



589856

LEGISLATIVE ACTION

Senate

House

.  
. .  
. .  
. .  
. .

Floor: 4/RE/3R

05/01/2013 12:36 PM

---

Senator Montford moved the following:

**Senate Amendment (with title amendment)**

Between lines 1074 and 1075

insert:

Section 5. Subsection (9) is added to section 1002.31, Florida Statutes, to read:

1002.31 Public school parental choice.-

(9) For a school or program that is a public school of choice under this section, the calculation for compliance with maximum class size pursuant to s. 1003.03 is the average number of students at the school level.

Section 6. Section 1002.451, Florida Statutes, is created to read:



589856

14 1002.451 District innovation school of technology program.-

15 (1) DISTRICT INNOVATION SCHOOL OF TECHNOLOGY.-

16 (a) A district school board may operate an innovation  
17 school of technology for the purpose of developing the  
18 innovative use of industry-leading technology while requiring  
19 high student academic achievement and accountability in exchange  
20 for flexibility and exemption from specified statutes and rules.  
21 The innovation school of technology shall operate within  
22 existing resources.

23 (b) An innovation school of technology is a school that  
24 has, on a schoolwide basis, adopted and implemented a blended  
25 learning program. A blended learning program is an education  
26 program in which a student learns in part through online  
27 delivery of content and instruction with some element of student  
28 control over time, place, path, or pace and in part at a  
29 supervised brick-and-mortar location away from home. Blended  
30 learning models must include major components such as  
31 differentiated instruction, data-driven placement, flexible  
32 scheduling, differentiated teaching, and self-paced learning.  
33 The school may use one of the following blended learning models:

34 1. Flipped classroom model in which students use online  
35 instructional videos and practice concepts in the classroom with  
36 the support of the teacher;

37 2. Flex model in which students learn primarily online and  
38 teachers act as facilitators; or

39 3. Rotation model in which students move between different  
40 learning modalities, such as online instruction, teacher-  
41 directed instruction, seminar or group projects, and one-on-one  
42 teacher coaching. Rotation models include individual, station,



589856

43 and laboratory models.

44 (c) An innovation school of technology must be open to any  
45 student covered in an interdistrict agreement or residing in the  
46 school district in which the innovation school of technology is  
47 located. An innovation school of technology shall enroll an  
48 eligible student who submits a timely application if the number  
49 of applications does not exceed the capacity of a program,  
50 class, grade level, or building. If the number of applications  
51 exceeds capacity, all applicants shall have an equal chance of  
52 being admitted through a public random selection process.  
53 However, a district may give enrollment preference to students  
54 who identify the innovation school of technology as the  
55 student's preferred choice pursuant to the district's controlled  
56 open enrollment plan.

57 (2) GUIDING PRINCIPLES.—An innovation school of technology  
58 shall be guided by the following principles:

59 (a) Meet high standards of student achievement in exchange  
60 for flexibility with respect to statutes or rules.

61 (b) Implement innovative learning methods and assessment  
62 tools to implement a schoolwide transformation regarding  
63 industry-leading technology to improve student learning and  
64 academic achievement.

65 (c) Promote enhanced academic success and financial  
66 efficiency by aligning responsibility with accountability and  
67 industry-leading technology.

68 (d) Measure student performance based on student learning  
69 growth, or based on student achievement if student learning  
70 growth cannot be measured.

71 (e) Provide a parent with sufficient information as to



589856

72 whether his or her child is reading at grade level and making  
73 learning gains each year.

74 (f) Incorporate industry certifications and similar  
75 recognitions into performance expectations.

76 (g) Focus on utilizing industry-leading hardware and  
77 software technology for student individual use and to develop  
78 the school's infrastructure in furtherance of this section.

79 (3) TERM OF PERFORMANCE CONTRACT.—An innovation school of  
80 technology may operate pursuant to a performance contract with  
81 the State Board of Education for a period of 5 years.

82 (a) Before expiration of the performance contract, the  
83 school's performance shall be evaluated against the eligibility  
84 criteria, purpose, guiding principles, and compliance with the  
85 contract to determine whether the contract may be renewed. The  
86 contract may be renewed every 5 years.

87 (b) The performance contract shall be terminated by the  
88 State Board of Education if:

89 1. The school receives a grade of "F" as an innovation  
90 school of technology for 2 consecutive years;

91 2. The school or district fails to comply with the criteria  
92 in this section;

93 3. The school or district does not comply with terms of the  
94 contract which specify that a violation results in termination;

95 or

96 4. Other good cause is shown.

97 (4) FUNDING.—A district school board operating an  
98 innovation school of technology shall report full-time  
99 equivalent students to the department in a manner prescribed by  
100 the department, and funding shall be provided through the



589856

101 Florida Education Finance Program as provided in ss. 1011.61 and  
102 1011.62. An innovation school of technology may seek and receive  
103 additional funding through incentive grants or public or private  
104 partnerships.

105 (5) EXEMPTION FROM STATUTES.—

106 (a) An innovation school of technology is exempt from  
107 chapters 1000-1013. However, an innovation school of technology  
108 shall comply with the following provisions of those chapters:

109 1. Laws pertaining to the following:

110 a. Schools of technology, including this section.

111 b. Student assessment program and school grading system.

112 c. Services to students who have disabilities.

113 d. Civil rights, including s. 1000.05, relating to  
114 discrimination.

115 e. Student health, safety, and welfare.

116 2. Laws governing the election and compensation of district  
117 school board members and election or appointment and  
118 compensation of district school superintendents.

119 3. Section 1003.03, governing maximum class size, except  
120 that the calculation for compliance pursuant to s. 1003.03 is  
121 the average at the school level.

122 4. Sections 1012.22(1)(c) and 1012.27(2), relating to  
123 compensation and salary schedules.

124 5. Section 1012.33(5), relating to workforce reductions,  
125 for annual contracts for instructional personnel. This  
126 subparagraph does not apply to at-will employees.

127 6. Section 1012.335, relating to contracts with  
128 instructional personnel hired on or after July 1, 2011, for  
129 annual contracts for instructional personnel. This subparagraph



589856

130 does not apply to at-will employees.

131 (b) An innovation school of technology shall also comply  
132 with chapter 119 and s. 286.011, relating to public meetings and  
133 records, public inspection, and criminal and civil penalties.

134 (c) An innovation school of technology is exempt from ad  
135 valorem taxes and the State Requirements for Educational  
136 Facilities when leasing facilities.

137 (6) APPLICATION PROCESS AND PERFORMANCE CONTRACT.—

138 (a) A district school board may apply to the State Board of  
139 Education for an innovation school of technology if the  
140 district:

141 1. Has at least 20 percent of its total enrollment in  
142 public school choice programs or at least 5 percent of its total  
143 enrollment in charter schools;

144 2. Has no material weaknesses or instances of material  
145 noncompliance noted in the annual financial audit conducted  
146 pursuant to s. 218.39; and

147 3. Has received a district grade of "A" or "B" in each of  
148 the past 3 years.

149 (b) A district school board may operate one innovation  
150 school of technology upon an application being approved by the  
151 State Board of Education.

152 1. A district school board may apply to the State Board of  
153 Education to establish additional schools of technology if each  
154 existing innovation school of technology in the district:

155 a. Meets all requirements in this section and in the  
156 performance contract;

157 b. Has a grade of "A" or "B"; and

158 c. Has at least 50 percent of its students exceed the state



589856

159 average on the statewide assessment program pursuant to s.  
160 1008.22. This comparison may take student subgroups, as defined  
161 in the federal Elementary and Secondary Education Act (ESEA), 20  
162 U.S.C. s. 6311(b) (2) (C) (v) (II), into specific consideration so  
163 that at least 50 percent of students in each student subgroup  
164 meet or exceed the statewide average performance, rounded to the  
165 nearest whole number, of that particular subgroup.

166 2. Notwithstanding subparagraph 1., the number of schools  
167 of technology in a school district may not exceed:

168 a. Seven in a school district that has 100,000 or more  
169 students.

170 b. Five in a school district that has 50,000 to 99,999  
171 students.

172 c. Three in a school district that has fewer than 50,000  
173 students.

174 (c) A school district that meets the eligibility  
175 requirements of paragraph (a) may apply to the State Board of  
176 Education at any time to enter into a performance contract to  
177 operate an innovation school of technology. The application  
178 must, at a minimum:

179 1. Demonstrate how the school district meets and will  
180 continue to meet the requirements of this section;

181 2. Identify how the school will accomplish the purposes and  
182 guiding principles of this section;

183 3. Identify the statutes or rules from which the district  
184 is seeking a waiver for the school;

185 4. Identify and provide supporting documentation for the  
186 purpose and impact of each waiver, how each waiver would enable  
187 the school to achieve the purpose and guiding principles of this



589856

188 section, and how the school would not be able to achieve the  
189 purpose and guiding principles of this section without each  
190 waiver; and

191 5. Confirm that the school board remains responsible for  
192 the operation, control, and supervision of the school in  
193 accordance with all applicable laws, rules, and district  
194 procedures not waived pursuant to this section or waived  
195 pursuant to other applicable law.

196 (d) The State Board of Education shall approve or deny the  
197 application within 90 days or, with the agreement of the school  
198 district, at a later date.

199 (e) The performance contract must address the terms under  
200 which the State Board of Education may cancel the contract and,  
201 at a minimum, the methods by which:

202 1. Upon execution of the performance contract, the school  
203 district will plan the program during the first year, begin at  
204 least partial implementation of the program during the second  
205 year, and fully implement the program by the third year. A  
206 district may implement the program sooner than specified in this  
207 subparagraph if authorized in the performance contract.

208 2. The school will integrate industry-leading technology  
209 into instruction, assessment, and professional development. The  
210 school may also restructure the school day or school year in a  
211 way that allows it to best accomplish its goals.

212 3. The school and district will monitor performance  
213 progress based on skills that help students succeed in college  
214 and careers, including problem solving, research,  
215 interpretation, and communication.

216 4. The school will incorporate industry certifications and





589856

217 similar recognitions into performance expectations.

218 5. The school and district will comply with this section  
219 and the performance contract.

220 (f) Three or more contiguous school districts may apply to  
221 enter into a joint performance contract as a Region of  
222 Technology, subject to terms and conditions contained in this  
223 section for a single school district.

224 (g) The State Board of Education shall monitor schools of  
225 technology to ensure that the respective school district is in  
226 compliance with this section and the performance contract.

227 (h) The State Board of Education shall adopt rules pursuant  
228 to ss. 120.536(1) and 120.54 to implement this section,  
229 including, but not limited to, an application, evaluation  
230 instrument, and renewal evaluation instrument.

231 (i) This section does not supersede the provisions of s.  
232 768.28.

233 (7) REPORTS.—The school district of an innovation school of  
234 technology shall submit to the State Board of Education, the  
235 President of the Senate, and the Speaker of the House of  
236 Representatives an annual report by December 1 of each year  
237 which delineates the performance of the innovation school of  
238 technology as it relates to the academic performance of  
239 students. The annual report shall be submitted in a format  
240 prescribed by the Department of Education and must include, but  
241 need not be limited to, the following:

242 (a) Evidence of compliance with this section.

243 (b) Efforts to close the achievement gap.

244 (c) Longitudinal performance of students, by grade level  
245 and subgroup, in mathematics, reading, writing, science, and any



589856

246 other subject that is included as a part of the statewide  
247 assessment program in s. 1008.22.

248 (d) Longitudinal performance for students who take an  
249 Advanced Placement Examination, organized by age, gender, and  
250 race, and for students who participate in the National School  
251 Lunch Program.

252 (e) Number and percentage of students who take an Advanced  
253 Placement Examination.

254 (f) Identification and analysis of industry-leading  
255 technology used to comply with this section, including, but not  
256 limited to, recommendations and lessons learned from such use.

257  
258 ===== T I T L E A M E N D M E N T =====

259 And the title is amended as follows:

260 Delete line 62

261 and insert:

262 standard charter contract; amending s. 1002.31, F.S.;

263 providing a calculation for compliance with class size

264 maximums for a public school of choice; creating s.

265 1002.451, F.S.; creating schools of technology to

266 allow school districts to be innovative with industry-

267 leading technology and earn flexibility for high

268 academic achievement; describing permissible learning

269 models; specifying student eligibility requirements;

270 providing guiding principles for schools of

271 innovation; providing guiding principles for schools

272 of technology; specifying requirements of a

273 performance contract between the State Board of

274 Education and an innovation school of technology;



589856

275 establishing the term of the performance contract;  
276 providing for funding; exempting schools of technology  
277 from ch. 1000-1013, F.S., subject to certain  
278 exceptions; exempting such schools from certain ad  
279 valorem taxes and other requirements; specifying  
280 school district eligibility; establishing an  
281 application process; limiting the number of schools of  
282 technology that may be operated and established in a  
283 school district; providing for a Region of Technology  
284 in which three or more school districts enter into a  
285 joint performance contract; requiring the State Board  
286 of Education to monitor schools of technology for  
287 compliance with the act and performance contracts;  
288 requiring the State Board of Education to adopt rules;  
289 requiring a school district with an innovation school  
290 of technology to submit an annual report to the State  
291 Board of Education and the Legislature; specifying  
292 requirements for such report; providing an effective