, students who attend the subdistrict schools shall
29 be enrolled in the county school district. The county school
30 district shall take possession of all property owned by the
31 county school district. Additional property owned by the

1 subdistrict may be acquired by the county school district at
2 the original purchase price or lower if agreed to by the
3 subdistrict.

4 (13) EMPLOYEES OF LOCAL GOVERNED SUBDISTRICTS.--

5 (a) A subdistrict shall accept all employees currently
6 working full time in the designated subdistrict under the
7 terms and conditions of each employee's current contract, with
8 all vested rights by the state and the county school district.

9 (b) An employee of a subdistrict may retain his or her
10 seniority accrued in the county school district.

11 (c) A subdistrict may ask the county school district
12 for reassignment of employees outside the subdistrict.

13 (d) Teachers employed by or under contract to a
14 subdistrict shall be certified as required by chapter 231. A
15 subdistrict may employ or contract with skilled selected
16 noncertified personnel to provide instructional services or to
17 assist instructional staff members as teacher aides in the
18 same manner as defined in chapter 231. A subdistrict may not
19 employ an individual to provide instructional services or to
20 serve as a teacher aide if the individual's certification or
21 licensure as an educator is suspended or revoked by this or
22 any other state. The qualifications of teachers shall be
23 disclosed to parents. A subdistrict shall employ or contract
24 only with employees who have been fingerprinted as provided in
25 s. 231.02.

26 (14) REVENUE.--Students enrolled in a subdistrict
27 shall be funded as if they are in a basic program or a special
28 program, the same as students enrolled in other public schools
29 in the county school district. Funding for a subdistrict
30 developmental research school shall be as provided in s.
31 228.053(9).

1 (a) Each subdistrict shall report its student
2 enrollment to the district school board as required in s.
3 236.081, and in accordance with the definitions in s. 236.013.
4 The district school board shall include each subdistrict's
5 enrollment in the county school district's report of student
6 enrollment.

7 (b) The basis for the agreement for funding students
8 enrolled in a subdistrict shall be the sum of the county
9 school district's operating funds from the Florida Education
10 Finance Program, as provided in s. 236.081, and the General
11 Appropriations Act, including gross state and local funds,
12 discretionary lottery funds, and funds from the county school
13 district's current operating discretionary millage levy,
14 divided by total funded weighted full-time equivalent students
15 in the county school district, multiplied by the weighted
16 full-time equivalent students for the subdistrict.

17 Subdistricts whose students or programs meet the eligibility
18 criteria in law shall be entitled to their proportionate share
19 of categorical program funds included in the total funds
20 available in the Florida Education Finance Program by the
21 Legislature, including transportation. Total funding for each
22 subdistrict shall be recalculated during the year to reflect
23 the revised calculations under the Florida Education Finance
24 Program by the state and the actual weighted full-time
25 equivalent students reported by the subdistrict during the
26 full-time equivalent student survey periods designated by the
27 Commissioner of Education.

28 (c) Transportation of subdistrict students shall be
29 provided by either the county school district or the
30 subdistrict consistent with the requirements of chapter 234. A
31 subdistrict may provide transportation through an agreement or

1 contract with the district school board, a private provider,
2 or parents. A subdistrict shall ensure that transportation is
3 not a barrier to equal access for all students residing within
4 the subdistrict as determined in its agreement with the county
5 school district.

6 (d) If a district school board is providing programs
7 or services to students funded by federal funds, all eligible
8 students enrolled in subdistrict schools in the county school
9 district shall be provided federal funds for the same level of
10 service provided students in the schools operated by the
11 district school board.

12 (e) Any administrative fee charged by a county school
13 district relating to a subdistrict shall be limited to not
14 more than the actual cost of administering the agreement
15 between the subdistrict and the county school district or 5
16 percent of the available funds as defined in paragraph (b),
17 whichever is the lesser amount.

18 (f) District school boards shall make every effort to
19 ensure that subdistricts receive timely and efficient
20 reimbursement. Payment shall be issued no later than 30
21 working days after receipt of an invoice. If a warrant for
22 payment of an invoice is not issued within 30 working days
23 after receipt by the district school board, the county school
24 district shall pay to the subdistrict, in addition to the
25 amount of the invoice, interest at a rate of 1 percent per
26 month calculated on a daily basis on the unpaid balance from
27 the expiration of the 30-day period until such time as the
28 warrant is issued.

29 (15) LENGTH OF SCHOOL YEAR.--A subdistrict shall
30 provide instruction for at least the number of days required
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1 by law for other public schools in the county school district
2 and may provide instruction for additional days.

3 (16) FACILITIES.--A subdistrict shall utilize
4 facilities which comply with the State Uniform Building Code
5 for Public Educational Facilities Construction adopted
6 pursuant to s. 235.26 or with applicable state minimum
7 building codes pursuant to chapter 553 and state minimum fire
8 protection codes pursuant to s. 633.025, as adopted by the
9 authority in whose jurisdiction the facility is located.

10 (17) INITIAL COSTS.--A subdistrict may raise working
11 capital out of its operating budget for reimbursement purposes
12 generated from student funding.

13 (18) INFORMATION.--The Department of Education shall
14 provide information to the public, directly and through the
15 district school board, on how to form and how to operate a
16 subdistrict. This information shall include a standard
17 application format which shall include the information
18 specified in subsection (11). This application format may be
19 used by subdistrict entities.

20 (19) GENERAL AUTHORITY.--A subdistrict may levy taxes
21 or issue bonds secured by tax revenues for capital improvement
22 upon voter approval in the subdistrict.

23 (20) REVIEW.--The Legislature shall review the
24 operation of subdistricts during the 2002 Regular Session of
25 the Legislature.

26 Section 2. This act shall take effect July 1, 1997.
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HOUSE SUMMARY

Authorizes the creation of local governed subdistricts formed by converting existing public schools under the governance of a county school district to public schools under the governance of a defined subdivision of a county. Provides for a written contractual agreement between a subdistrict and county school district which establishes the conditions for operation of the schools by the subdistrict. With respect to a subdistrict, provides accountability measures, restrictions, application procedures, student eligibility, organization requirements, criteria for agreement approval and nonrenewal or termination, employee requirements, student funding, and facilities requirements. Authorizes the levy of taxes and issuance of bonds for capital improvement.