

By Senator Clemens

27-01397-14

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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 to certain  
5       school districts the option of statutory waivers from  
6       certain statutes in chs. 1000-1013, F.S., and  
7       corresponding administrative rules; authorizing the  
8       State Board of Education to enter into a performance  
9       contract with a school district to provide a statutory  
10      waiver; authorizing a school district, upon a  
11      supermajority vote by the district school board, to  
12      apply for a waiver from certain statutes; requiring  
13      that a school district that receives one or more  
14      waivers comply with certain statutes; specifying  
15      exceptions to the statutory waivers; requiring that an  
16      application for each waiver request be submitted to  
17      the commissioner and the State Board of Education;  
18      providing requirements for the application; providing  
19      that a waiver may be requested at any point during the  
20      fiscal year; requiring that the commissioner and the  
21      State Board of Education make a decision within a  
22      specified period of time; providing that the governing  
23      board of a school district is the duly elected  
24      district school board; requiring that each school  
25      district submit an annual report to the Governor and  
26      the Legislature by a specified date; providing  
27      requirements for the report; providing an effective  
28      date.  
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30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Section 1003.615, Florida Statutes, is created  
33 to read:

34 1003.615 Public Education Innovation and Efficiency Act.—

35 (1) SHORT TITLE.—This section may be cited as the “Public  
36 Education Innovation and Efficiency Act.”

37 (2) LEGISLATIVE INTENT; PURPOSE.—The Legislature intends to  
38 provide school districts with the statutory and regulatory  
39 flexibility to reform public education in the state by exempting  
40 certain school districts from specified statutes in chapters  
41 1000-1013, subject to certain exceptions. The purpose of this  
42 section is to maintain and significantly improve student  
43 achievement through a variety of means, including, but not  
44 limited to:

45 (a) Developing public-private partnerships with local  
46 communities to expand opportunities for increased student  
47 performance.

48 (b) Expanding public school parental choice programs within  
49 the school district to meet local community employment and  
50 educational needs.

51 (c) Expanding public school virtual education programs.

52 (d) Allowing greater flexibility in the use of tax revenue,  
53 which will allow that revenue to be redirected to classroom  
54 expenditures while ensuring compliance with the applicable  
55 constitutional and statutory requirements.

56 (3) STATUTORY WAIVERS.—

57 (a) The State Board of Education may enter into a  
58 performance contract with a school district for the purpose of

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59 providing a statutory waiver, upon the school district's  
60 request, with the intent of continuing significant improvements  
61 in student achievement through a variety of means. A school  
62 district, upon a supermajority vote by the district school  
63 board, may apply for a waiver from any statute in chapters 1000-  
64 1013, except those specified in paragraph (b), which govern  
65 school and school district operations and policies, as well as  
66 corresponding administrative rules.

67 (b) A school district that is granted one or more statutory  
68 waivers must comply with chapter 119 and s. 286.011 relating to  
69 public records and meetings. A school district may not request a  
70 waiver from laws that govern the election, appointment, duties,  
71 or responsibilities of the district school superintendent or  
72 board members, or laws that pertain to:

73 1. Student health, safety, and welfare.

74 2. Services for students who have disabilities.

75 3. Civil rights, including s. 1000.05, relating to  
76 discrimination.

77 4. The student assessment program and the school grading  
78 system, including chapter 1008.

79 5. Financial disclosure by elected officials.

80 6. Conflicts of interest by elected officials.

81 7. Instructional materials, except s. 1006.37, relating to  
82 the requisition of state-adopted materials from the depository  
83 under contract with the publisher, and s. 1006.40(3)(a),  
84 relating to the use of 50 percent of the instructional materials  
85 allocation.

86 8. Financial matters, including those laws in chapter 1010,  
87 except s. 1010.20(3).

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88 9. Educational facilities, including those laws in chapter  
89 1013, except s. 1013.20, relating only to covered walkways for  
90 portables, and s. 1013.21, relating to the use of relocatable  
91 facilities that exceed 20 years of age.

92 10. Planning and budgeting, including those laws in chapter  
93 1011, except s. 1011.62(9)(d), relating to the requirement for a  
94 comprehensive reading plan. A school district that is exempt  
95 from submitting the plan is deemed approved to receive the  
96 research-based reading instruction allocation.

97 11. Section 1012.22(1)(c), relating to compensation and  
98 salary schedules.

99 12. Section 1012.33(5), relating to workforce reductions.

100 13. Section 1012.335, relating to contracts with  
101 instructional personnel hired on or after July 1, 2011.

102 14. Section 1012.34, relating to the substantive  
103 requirements for performance evaluations for instructional,  
104 administrative, and supervisory personnel.

105 15. Section 1003.03, relating to the maximum class size,  
106 except that the calculation for compliance pursuant to s.  
107 1003.03 is the average at the school level for a school choice  
108 program in which a parent or guardian chooses to place his or  
109 her child, rather than the child being placed pursuant to a  
110 school district assignment.

111 (c) A school district shall submit an application for each  
112 waiver request to the commissioner and the State Board of  
113 Education, which must include the purpose for making the  
114 request, the goal or goals to be achieved by the waiver, and  
115 supporting evidence or other documentation outlining the impact  
116 if the waiver is approved or disapproved. Each waiver request

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117 must contain a statement indicating how the waiver would enhance  
118 instructional programs or provide for greater efficiency or  
119 efficacy in school district operations. A waiver may be  
120 requested at any point during a fiscal year and may be granted,  
121 for no more than 3 years, if the commissioner and the State  
122 Board of Education agree that the waiver will assist the school  
123 district in maintaining or improving its academic or fiscal  
124 performance status. The commissioner and the State Board of  
125 Education shall grant or deny a waiver request within 90 days  
126 after receiving the request.

127 (4) GOVERNING BOARD.—The governing board of a school  
128 district is the duly elected district school board.

129 (5) ANNUAL REPORT.—By January 15, 2015, and each year  
130 thereafter, each school district that is granted at least one  
131 waiver shall submit an annual report to the Governor, the  
132 President of the Senate, the Speaker of the House of  
133 Representatives, and the State Board of Education. The report  
134 must contain the strategies that the school district used to  
135 implement the provisions of this section and the results of  
136 student performance evaluations and district operational  
137 efficiency programs.

138 Section 2. This act shall take effect July 1, 2014.