

1                   A bill to be entitled  
2     An act relating to public education; creating s.  
3     1003.615, F.S.; providing a short title; providing  
4     legislative intent and purpose; providing an exemption  
5     from certain statutes in chs. 1000-1013, F.S., and  
6     corresponding administrative rules for school  
7     districts; providing for specified exceptions to such  
8     exemption; authorizing the State Board of Education to  
9     enter into a performance contract with a school  
10    district to provide a statutory waiver; authorizing a  
11    school district, upon a super majority vote by the  
12    district school board, to apply for a waiver from any  
13    statute for a specified period after approval by the  
14    Commissioner of Education and the State Board of  
15    Education; requiring that an application for each  
16    waiver request be submitted to the commissioner and  
17    the State Board of Education; providing requirements  
18    for the application; providing that a waiver may be  
19    requested at any point during the fiscal year;  
20    requiring that the commissioner and the State Board of  
21    Education consider each waiver request in a timely  
22    manner; providing that a school district may be  
23    granted a waiver from certain statutes governing  
24    school or school district operations and policies if  
25    the commissioner and the State Board of Education  
26    agree; providing exceptions from such waiver;  
27    requiring that a school district receiving one or more  
28    waivers be in compliance with certain statutes;

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29 providing that the governing board of a school  
30 district is the duly elected district school board;  
31 requiring that each school district submit an annual  
32 report to the Governor and the Legislature by a  
33 specified date; providing requirements for the report;  
34 providing an effective date.

35  
36 WHEREAS, Education Week ranks Florida's education system  
37 fifth in the nation in its Quality Counts 2011 report, up from  
38 31st place in 2007, and

39 WHEREAS, the report notes that Florida's students were  
40 stellar in their performance on the National Assessment of  
41 Educational Progress (NAEP), and

42 WHEREAS, Florida is one of only four states whose students  
43 were shown by the report to have improved significantly in both  
44 4th and 8th grade reading on the NAEP, and

45 WHEREAS, the report shows that more than 100,000 of  
46 Florida's 2009 public and nonpublic high school graduating  
47 seniors took the Scholastic Aptitude Test (SAT), the most ever,  
48 and

49 WHEREAS, the report shows that the combined score of  
50 African Americans in Florida who have taken the SAT is 7 points  
51 higher than the national average for African American students,  
52 and

53 WHEREAS, the report shows that the combined score of  
54 Hispanics in Florida who have taken the SAT is 42 points higher  
55 than the national average for Hispanic students, and

56 WHEREAS, the report shows that Florida's participation in

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57 | the ACT assessment program reached its highest point ever, with  
58 | more than 100,000 of its graduating seniors taking the  
59 | assessment in 2009, up 12 percent from the previous year, and

60 |       WHEREAS, the report shows that Florida ranked first in the  
61 | nation in the percentage of students who took a College Board  
62 | Advanced Placement (AP) exam in high school, and shows Florida  
63 | tied for fifth in the nation in the percentage of students  
64 | taking the exam who earned a score of 3 or higher, and

65 |       WHEREAS, the report shows that Florida students had the  
66 | highest single-year increase in the percentage of students in  
67 | the class of 2009 who earned a score of 3 or higher on an AP  
68 | exam, and

69 |       WHEREAS, seven Florida public schools were recognized in  
70 | the report as leading the nation in increasing access to AP  
71 | courses among traditionally underserved students, more schools  
72 | than in any other state in the nation, and

73 |       WHEREAS, the 2010 FCAT results for grades 4 through 10 in  
74 | reading, mathematics, and science showed increases in the  
75 | percentage of students scoring proficient and above in almost  
76 | every middle and high school grade level in reading and  
77 | mathematics, and

78 |       WHEREAS, science achievement also showed positive momentum  
79 | with gains in all tested grade levels, and

80 |       WHEREAS, nearly 95 percent of students in grades 4, 8, and  
81 | 10 scored a 3 or higher on the 6-point grading scale in writing,  
82 | and

83 |       WHEREAS, in 2010, 74 percent of elementary schools, and 78  
84 | percent of middle schools, earned an "A" or a "B" grade, and

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85 WHEREAS, the performance of Florida's high schools reached  
86 record levels in 2009-2010 under a newly expanded high school  
87 grading system, and

88 WHEREAS, nearly 71 percent of the state's high schools  
89 achieved either an "A" or "B" grade during the 2009-2010 school  
90 year, and

91 WHEREAS, Florida's high school graduation rate soared to  
92 new heights in 2010, continuing a 5-year trend of increases, and

93 WHEREAS, the state's graduation rate climbed more than 2.5  
94 percentage points to 79 percent, which included a 3.5 percentage  
95 point increase for African American students, a 3.2 percentage  
96 point increase for Hispanic students, and a 2.3 percentage point  
97 increase for white students, and

98 WHEREAS, Florida's dropout rate declined for the fifth  
99 straight year to a record low of 2 percent, and

100 WHEREAS, in order for Florida's students to continue to be  
101 successful, and for school districts to be innovative and  
102 efficiently operated, each school district must have the  
103 statutory and regulatory flexibility to move the public school  
104 system from an industrial model to a knowledge-based model by  
105 revolutionizing the school calendar and day, expanding public  
106 school choice, expanding public school virtual education  
107 options, and incorporating other innovations that will increase  
108 student achievement and incorporate efficiency into the delivery  
109 of public education, NOW, THEREFORE,

110

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

112

113 Section 1. Section 1003.615, Florida Statutes, is created  
 114 to read:

115 1003.615 Public Education Innovation and Efficiency Act.—

116 (1) SHORT TITLE.—This section may be cited as the "Public  
 117 Education Innovation and Efficiency Act."

118 (2) LEGISLATIVE INTENT; PURPOSE.—The Legislature intends  
 119 to provide school districts with the statutory and regulatory  
 120 flexibility to reform public education in the state by exempting  
 121 school districts from certain statutes in chapters 1000-1013.  
 122 The purpose of this section is to maintain and significantly  
 123 improve student achievement through a variety of means,  
 124 including, but not limited to:

125 (a) Developing public-private partnerships with local  
 126 communities to expand opportunities for increased student  
 127 performance;

128 (b) Expanding public school parental choice programs  
 129 within the school district to meet local community employment  
 130 and educational needs;

131 (c) Expanding public school virtual education programs;  
 132 and

133 (d) Authorizing greater flexibility in the use of tax  
 134 revenue, which will allow that revenue to be redirected to  
 135 classroom expenditures, while ensuring compliance with the  
 136 applicable constitutional and statutory requirements.

137 (3) EXEMPTION FROM STATUTES AND RULES.—

138 (a) Each school district is exempt from the statutes in  
 139 chapters 1000-1013 and the corresponding administrative rules;  
 140 however, each school district shall comply with the statutes in

141 those chapters:

142 1. Specifically pertaining to the student assessment

143 program and school grading system.

144 2. Pertaining to the provision of services to students

145 with disabilities.

146 3. Pertaining to civil rights, including s. 1000.05,

147 relating to discrimination.

148 4. Pertaining to student health, safety, and welfare.

149 5. Governing the election, duties, and responsibilities of

150 district school board members.

151 6. Governing the election or appointment of and duties and

152 responsibilities of the district school superintendent.

153 (b) In addition, each school district shall comply with:

154 1. Section 286.011, relating to public meetings and

155 records, public inspection, and criminal and civil penalties.

156 2. Chapter 119, relating to public records.

157 3. Section 1003.03, relating to the maximum class size,

158 except that the calculation for compliance pursuant to s.

159 1003.03 shall be the average at the school level for any school

160 choice program in which a parent or guardian chooses to place

161 his or her child, rather than the school district assignment.

162 4. Section 1012.22(1)(c), relating to compensation and

163 salary schedules.

164 5. Section 1012.33(5), relating to workforce reductions.

165 6. Section 1012.335, relating to contracts with

166 instructional personnel hired on or after July 1, 2011.

167 7. Section 1012.34, relating to the substantive

168 requirements for performance evaluations for instructional

169 personnel and school administrators.

170 8. Those statutes pertaining to financial matters,  
 171 including statutes in chapter 1010, except s. 1010.20(3).

172 9. Those statutes pertaining to planning and budgeting,  
 173 including statutes in chapter 1011, except s. 1011.62(9)(d),  
 174 relating to the requirement for a comprehensive reading plan. A  
 175 school district that is exempt from submitting the plan is  
 176 deemed approved to receive the research-based reading  
 177 instruction allocation.

178 10. Those statutes pertaining to educational facilities,  
 179 including statutes in chapter 1013, except s. 1013.20, relating  
 180 only to covered walkways for portables, and s. 1013.21, relating  
 181 to the use of relocatable facilities that exceed 20 years of  
 182 age.

183 11. Those statutes pertaining to instructional materials,  
 184 except s. 1006.37, relating to the requisition of state-adopted  
 185 materials from the depository under contract with the publisher,  
 186 and s. 1006.40(3)(a), relating to the use of 50 percent of the  
 187 instructional materials allocation.

188 12. This section.

189 (4) STATUTORY WAIVERS.—

190 (a) The State Board of Education may enter into a  
 191 performance contract with a school district for the purpose of  
 192 providing a statutory waiver, upon the school district's  
 193 request, with the intent of continuing significant improvements  
 194 in student achievement through a variety of means. A school  
 195 district, upon a super majority vote by the district school  
 196 board, may apply for a waiver from any statute for a period up

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197 to 3 years after the date upon which the Commissioner of  
198 Education and the State Board of Education approve the waiver. A  
199 school district shall submit an application for each waiver  
200 request to the commissioner and the State Board of Education  
201 which must include the purpose for making the request, the goal  
202 or goals to be achieved by the waiver, and supporting evidence  
203 or other documentation outlining the impact if the waiver is  
204 approved or disapproved. Each waiver request must contain a  
205 statement indicating how the waiver would enhance instructional  
206 programs or provide for greater efficiency or efficacy in school  
207 district operations. A waiver may be requested at any point  
208 during a fiscal year. The commissioner and the State Board of  
209 Education shall consider a waiver request in a timely manner  
210 after receiving the request.

211 (b) A school district that requests a waiver may be  
212 granted a waiver from any statute governing school and school  
213 district operations and policies if the commissioner and the  
214 State Board of Education agree that the waiver will assist the  
215 school district in maintaining or improving its academic or  
216 fiscal performance status. However, the commissioner and the  
217 State Board of Education may not issue a waiver from statutes:

218 1. Pertaining to the provision of services to students  
219 with disabilities.

220 2. Pertaining to civil rights, including s. 1000.05,  
221 relating to discrimination.

222 3. Pertaining to student health, safety, and welfare.

223 4. Governing the election, duties, and responsibilities of  
224 district school board members.



225 5. Governing the election or appointment of and duties and  
 226 responsibilities of the district school superintendent.

227 6. Pertaining to the student assessment program and the  
 228 school grading system, including chapter 1008.

229 (c) In addition, any school district receiving one or more  
 230 waivers shall comply with:

231 1. Section 286.011, relating to public meetings and  
 232 records, public inspection, and criminal and civil penalties.

233 2. Those statutes pertaining to public records, including  
 234 chapter 119.

235 3. Those statutes pertaining to financial disclosure by  
 236 elected officials.

237 4. Those statutes pertaining to conflicts of interest by  
 238 elected officials.

239 (5) GOVERNING BOARD.—The governing board of a school  
 240 district shall be the duly elected district school board.

241 (6) ANNUAL REPORT.—By January 15, 2013, and each year  
 242 thereafter, each school district shall submit an annual report  
 243 to the Governor, the President of the Senate, the Speaker of the  
 244 House of Representatives, and the State Board of Education. The  
 245 report must contain the strategies that the school district used  
 246 to implement the provisions of this section and the results of  
 247 student performance evaluations and district operational  
 248 efficiency programs.

249 Section 2. This act shall take effect July 1, 2012.