

By Senator Montford

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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;
29 providing that the governing board of a school

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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.

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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
57 the ACT assessment program reached its highest point ever, with
58 more than 100,000 of its graduating seniors taking the

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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

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

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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,

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

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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

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117 Education Innovation and Efficiency Act.”

118 (2) LEGISLATIVE INTENT; PURPOSE.—The Legislature intends to
119 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 within
129 the school district to meet local community employment and
130 educational needs;

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

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

136 (3) EXEMPTION FROM STATUTES AND RULES.—

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

141 1. Specifically pertaining to the student assessment
142 program and school grading system.

143 2. Pertaining to the provision of services to students with
144 disabilities.

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

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146 relating to discrimination.

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

148 5. Governing the election, duties, and responsibilities of
149 district school board members.

150 6. Governing the election or appointment of and duties and
151 responsibilities of the district school superintendent.

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

153 1. Section 286.011, relating to public meetings and
154 records, public inspection, and criminal and civil penalties.

155 2. Chapter 119, relating to public records.

156 3. Section 1003.03, relating to the maximum class size,
157 except that the calculation for compliance pursuant to s.
158 1003.03 shall be the average at the school level for any school
159 choice program in which a parent or guardian chooses to place
160 his or her child, rather than the school district assignment.

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

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

164 6. Section 1012.335, relating to contracts with
165 instructional personnel hired on or after July 1, 2011.

166 7. Section 1012.34, relating to the substantive
167 requirements for performance evaluations for instructional
168 personnel and school administrators.

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

171 9. Those statutes pertaining to planning and budgeting,
172 including statutes in chapter 1011, except s. 1011.62(9)(d),
173 relating to the requirement for a comprehensive reading plan. A
174 school district that is exempt from submitting the plan is

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175 deemed approved to receive the research-based reading
176 instruction allocation.

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

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

187 12. This section.

188 (4) STATUTORY WAIVERS.—

189 (a) The State Board of Education may enter into a
190 performance contract with a school district for the purpose of
191 providing a statutory waiver, upon the school district's
192 request, with the intent of continuing significant improvements
193 in student achievement through a variety of means. A school
194 district, upon a super majority vote by the district school
195 board, may apply for a waiver from any statute for a period up
196 to 3 years after the date upon which the Commissioner of
197 Education and the State Board of Education approve the waiver. A
198 school district shall submit an application for each waiver
199 request to the commissioner and the State Board of Education
200 which must include the purpose for making the request, the goal
201 or goals to be achieved by the waiver, and supporting evidence
202 or other documentation outlining the impact if the waiver is
203 approved or disapproved. Each waiver request must contain a

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204 statement indicating how the waiver would enhance instructional
205 programs or provide for greater efficiency or efficacy in school
206 district operations. A waiver may be requested at any point
207 during a fiscal year. The commissioner and the State Board of
208 Education shall consider a waiver request in a timely manner
209 after receiving the request.

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

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

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

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

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

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

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

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

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

232 2. Those statutes pertaining to public records, including

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233 chapter 119.

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

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

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

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

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