

By Senator Legg

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1 A bill to be entitled
2 An act relating to school choice; amending s. 1002.31,
3 F.S.; specifying that the calculation for compliance
4 with maximum class size requirements for a specified
5 district innovation school of choice is at the school
6 level; amending s. 1002.33, F.S.; requiring certain
7 charter schools to include specified language in their
8 charter contracts; amending s. 1002.451, F.S.;
9 changing the term "innovation school of technology" to
10 "innovation school of choice"; authorizing, rather
11 than requiring, an innovation school of choice to
12 adopt and implement a blended learning program;
13 revising the guiding principles of an innovation
14 school of choice; authorizing a district school board
15 to operate one or more innovation schools of choice;
16 revising the minimum content requirements of an
17 application for an innovation school of choice;
18 deleting a provision that authorizes a school to
19 restructure the school day or school year for
20 specified purposes; requiring the State Board of
21 Education to review at a specified interval the
22 performance metrics of each individual innovation
23 school of choice for compliance with certain
24 requirements; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsection (5) of section 1002.31, Florida
29 Statutes, is amended to read:

30 1002.31 Controlled open enrollment; public school parental
31 choice.—

32 (5) For a school ~~or program~~ that is a district innovation

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33 ~~public~~ school of choice approved under s. 1002.451 ~~this section~~,
34 the calculation for compliance with maximum class size pursuant
35 to s. 1003.03 is the average number of students at the school
36 level.

37 Section 2. Paragraph (b) of subsection (16) of section
38 1002.33, Florida Statutes, is amended, and subsection (29) is
39 added to that section, to read:

40 1002.33 Charter schools.—

41 (16) EXEMPTION FROM STATUTES.—

42 (b) Additionally, a charter school shall be in compliance
43 with the following statutes:

44 1. Section 286.011, relating to public meetings and
45 records, public inspection, and criminal and civil penalties.

46 2. Chapter 119, relating to public records.

47 3. Section 1003.03, relating to the maximum class size,
48 except that the calculation for compliance pursuant to s.
49 1003.03 shall be the average at the school level for a charter
50 school that complies with subsection (29).

51 4. Section 1012.22(1)(c), relating to compensation and
52 salary schedules.

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

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

56 7. Section 1012.34, relating to the substantive
57 requirements for performance evaluations for instructional
58 personnel and school administrators.

59 (29) In order for the calculation for compliance with
60 maximum class size pursuant to s. 1003.03 to be the average at
61 the school level, a charter school must work with its sponsor to

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62 include in the charter contract language that:

63 (a) Clearly articulates how the charter school distinctly
 64 and uniquely defines and provides schoolwide innovation and what
 65 the school's policies are for enrollment in the innovation
 66 school of choice.

67 (b) Specifies performance metrics, including, but not
 68 limited to, trends and targets for students' performance
 69 improvement associated with the innovation.

70 (c) Requires that the status of the performance metrics be
 71 reviewed for compliance every 3 years in order for the
 72 calculation for compliance with maximum class size pursuant to
 73 s. 1003.03 to continue to be at the average at the school level.

74 Section 3. Section 1002.451, Florida Statutes, is amended
 75 to read:

76 1002.451 District innovation school of choice ~~technology~~
 77 program.—

78 (1) DISTRICT INNOVATION SCHOOL OF CHOICE ~~TECHNOLOGY~~.—

79 (a) A district school board may operate an innovation
 80 school of choice ~~technology~~ for the purpose of developing
 81 innovation, which may include, but is not limited to, the
 82 innovative use of industry-leading technology, while requiring
 83 high student academic achievement and accountability in exchange
 84 for flexibility and exemption from specified statutes and rules.
 85 The innovation school of choice ~~technology~~ shall operate within
 86 existing resources.

87 (b) An innovation school of choice ~~may, technology is a~~
 88 ~~school that has,~~ on a schoolwide basis, adopt ~~adopted~~ and
 89 implement ~~implemented~~ a blended learning program. A blended
 90 learning program is an education program in which a student

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91 learns in part through online delivery of content and
92 instruction with some element of student control over time,
93 place, path, or pace and in part at a supervised brick-and-
94 mortar location away from home. Blended learning models must
95 include major components such as differentiated instruction,
96 data-driven placement, flexible scheduling, differentiated
97 teaching, and self-paced learning. The school may use one of the
98 following blended learning models:

99 1. Flipped classroom model in which students use online
100 instructional videos and practice concepts in the classroom with
101 the support of the teacher;

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

104 3. Rotation model in which students move between different
105 learning modalities, such as online instruction, teacher-
106 directed instruction, seminar or group projects, and one-on-one
107 teacher coaching. Rotation models include individual, station,
108 and laboratory models.

109 (c) An innovation school of choice ~~technology~~ must be open
110 to any student covered in an interdistrict agreement or residing
111 in the school district in which the innovation school of choice
112 ~~technology~~ is located. An innovation school of choice ~~technology~~
113 shall enroll an eligible student who submits a timely
114 application if the number of applications does not exceed the
115 capacity of a program, class, grade level, or building. If the
116 number of applications exceeds capacity, all applicants shall
117 have an equal chance of being admitted through a public random
118 selection process. However, a district may give enrollment
119 preference to students who identify the innovation school of

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120 ~~choice technology~~ as the student's preferred choice pursuant to
121 the district's controlled open enrollment plan.

122 (2) GUIDING PRINCIPLES.—An innovation school of choice
123 ~~technology~~ shall be guided by the following principles:

124 (a) Use innovation to meet high standards of student
125 achievement in exchange for flexibility with respect to statutes
126 or rules.

127 (b) Implement innovative learning methods and assessment
128 tools to implement a schoolwide transformation ~~regarding~~
129 ~~industry-leading technology~~ to improve student learning and
130 academic achievement.

131 (c) Promote enhanced academic success and financial
132 efficiency by aligning responsibility with accountability and
133 innovation, which may include, but is not limited to, industry-
134 leading technology.

135 (d) Measure student performance based on student learning
136 growth, or based on student achievement if student learning
137 growth cannot be measured.

138 (e) Provide a parent with sufficient information as to
139 whether his or her child is reading at grade level and making
140 learning gains each year.

141 (f) Incorporate industry certifications and similar
142 recognitions into performance expectations.

143 (g) Focus on using innovation, which may include, but is
144 not limited to, utilizing industry-leading hardware and software
145 technology for student individual use and for developing ~~to~~
146 ~~develop~~ the school's infrastructure in furtherance of this
147 section.

148 (3) TERM OF PERFORMANCE CONTRACT.—An innovation school of

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149 choice ~~technology~~ may operate pursuant to a performance contract
150 with the State Board of Education for a period of 5 years.

151 (a) Before expiration of the performance contract, the
152 school's performance shall be evaluated against the eligibility
153 criteria, purpose, guiding principles, and compliance with the
154 contract to determine whether the contract may be renewed. The
155 contract may be renewed every 5 years.

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

158 1. The school receives a grade of "F" as an innovation
159 school of choice ~~technology~~ for 2 consecutive years;

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

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

165 4. Other good cause is shown.

166 (4) FUNDING.—A district school board operating an
167 innovation school of choice ~~technology~~ shall report full-time
168 equivalent students to the department in a manner prescribed by
169 the department, and funding shall be provided through the
170 Florida Education Finance Program as provided in ss. 1011.61 and
171 1011.62. An innovation school of choice ~~technology~~ may seek and
172 receive additional funding through incentive grants or public or
173 private partnerships.

174 (5) EXEMPTION FROM STATUTES.—

175 (a) An innovation school of choice ~~technology~~ is exempt
176 from chapters 1000-1013. However, an innovation school of choice
177 ~~technology~~ shall comply with the following provisions of those

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178 chapters:

- 179 1. Laws pertaining to the following:
- 180 a. Schools of technology, including this section.
- 181 b. Student assessment program and school grading system.
- 182 c. Services to students who have disabilities.
- 183 d. Civil rights, including s. 1000.05, relating to
- 184 discrimination.
- 185 e. Student health, safety, and welfare.
- 186 2. Laws governing the election and compensation of district
- 187 school board members and election or appointment and
- 188 compensation of district school superintendents.
- 189 3. Section 1003.03, governing maximum class size, except
- 190 that the calculation for compliance pursuant to s. 1003.03 is
- 191 the average at the school level.
- 192 4. Sections 1012.22(1)(c) and 1012.27(2), relating to
- 193 compensation and salary schedules.
- 194 5. Section 1012.33(5), relating to workforce reductions,
- 195 for annual contracts for instructional personnel. This
- 196 subparagraph does not apply to at-will employees.
- 197 6. Section 1012.335, relating to contracts with
- 198 instructional personnel hired on or after July 1, 2011, for
- 199 annual contracts for instructional personnel. This subparagraph
- 200 does not apply to at-will employees.
- 201 7. Section 1012.34, relating to requirements for
- 202 performance evaluations of instructional personnel and school
- 203 administrators.
- 204 (b) An innovation school of choice ~~technology~~ shall also
- 205 comply with chapter 119 and s. 286.011, relating to public
- 206 meetings and records, public inspection, and criminal and civil

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207 penalties.

208 (c) An innovation school of choice ~~technology~~ is exempt
209 from ad valorem taxes and the State Requirements for Educational
210 Facilities when leasing facilities.

211 (6) APPLICATION PROCESS AND PERFORMANCE CONTRACT.—

212 (a) A district school board may apply to the State Board of
213 Education for an innovation school of choice ~~technology~~ if the
214 district:

215 1. Has at least 20 percent of its total enrollment in
216 public school choice programs or at least 5 percent of its total
217 enrollment in charter schools;

218 2. Has no material weaknesses or instances of material
219 noncompliance noted in the annual financial audit conducted
220 pursuant to s. 218.39; and

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

223 (b) A district school board may operate one or more
224 innovation schools ~~school~~ of choice ~~technology~~ upon the school's
225 ~~an~~ application being approved by the State Board of Education.

226 1. A district school board may include multiple individual
227 innovation schools of choice in an application; however, the
228 application must specify for each school how the individual
229 innovation school of choice will distinctly and uniquely comply
230 on a schoolwide basis with this section. Each innovation school
231 of choice identified in an application must be evaluated and
232 approved or denied on an individual basis.

233 ~~2.1.~~ A district school board may apply to the State Board
234 of Education to establish additional schools of choice
235 ~~technology~~ if each existing innovation school of choice

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236 ~~technology~~ in the district:

237 a. Meets all requirements in this section and in the
238 performance contract;

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

240 c. Has at least 50 percent of its students exceed the state
241 average on the statewide assessment program pursuant to s.

242 1008.22. This comparison may take student subgroups, as defined
243 in the federal Elementary and Secondary Education Act (ESEA), 20
244 U.S.C. s. 6311(b)(2)(C)(v)(II), into specific consideration so
245 that at least 50 percent of students in each student subgroup
246 meet or exceed the statewide average performance, rounded to the
247 nearest whole number, of that particular subgroup.

248 ~~2. Notwithstanding subparagraph 1., the number of schools
249 of technology in a school district may not exceed:~~

250 ~~a. Seven in a school district that has 100,000 or more
251 students.~~

252 ~~b. Five in a school district that has 50,000 to 99,999
253 students.~~

254 ~~c. Three in a school district that has fewer than 50,000
255 students.~~

256 (c) A school district that meets the eligibility
257 requirements of paragraph (a) may apply to the State Board of
258 Education at any time to enter into a performance contract to
259 operate an innovation school of choice technology. The
260 application for each school must, at a minimum :

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

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

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

267 4. Identify and provide supporting documentation for the
268 purpose and impact of each waiver, how each waiver would enable
269 the school to achieve the purpose and guiding principles of this
270 section, and how the school would not be able to achieve the
271 purpose and guiding principles of this section without each
272 waiver; ~~and~~

273 5. Confirm that the school board remains responsible for
274 the operation, control, and supervision of the school in
275 accordance with all applicable laws, rules, and district
276 procedures not waived pursuant to this section or waived
277 pursuant to other applicable law;~~;~~

278 6. Clearly articulate how the charter school distinctly and
279 uniquely defines and provides schoolwide innovation and what the
280 school's policies are for enrollment in the innovation school of
281 choice; and

282 7. Specify performance metrics, including, but not limited
283 to, trends and targets for students' performance improvement
284 associated with the innovation.

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

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

291 1. Upon execution of the performance contract, the school
292 district will plan the program during the first year, begin at
293 least partial implementation of the program during the second

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294 year, and fully implement the program by the third year. A
295 district may implement the program sooner than specified in this
296 subparagraph if authorized in the performance contract.

297 2. The school will integrate innovation, which may include,
298 but is not limited to, industry-leading technology, into
299 instruction, assessment, and professional development. ~~The~~
300 ~~school may also restructure the school day or school year in a~~
301 ~~way that allows it to best accomplish its goals.~~

302 3. The school and district will monitor performance
303 progress based on skills that help students succeed in college
304 and careers, including problem solving, research,
305 interpretation, and communication.

306 4. The school will incorporate industry certifications and
307 similar recognitions into performance expectations.

308 5. The school and district will comply with this section
309 and the performance contract.

310 (f) Three or more contiguous school districts may apply to
311 enter into a joint performance contract as a Region of Choice
312 ~~Technology~~, subject to terms and conditions contained in this
313 section for a single school district.

314 (g) The State Board of Education shall monitor innovation
315 schools of choice ~~technology~~ to ensure that the respective
316 school district is in compliance with this section and the
317 performance contract. The State Board of Education must review
318 the performance metrics of each individual innovation school of
319 choice every 3 years and determine each school to be in
320 compliance in order for the calculation for compliance with
321 maximum class size pursuant to s. 1003.03 for the school to be
322 at the average school level as authorized under subparagraph

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323 (5) (a) 3.

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

328 (i) This section does not supersede the provisions of s.
329 768.28.

330 (7) REPORTS.—The school district of an innovation school of
331 choice ~~technology~~ shall submit to the State Board of Education,
332 the President of the Senate, and the Speaker of the House of
333 Representatives an annual report by December 1 of each year
334 which delineates the performance of the innovation school of
335 choice ~~technology~~ as it relates to the academic performance of
336 students. The annual report shall be submitted in a format
337 prescribed by the Department of Education and must include, but
338 need not be limited to, the following:

339 (a) Evidence of compliance with this section.

340 (b) Efforts to close the achievement gap.

341 (c) Longitudinal performance of students, by grade level
342 and subgroup, in mathematics, reading, writing, science, and any
343 other subject that is included as a part of the statewide
344 assessment program in s. 1008.22.

345 (d) Longitudinal performance for students who take an
346 Advanced Placement Examination, organized by age, gender, and
347 race, and for students who participate in the National School
348 Lunch Program.

349 (e) Number and percentage of students who take an Advanced
350 Placement Examination.

351 (f) Identification and analysis of innovation, which may

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352 include, but is not limited to, industry-leading technology,
353 used to comply with this section, including, but not limited to,
354 recommendations and lessons learned from such use.

355 Section 4. This act shall take effect upon becoming a law.