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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/17/2017	.	
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	.	
	.	

The Committee on Education (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (18) and (21) of section 1001.42,
Florida Statutes, are amended to read:

1001.42 Powers and duties of district school board.—The
district school board, acting as a board, shall exercise all
powers and perform all duties listed below:

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
Maintain a system of school improvement and education



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12 accountability as provided by statute and State Board of
13 Education rule. This system of school improvement and education
14 accountability shall be consistent with, and implemented
15 through, the district's continuing system of planning and
16 budgeting required by this section and ss. 1008.385, 1010.01,
17 and 1011.01. This system of school improvement and education
18 accountability shall comply with the provisions of ss. 1008.33,
19 1008.34, 1008.345, and 1008.385 and include the following:

20 (a) *School improvement plans.*—

21 ~~1.~~ The district school board shall annually approve and
22 require implementation of a new, amended, or continuation school
23 improvement plan for each school in the district which has a
24 school grade of "D" or "F"; ~~-. If a school~~ has a significant gap
25 in achievement on statewide, standardized assessments
26 administered pursuant to s. 1008.22 by one or more student
27 subgroups, as defined in the federal Elementary and Secondary
28 Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not
29 significantly increased the percentage of students passing
30 statewide, standardized assessments; has not significantly
31 increased the percentage of students demonstrating Learning
32 Gains, as defined in s. 1008.34 and as calculated under s.
33 1008.34(3)(b), who passed statewide, standardized assessments;
34 or has significantly lower graduation rates for a subgroup when
35 compared to the state's graduation rate. The, that school's
36 improvement plan of a school that meets the requirements of this
37 paragraph shall include strategies for improving these results.
38 The state board shall adopt rules establishing thresholds and
39 for determining compliance with this subparagraph.

40 ~~2. A school that includes any of grades 6, 7, or 8 shall~~



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41 ~~include annually in its school improvement plan information and~~
42 ~~data on the school's early warning system required under~~
43 ~~paragraph (b), including a list of the early warning indicators~~
44 ~~used in the system, the number of students identified by the~~
45 ~~system as exhibiting two or more early warning indicators, the~~
46 ~~number of students by grade level that exhibit each early~~
47 ~~warning indicator, and a description of all intervention~~
48 ~~strategies employed by the school to improve the academic~~
49 ~~performance of students identified by the early warning system.~~
50 ~~In addition, a school that includes any of grades 6, 7, or 8~~
51 ~~shall describe in its school improvement plan the strategies~~
52 ~~used by the school to implement the instructional practices for~~
53 ~~middle grades emphasized by the district's professional~~
54 ~~development system pursuant to s. 1012.98(4)(b)9.~~

55 (b) *Early warning system.*—

56 1. A school that serves any students in kindergarten
57 through grade ~~includes any of grades 6, 7, or 8~~ shall implement
58 an early warning system to identify students in such grades ~~6,~~
59 ~~7, and 8~~ who need additional support to improve academic
60 performance and stay engaged in school. The early warning system
61 must include the following early warning indicators:

62 a. Attendance below 90 percent, regardless of whether
63 absence is excused or a result of out-of-school suspension.

64 b. One or more suspensions, whether in school or out of
65 school.

66 c. Course failure in English Language Arts or mathematics
67 during any grading period.

68 d. A Level 1 score on the statewide, standardized
69 assessments in English Language Arts or mathematics or, for



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70 students in kindergarten through grade 3, a substantial reading
71 deficiency under s. 1008.25(5)(a).

72
73 A school district may identify additional early warning
74 indicators for use in a school's early warning system. The
75 system must include data on the number of students identified by
76 the system as exhibiting two or more early warning indicators,
77 the number of students by grade level who exhibit each early
78 warning indicator, and a description of all intervention
79 strategies employed by the school to improve the academic
80 performance of students identified by the early warning system.

81 2. A school-based team responsible for implementing the
82 requirements of this paragraph shall monitor the data from the
83 early warning system. The team may include a school
84 psychologist. When a student exhibits two or more early warning
85 indicators, the team, in consultation with the student's parent,
86 shall school's child study team under s. 1003.02 or a school-
87 based team formed for the purpose of implementing the
88 requirements of this paragraph shall convene to determine
89 appropriate intervention strategies for the student unless the
90 student is already being served by an intervention program at
91 the direction of a school-based, multidisciplinary team. Data
92 and information relating to a student's early warning indicators
93 must be used to inform any intervention strategies provided to
94 the student ~~The school shall provide at least 10 days' written~~
95 ~~notice of the meeting to the student's parent, indicating the~~
96 ~~meeting's purpose, time, and location, and provide the parent~~
97 ~~the opportunity to participate.~~

98 (21) EDUCATIONAL AUTHORITY TO DECLARE AN EMERGENCY. ~~May~~



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99 ~~declare an emergency in cases in which one or more schools in~~
100 ~~the district are failing or are in danger of failing and~~
101 Negotiate special provisions of its contract with the
102 appropriate bargaining units to free ~~these~~ schools with a school
103 grade of "D" or "F" from contract restrictions that limit the
104 school's ability to implement programs and strategies needed to
105 improve student performance. The negotiations shall result in a
106 memorandum of understanding that addresses the selection,
107 placement, and expectations of instructional personnel and
108 school administrators. For purposes of this subsection, an
109 educational emergency exists in a school district if one or more
110 schools in the district have a school grade of "D" or "F."

111 Section 2. Subsections (3), (4), and (5) of section
112 1008.33, Florida Statutes, are amended to read:

113 1008.33 Authority to enforce public school improvement.—

114 (3) (a) The academic performance of all students has a
115 significant effect on the state school system. Pursuant to Art.
116 IX of the State Constitution, which prescribes the duty of the
117 State Board of Education to supervise Florida's public school
118 system, the state board shall equitably enforce the
119 accountability requirements of the state school system and may
120 impose state requirements on school districts in order to
121 improve the academic performance of all districts, schools, and
122 students based upon the provisions of the Florida K-20 Education
123 Code, chapters 1000-1013; the federal ESEA and its implementing
124 regulations; and the ESEA flexibility waiver approved for
125 Florida by the United States Secretary of Education.

126 (b) ~~Beginning with the 2011-2012 school year,~~ The
127 Department of Education shall annually identify each public



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128 school in need of intervention and support to improve student
129 academic performance. All schools earning a grade of "D" or "F"
130 pursuant to s. 1008.34 are schools in need of intervention and
131 support.

132 (c) The state board shall adopt by rule a differentiated
133 matrix of intervention and support strategies for assisting
134 traditional public schools identified under this section and
135 rules for implementing s. 1002.33(9)(n), relating to charter
136 schools. The intervention and support strategies must address
137 student performance and may include improvement planning,
138 leadership quality improvement, educator quality improvement,
139 professional development, curriculum alignment and pacing, and
140 the use of continuous improvement and monitoring plans and
141 processes. In addition, the state board may prescribe reporting
142 requirements to review and monitor the progress of the schools.
143 The rule must define the intervention and support strategies for
144 school improvement for schools earning a grade of "D" or "F" and
145 the roles for the district and department. ~~The rule shall~~
146 ~~differentiate among schools earning consecutive grades of "D" or~~
147 ~~"F," or a combination thereof, and provide for more intense~~
148 ~~monitoring, intervention, and support strategies for these~~
149 ~~schools.~~

150 (4) (a) The state board shall apply intensive ~~the most~~
151 ~~intense~~ intervention and support strategies to schools earning a
152 grade of "D" or "F." In the first full school year after a
153 school initially earns a grade of "D" or "F," the school
154 district must immediately implement intervention and support
155 strategies prescribed in rule under paragraph (3) (c) and, by
156 September 1, provide, ~~select a turnaround option from those~~



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157 ~~provided in subparagraphs (b)1. 5., and submit a plan for~~
158 ~~implementing the turnaround option to the department with the~~
159 ~~memorandum of understanding negotiated pursuant to s.~~
160 ~~1001.42(21) and a district-managed turnaround plan for approval~~
161 ~~by the state board. Upon approval by the state board, the school~~
162 ~~district must implement the plan for the remainder of the school~~
163 ~~year and continue the plan for 1 full school year. The state~~
164 ~~board may allow a school an additional year of implementation~~
165 ~~before the school must implement a turnaround option required~~
166 ~~under paragraph (b) if it determines that the school is likely~~
167 ~~to improve to a grade of "C" or higher after the first full~~
168 ~~school year of implementation. for approval by the state board.~~
169 ~~Upon approval by the state board, the turnaround option must be~~
170 ~~implemented in the following school year.~~

171 (b) Unless an additional year of implementation is provided
172 pursuant to paragraph (a), ~~The turnaround options available to a~~
173 ~~school district to address a school that earns three consecutive~~
174 ~~grades below a "C" must implement one of the following a grade~~
175 ~~of "F" are:~~

176 ~~1. Convert the school to a district-managed turnaround~~
177 ~~school;~~

178 ~~1.2.~~ Reassign students to another school and monitor the
179 progress of each reassigned student;

180 2. Contract with an outside entity that has a demonstrated
181 record of effectiveness to operate the school; or

182 3. Close the school and reopen the school as one or more
183 charter schools, each with a governing board that has a
184 demonstrated record of effectiveness.†

185 ~~4. Contract with an outside entity that has a demonstrated~~



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186 ~~record of effectiveness to operate the school; or~~

187 ~~5. Implement a hybrid of turnaround options set forth in~~
188 ~~subparagraphs 1. 4. or other turnaround models that have a~~
189 ~~demonstrated record of effectiveness.~~

190 ~~(c) A school earning a grade of "F" shall have a planning~~
191 ~~year followed by 2 full school years to implement the initial~~
192 ~~turnaround option selected by the school district and approved~~
193 ~~by the state board. Implementation of the turnaround option is~~
194 ~~no longer required if the school improves to a grade of "C" or~~
195 ~~higher by at least one letter grade.~~

196 ~~(d) A school earning a grade of "F" that improves its~~
197 ~~letter grade must continue to implement strategies identified in~~
198 ~~its school improvement plan pursuant to s. 1001.42(18)(a). The~~
199 ~~department must annually review implementation of the school~~
200 ~~improvement plan for 3 years to monitor the school's continued~~
201 ~~improvement.~~

202 ~~(d)(e) If a school earning a grade of "D" or "F" does not~~
203 ~~improve to a grade of "C" or higher by at least one letter grade~~
204 ~~after 2 full school years of implementing the turnaround option~~
205 ~~selected by the school district under paragraph (b), the school~~
206 ~~district must implement select a different option and submit~~
207 ~~another turnaround option implementation plan to the department~~
208 ~~for approval by the state board. Implementation of the~~
209 ~~turnaround option approved plan must begin the school year~~
210 ~~following the implementation period of the existing turnaround~~
211 ~~option, unless the state board determines that the school is~~
212 ~~likely to improve to a "C" or higher a letter grade if~~
213 ~~additional time is provided to implement the existing turnaround~~
214 ~~option.~~



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215 ~~(5) A school that earns a grade of "D" for 3 consecutive~~
216 ~~years must implement the district-managed turnaround option~~
217 ~~pursuant to subparagraph (4)(b)1. The school district must~~
218 ~~submit an implementation plan to the department for approval by~~
219 ~~the state board.~~

220 Section 3. Paragraph (d) of subsection (6) of section
221 1008.345, Florida Statutes, is amended to read:

222 1008.345 Implementation of state system of school
223 improvement and education accountability.—

224 (6)

225 (d) The commissioner shall assign a community assessment
226 team to each school district or governing board with a school
227 that earned a grade of "D" or "F" ~~or three consecutive grades of~~
228 ~~"D"~~ pursuant to s. 1008.34 to review the school performance data
229 and determine causes for the low performance, including the role
230 of school, area, and district administrative personnel. The
231 community assessment team shall review a high school's
232 graduation rate calculated without high school equivalency
233 diploma recipients for the past 3 years, disaggregated by
234 student ethnicity. The team shall make recommendations to the
235 school board or the governing board and to the State Board of
236 Education based on the interventions and support strategies
237 identified pursuant to subsection (5) to which address the
238 causes of the school's low performance and to incorporate the
239 strategies ~~and may be incorporated~~ into the school improvement
240 plan. The assessment team shall include, but not be limited to,
241 a department representative, parents, business representatives,
242 educators, representatives of local governments, and community
243 activists, and shall represent the demographics of the community



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244 from which they are appointed.

245 Section 4. Paragraph (n) of subsection (9) of section
246 1002.33, Florida Statutes, is amended to read:

247 1002.33 Charter schools.—

248 (9) CHARTER SCHOOL REQUIREMENTS.—

249 (n)1. The director and a representative of the governing
250 board of a charter school that has earned a grade of "D" or "F"
251 pursuant to s. 1008.34 shall appear before the sponsor to
252 present information concerning each contract component having
253 noted deficiencies. The director and a representative of the
254 governing board shall submit to the sponsor for approval a
255 school improvement plan to raise student performance. Upon
256 approval by the sponsor, the charter school shall begin
257 implementation of the school improvement plan. The department
258 shall offer technical assistance and training to the charter
259 school and its governing board and establish guidelines for
260 developing, submitting, and approving such plans.

261 2.a. If a charter school earns three consecutive grades
262 ~~below a "C," of "D," two consecutive grades of "D" followed by a~~
263 ~~grade of "F," or two nonconsecutive grades of "F" within a 3-~~
264 ~~year period,~~ the charter school governing board shall choose one
265 of the following corrective actions:

266 (I) Contract for educational services to be provided
267 directly to students, instructional personnel, and school
268 administrators, as prescribed in state board rule;

269 (II) Contract with an outside entity that has a
270 demonstrated record of effectiveness to operate the school;

271 (III) Reorganize the school under a new director or
272 principal who is authorized to hire new staff; or



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273 (IV) Voluntarily close the charter school.

274 b. The charter school must implement the corrective action
275 in the school year following receipt of a third consecutive
276 grade below a "C" ~~of "D,"~~ ~~a grade of "F" following two~~
277 ~~consecutive grades of "D,"~~ ~~or a second nonconsecutive grade of~~
278 ~~"F" within a 3-year period.~~

279 c. The sponsor may annually waive a corrective action if it
280 determines that the charter school is likely to improve a letter
281 grade if additional time is provided to implement the
282 intervention and support strategies prescribed by the school
283 improvement plan. Notwithstanding this sub-subparagraph, a
284 charter school that earns a second consecutive grade of "F" is
285 subject to subparagraph 3. ~~4.~~

286 d. A charter school is no longer required to implement a
287 corrective action if it improves to a "C" or higher ~~by at least~~
288 ~~one letter grade.~~ However, the charter school must continue to
289 implement strategies identified in the school improvement plan.
290 The sponsor must annually review implementation of the school
291 improvement plan to monitor the school's continued improvement
292 pursuant to subparagraph 4. ~~5.~~

293 e. A charter school implementing a corrective action that
294 does not improve to a "C" or higher ~~by at least one letter grade~~
295 after 2 full school years of implementing the corrective action
296 must select a different corrective action. Implementation of the
297 new corrective action must begin in the school year following
298 the implementation period of the existing corrective action,
299 unless the sponsor determines that the charter school is likely
300 to improve to a "C" or higher ~~a letter grade~~ if additional time
301 is provided to implement the existing corrective action.



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302 Notwithstanding this sub-subparagraph, a charter school that
303 earns a second consecutive grade of "F" while implementing a
304 corrective action is subject to subparagraph 3. 4.

305 ~~3. A charter school with a grade of "D" or "F" that~~
306 ~~improves by at least one letter grade must continue to implement~~
307 ~~the strategies identified in the school improvement plan. The~~
308 ~~sponsor must annually review implementation of the school~~
309 ~~improvement plan to monitor the school's continued improvement~~
310 ~~pursuant to subparagraph 5.~~

311 3.4. A charter school's charter contract is automatically
312 terminated if the school earns two consecutive grades of "F"
313 after all school grade appeals are final unless:

314 a. The charter school is established to turn around the
315 performance of a district public school pursuant to s.
316 1008.33(4)(b)3. Such charter schools shall be governed by s.
317 1008.33;

318 b. The charter school serves a student population the
319 majority of which resides in a school zone served by a district
320 public school subject to s. 1008.33(4) ~~that earned a grade of~~
321 ~~"F" in the year before the charter school opened~~ and the charter
322 school earns at least a grade of "D" in its third year of
323 operation. The exception provided under this sub-subparagraph
324 does not apply to a charter school in its fourth year of
325 operation and thereafter; or

326 c. The state board grants the charter school a waiver of
327 termination. The charter school must request the waiver within
328 15 days after the department's official release of school
329 grades. The state board may waive termination if the charter
330 school demonstrates that the Learning Gains of its students on



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331 statewide assessments are comparable to or better than the
332 Learning Gains of similarly situated students enrolled in nearby
333 district public schools. The waiver is valid for 1 year and may
334 only be granted once. Charter schools that have been in
335 operation for more than 5 years are not eligible for a waiver
336 under this sub-subparagraph.

337
338 The sponsor shall notify the charter school's governing board,
339 the charter school principal, and the department in writing when
340 a charter contract is terminated under this subparagraph. The
341 letter of termination must meet the requirements of paragraph
342 (8) (c). A charter terminated under this subparagraph must follow
343 the procedures for dissolution and reversion of public funds
344 pursuant to paragraphs (8) (e)-(g) and (9) (o).

345 ~~4.5.~~ The director and a representative of the governing
346 board of a graded charter school that has implemented a school
347 improvement plan under this paragraph shall appear before the
348 sponsor at least once a year to present information regarding
349 the progress of intervention and support strategies implemented
350 by the school pursuant to the school improvement plan and
351 corrective actions, if applicable. The sponsor shall communicate
352 at the meeting, and in writing to the director, the services
353 provided to the school to help the school address its
354 deficiencies.

355 ~~5.6.~~ Notwithstanding any provision of this paragraph except
356 sub-subparagraphs 3.a.-c. ~~4.a.-e.~~, the sponsor may terminate the
357 charter at any time pursuant to subsection (8).

358 Section 5. Effective upon this act becoming a law, section
359 1002.333, Florida Statutes, is created to read:



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360 1002.333 Persistently low-performing schools.-

361 (1) DEFINITIONS.-As used in this section, the term:

362 (a) "Hope operator" means an entity identified by the
363 department pursuant to subsection (2).

364 (b) "Persistently low-performing school" means a school
365 that has been subject to a differentiated matrix of intervention
366 and support strategies for more than 3 years and a school that
367 was closed pursuant to s. 1008.33(4) within 2 years after the
368 submission of a notice of intent.

369 (c) "School of hope" means a charter school operated by a
370 hope operator which serves students from one or more
371 persistently low-performing schools; is located in the
372 attendance zone of a persistently low-performing school or
373 within a 5-mile radius of such school, whichever is greater; and
374 is a Title I eligible school.

375 (2) HOPE OPERATOR.-A hope operator is a nonprofit
376 organization with tax exempt status under s. 501(c)(3) of the
377 Internal Revenue Code that operates three or more charter
378 schools that serve students in grades K-12 in Florida or other
379 states with a record of serving students from low-income
380 families and is designated by the State Board of Education as a
381 hope operator based on a determination that:

382 (a) The past performance of the hope operator meets or
383 exceeds the following criteria:

384 1. The achievement of enrolled students exceeds the
385 district and state averages of the states in which the
386 operator's schools operate;

387 2. The average college attendance rate at all schools
388 currently operated by the operator exceeds 80 percent, if such



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389 data is available;

390 3. The percentage of students eligible for a free or
391 reduced price lunch under the National School Lunch Act enrolled
392 at all schools currently operated by the operator exceeds 70
393 percent;

394 4. The operator is in good standing with the authorizer in
395 each state in which it operates;

396 5. The audited financial statements of the operator are
397 free of material exceptions and going concern issues; and

398 6. Other outcome measures as determined by the State Board
399 of Education;

400 (b) The operator was awarded a United States Department of
401 Education Charter School Program grant for Replication and
402 Expansion of High-Quality Charter Schools within the preceding 3
403 years before applying to be a hope operator;

404 (c) The operator receives funding through the National Fund
405 or a Regional Fund of the Charter School Growth Fund to
406 accelerate the growth of the nation's best charter schools; or

407 (d) The operator is selected by a district school board in
408 accordance with s. 1008.33.

409
410 An entity that meets the requirements of paragraph (b),
411 paragraph (c), or paragraph (d) before the adoption by the state
412 board of measurable criteria pursuant to paragraph (a) shall be
413 designated as a hope operator. After the adoption of the
414 measurable criteria, an entity shall be designated as a hope
415 operator if it meets the criteria or is selected by a district
416 school board in accordance with s. 1008.33.

417 (3) DESIGNATION OF HOPE OPERATOR.—Initial status as a hope



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418 operator is valid for 5 years from the opening of a school of
419 hope. If a hope operator seeks the renewal of its status, such
420 renewal shall solely be based upon the academic and financial
421 performance of all schools established by the operator in the
422 state since its initial designation.

423 (4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator may
424 submit a notice of intent to open a school of hope to the school
425 district in which a persistently low-performing school has been
426 identified by the State Board of Education pursuant to
427 subsection (10).

428 (a) The notice of intent must include:

429 1. An academic focus and plan.

430 2. A financial plan.

431 3. Goals and objectives for increasing student achievement
432 for the students from low-income families.

433 4. A completed or planned community outreach plan.

434 5. The organizational history of success in working with
435 students with similar demographics.

436 6. The grade levels to be served and enrollment
437 projections.

438 7. The proposed location or geographic area proposed for
439 the school and its proximity to the persistently low-performing
440 school.

441 8. A staffing plan.

442 (b) Notwithstanding the requirements of s. 1002.33, a
443 school district shall enter into a performance-based agreement
444 with a hope operator to open schools to serve students from
445 persistently low-performing schools.

446 (5) PERFORMANCE-BASED AGREEMENT.—The following shall



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447 comprise the entirety of the performance-based agreement:

448 (a) The notice of intent, which is incorporated by
449 reference and attached to the agreement.

450 (b) The location or geographic area proposed for the school
451 of hope and its proximity to the persistently low-performing
452 school.

453 (c) An enumeration of the grades to be served in each year
454 of the agreement and whether the school will serve children in
455 the school readiness or prekindergarten programs.

456 (d) A plan of action and specific milestones for student
457 recruitment and the enrollment of students from persistently
458 low-performing schools, including enrollment preferences and
459 procedures for conducting transparent admissions lotteries that
460 are open to the public. Students from persistently low-
461 performing schools shall be exempt from any enrollment lottery
462 to the extent permitted by federal grant requirements.

463 (e) A delineation of the current incoming baseline standard
464 of student academic achievement, the outcomes to be achieved,
465 and the method of measurement that will be used.

466 (f) A description of the methods of involving parents and
467 expected levels for such involvement.

468 (g) The grounds for termination, including failure to meet
469 the requirements for student performance established pursuant to
470 paragraph (e), generally accepted standards of fiscal
471 management, or material violation of terms of the agreement. The
472 nonrenewal or termination of a performance-based agreement must
473 comply with the requirements of s. 1002.33(8).

474 (h) A provision allowing the hope operator to open
475 additional schools to serve students enrolled in or zoned for a



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476 persistently low-performing school if the hope operator
477 maintains its status under subsection (3).

478 (i) A provision establishing the initial term as 5 years.
479 The agreement shall be renewed, upon the request of the hope
480 operator, unless the school fails to meet the requirements for
481 student performance established pursuant to paragraph (e) or
482 generally accepted standards of fiscal management or the school
483 of hope materially violates the law or the terms of the
484 agreement.

485 (j) A requirement to provide transportation consistent with
486 the requirements of ss. 1006.21-1006.27 and s. 1012.45. The
487 governing body of the school of hope may provide transportation
488 through an agreement or contract with the district school board,
489 a private provider, or parents of enrolled students.
490 Transportation may not be a barrier to equal access for all
491 students residing within reasonable distance of the school.

492 (k) A requirement that any arrangement entered into to
493 borrow or otherwise secure funds for the school of hope from a
494 source other than the state or a school district shall indemnify
495 the state and the school district from any and all liability,
496 including, but not limited to, financial responsibility for the
497 payment of the principal or interest.

498 (l) A provision that any loans, bonds, or other financial
499 agreements are not obligations of the state or the school
500 district but are obligations of the school of hope and are
501 payable solely from the sources of funds pledged by such
502 agreement.

503 (m) A prohibition on the pledge of credit or taxing power
504 of the state or the school district.



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505 (6) STATUTORY AUTHORITY.—

506 (a) A school of hope may be designated as a local education
507 agency, if requested, for the purposes of receiving federal
508 funds and, in doing so, accepts the full responsibility for all
509 local education agency requirements and the schools for which it
510 will perform local education agency responsibilities. Students
511 enrolled in a school established by a hope operator designated
512 as a local educational agency are not eligible students for
513 purposes of calculating the district grade pursuant to s.
514 1008.34(5).

515 (b) For the purposes of tort liability, the hope operator,
516 the school of hope, and its employees or agents shall be
517 governed by s. 768.28. The sponsor shall not be liable for civil
518 damages under state law for the employment actions or personal
519 injury, property damage, or death resulting from an act or
520 omission of a hope operator, the school of hope, or its
521 employees or agents.

522 (c) A school of hope may be either a private or a public
523 employer. As a public employer, the school of hope may
524 participate in the Florida Retirement System upon application
525 and approval as a covered group under s. 121.021(34). If a
526 school of hope participates in the Florida Retirement System,
527 the school of hope's employees shall be compulsory members of
528 the Florida Retirement System.

529 (d) A hope operator may employ school administrators and
530 instructional personnel who do not meet the requirements of s.
531 1012.56 if the school administrators and instructional personnel
532 are not ineligible for such employment under s. 1012.315.

533 (e) Compliance with s. 1003.03 shall be calculated as the



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534 average at the school level.

535 (f) Schools of hope operated by a hope operator shall be
536 exempt from chapters 1000-1013 and all school board policies.

537 However, a hope operator shall be in compliance with the laws in
538 chapters 1000-1013 relating to:

539 1. The student assessment program and school grading
540 system.

541 2. Student progression and graduation.

542 3. The provision of services to students with disabilities.

543 4. Civil rights, including s. 1000.05, relating to
544 discrimination.

545 5. Student health, safety, and welfare.

546 6. Public meetings and records, public inspection, and
547 criminal and civil penalties pursuant to s. 286.011. The
548 governing board of a school of hope must hold at least two
549 public meetings per school year in the school district in which
550 the school of hope is located. Any other meetings of the
551 governing board may be held in accordance with s. 120.54(2)(b)2.

552 7. Public records pursuant to chapter 119.

553 8. The code of ethics for public officers and employees
554 pursuant to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

555 (7) FACILITIES.—

556 (a) A school of hope shall use facilities that comply with
557 the Florida Building Code, except for the State Requirements for
558 Educational Facilities. A school of hope that uses school
559 district facilities must comply with the State Requirements for
560 Educational Facilities only if the school district and the hope
561 operator have entered into a mutual management plan for the
562 reasonable maintenance of such facilities. The mutual management



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563 plan shall contain a provision by which the district school
564 board agrees to maintain the school facilities in the same
565 manner as its other public schools within the district. The
566 local governing authority shall not adopt or impose any local
567 building requirements or site-development restrictions, such as
568 parking and site-size criteria, which are addressed by and more
569 stringent than those found in the State Requirements for
570 Educational Facilities of the Florida Building Code. A local
571 governing authority must treat schools of hope equitably in
572 comparison to similar requirements, restrictions, and site
573 planning processes imposed upon public schools. The agency
574 having jurisdiction for inspection of a facility and issuance of
575 a certificate of occupancy or use shall be the local
576 municipality or, if in an unincorporated area, the county
577 governing authority. If an official or employee of the local
578 governing authority refuses to comply with this paragraph, the
579 aggrieved school or entity has an immediate right to bring an
580 action in circuit court to enforce its rights by injunction. An
581 aggrieved party that receives injunctive relief may be awarded
582 reasonable attorney fees and court costs.

583 (b) Any facility, or portion thereof, used to house a
584 school of hope shall be exempt from ad valorem taxes pursuant to
585 s. 196.1983. Library, community service, museum, performing
586 arts, theatre, cinema, church, Florida College System
587 institution, college, and university facilities may provide
588 space to schools of hope within their facilities under their
589 preexisting zoning and land use designations without obtaining a
590 special exception, rezoning, land use charter, or other form of
591 approval.



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592 (c) School of hope facilities are exempt from assessments
593 of fees for building permits, except as provided in s. 553.80;
594 fees for building and occupational licenses; impact fees or
595 exactions; service availability fees; and assessments for
596 special benefits.

597 (d) No later than October 1, each school district shall
598 annually provide to the Department of Education a list of all
599 underused, vacant, or surplus facilities owned or operated by
600 the school district. A hope operator establishing a school of
601 hope may use an educational facility identified in this
602 paragraph at no cost or at a mutually agreeable cost not to
603 exceed \$600 per student. A hope operator using a facility
604 pursuant to this paragraph may not sell or dispose of such
605 facility without the written permission of the school district.
606 For purposes of this paragraph, "underused, vacant, or surplus
607 facility" means an entire facility or portion thereof which is
608 not fully used or is used irregularly or intermittently by the
609 school district for instructional or program use.

610 (8) NONCOMPLIANCE.—A school district that does not enter
611 into a performance-based agreement within 60 days after receipt
612 of a notice of intent shall reduce the administrative fees
613 withheld pursuant to s. 1002.33(20) to 1 percent for all charter
614 schools operating in the school district. Upon execution of the
615 performance-based agreement, the school district may resume
616 withholding the full amount of administrative fees, but may not
617 recover any fees that would have otherwise accrued during the
618 period of noncompliance. Any charter school that had
619 administrative fees withheld in violation of this subsection may
620 recover attorney fees and costs to enforce the requirements of



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621 this subsection. A school district subject to the requirements
622 of this section shall file a monthly report detailing the
623 reduction in the amount of administrative fees withheld.

624 (9) FUNDING.—

625 (a) Schools of hope shall be funded in accordance with s.
626 1002.33(17).

627 (b) Schools of hope shall receive priority in the
628 department's Public Charter School Grant Program competitions.

629 (c) Schools of hope shall be considered charter schools for
630 purposes of s. 1013.62, except charter capital outlay may not be
631 used to purchase real property or for the construction of school
632 facilities.

633 (d) Schools of hope shall receive funds from the "Special
634 Categories: Grants and Aids-Schools of Hope" which is created in
635 addition to the categories enumerated in s. 216.011(1)(c).

636 Eligible expenditures from an appropriation in the "Special
637 Categories: Grants and Aids-Schools of Hope" shall include:

638 1. Preparing teachers, school leaders, and specialized
639 instructional support personnel, including costs associated
640 with:

641 a. Providing professional development.

642 b. Hiring and compensating teachers, school leaders, and
643 specialized instructional support personnel for services beyond
644 the school day and year.

645 2. Acquiring supplies, training, equipment, and educational
646 materials, including developing and acquiring instructional
647 materials.

648 3. Providing one-time startup costs associated with
649 providing transportation to students to and from the charter



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650 school.

651 4. Carrying out community engagement activities, which may
652 include paying the cost of student and staff recruitment.

653 5. Providing funds to cover the nonvoted ad valorem millage
654 that would otherwise be required for schools and the required
655 local effort funds calculated pursuant to s. 1011.62 when the
656 State Board of Education enters into an agreement with a hope
657 operator pursuant to subsection (5).

658 (e) If a school of hope is not renewed or is terminated,
659 any unencumbered funds and all equipment and property purchased
660 with the funds shall revert to the ownership of the state. The
661 reversion of such equipment, property, and furnishings shall
662 focus on tangible or irrecoverable costs such as rental or
663 leasing fees, normal maintenance, and limited renovations. The
664 reversion of all property secured with grant funds is subject to
665 the complete satisfaction of all lawful liens or encumbrances.

666 (f) Notwithstanding s. 216.301 and pursuant to s. 216.351,
667 the balance of any appropriation from the Grants and Aids-
668 Schools of hope funding appropriation category which is not
669 disbursed by June 30 of the fiscal year in which the funds are
670 appropriated may be carried forward for up to 5 years after the
671 effective date of the original appropriation.

672 (10) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS.-
673 Pursuant to Art. IX of the State Constitution, which prescribes
674 the duty of the State Board of Education to supervise the public
675 school system, the State Board of Education shall:

676 (a) Publish an annual list of persistently low-performing
677 schools after the release of preliminary school grades.

678 (b) Adopt a standard notice of intent and performance-based



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679 agreement that must be used by hope operators and district
680 school boards to eliminate regulatory and bureaucratic barriers
681 that delay access to high quality schools for students in
682 persistently low-performing schools.

683 (c) Resolve disputes between a hope operator and a school
684 district arising from a performance-based agreement or a
685 contract between a charter operator and a school district under
686 the requirements of s. 1008.33. The Commissioner of Education
687 shall appoint a special magistrate who is a member of The
688 Florida Bar in good standing and who has at least 5 years'
689 experience in administrative law. The special magistrate shall
690 hold hearings to determine facts relating to the dispute and to
691 render a recommended decision for resolution to the State Board
692 of Education. The recommendation may not alter in any way the
693 provisions of the performance agreement under subsection (5).
694 The special magistrate may administer oaths and issue subpoenas
695 on behalf of the parties to the dispute or on his or her own
696 behalf. Within 15 calendar days after the close of the final
697 hearing, the special magistrate shall transmit a recommended
698 decision to the State Board of Education and to the
699 representatives of both parties by registered mail, return
700 receipt requested. The State Board of Education must approve or
701 reject the recommended decision at its next regularly scheduled
702 meeting that is more than 7 calendar days and no more than 30
703 days after the date the recommended decision is transmitted. The
704 decision by the State Board of Education is a final agency
705 action that may be appealed to the District Court of Appeal,
706 First District in accordance with s. 120.68. A charter school
707 may recover attorney fees and costs if the State Board of



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708 Education determines that the school district unlawfully
709 implemented or otherwise impeded implementation of the
710 performance-based agreement pursuant to this paragraph.

711 (d) Provide students in persistently low-performing schools
712 with a public school that meets accountability standards. The
713 State Board of Education may enter into a performance-based
714 agreement with a hope operator when a school district has not
715 improved the school through the interventions and support
716 provided under s. 1008.33 or has not complied with the
717 requirements of subsection (4). Upon the State Board of
718 Education entering into a performance-based agreement with a
719 hope operator, the school district shall transfer to the school
720 of hope the proportionate share of state funds allocated from
721 the Florida Education Finance Program.

722 (11) RULES.—The State Board of Education shall adopt rules
723 pursuant to ss. 120.536(1) and 120.54 to implement this section.

724 Section 6. Section 1001.292, Florida Statutes, is created
725 to read:

726 1001.292 Schools of Hope Revolving Loan Program.—

727 (1) The Schools of Hope Revolving Loan Program is
728 established within the Department of Education to provide
729 assistance to hope operators, as defined in s. 1002.333, to meet
730 school building construction needs and pay for expenses related
731 to the startup of a new charter school. The program shall
732 consist of funds appropriated by the Legislature, money received
733 from the repayment of loans made from the program, and interest
734 earned.

735 (2) Funds provided pursuant to this section may not exceed
736 25 percent of the total cost of the project, which shall be



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737 calculated based on 80 percent of the cost per student station
738 established by s. 1013.64(6)(b) multiplied by the capacity of
739 the facility.

740 (3) The department may contract with a third-party
741 administrator to administer the program. If the department
742 contracts with a third-party administrator, funds shall be
743 granted to the third-party administrator to create a revolving
744 loan fund for the purpose of financing projects that meet the
745 requirements of subsection (4). The third-party administrator
746 shall report to the department annually. The department shall
747 continue to administer the program until a third-party
748 administrator is selected.

749 (4) Hope operators that have been designated by the State
750 Board of Education and have executed a performance-based
751 agreement pursuant to s. 1002.333 shall be provided a loan up to
752 the amount provided in subsection (2) for projects that are
753 located in the attendance area of a persistently low-performing
754 school or within a 5-mile radius of such school and primarily
755 serve students from the persistently low-performing school.

756 (5) The department shall post on its website the projects
757 that have received loans, the geographic distribution of the
758 projects, the status of the projects, the costs of the program,
759 and student outcomes for students enrolled in the school of hope
760 receiving funds.

761 (6) All repayments of principal and interest shall be
762 returned to the loan fund and made available for loans to other
763 applicants.

764 (7) Interest on loans provided under this program may be
765 used to defray the costs of administration and shall be the



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766 lower of:

767 (a) The rate paid on moneys held in the fund; or

768 (b) A rate equal to 50 percent of the rate authorized under
769 the provisions of s. 215.84.

770 (8) Notwithstanding s. 216.301 and pursuant to s. 216.351,
771 funds appropriated for this purpose which are not disbursed by
772 June 30 of the fiscal year in which the funds are appropriated
773 may be carried forward for up to 5 years after the effective
774 date of the original appropriation.

775 Section 7. If any provision of this act or its application
776 to any person or circumstance is held invalid, the invalidity
777 does not affect the remaining provisions or applications of the
778 act which can be given effect without the invalid provision or
779 application, and to this end the provisions of this act are
780 severable.

781 Section 8. Except as otherwise expressly provided in this
782 act and except for this section, which shall take effect upon
783 this act becoming a law, this act shall take effect July 1,
784 2017.

785
786 ===== T I T L E A M E N D M E N T =====

787 And the title is amended as follows:

788 Delete everything before the enacting clause
789 and insert:

790 A bill to be entitled
791 An act relating to school improvement; amending s.
792 1001.42, F.S.; revising provisions relating to school
793 improvement plans; requiring only specified schools to
794 submit a school improvement plan; deleting a



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795 requirement that certain information be included in
796 the improvement plans of certain schools; revising the
797 grade levels required to implement an early warning
798 system; revising the required content of an early
799 warning system; requiring a specified team to monitor
800 specified data; authorizing a psychologist to be a
801 member of the team; revising what constitutes an
802 educational emergency and establishing duties of
803 district school boards relating to such emergency;
804 amending s. 1008.33, F.S.; providing that intervention
805 and support services apply consistently to any school
806 meeting specified criteria; revising the required
807 timeline for the implementation of a district-managed
808 turnaround plan; providing turnaround options
809 available to school districts meeting specified
810 criteria; amending s. 1008.345, F.S.; revising the
811 criteria a school must meet to have a community
812 assessment team; revising the duties of a community
813 assessment team; amending 1002.33, F.S.; revising the
814 criteria a charter school must meet to require
815 corrective action; revising requirements for
816 corrective action by charter schools; revising
817 criteria for waiver of automatic charter termination;
818 creating s. 1002.333, F.S., relating to persistently
819 low-performing schools; providing definitions;
820 providing eligibility criteria for hope operators;
821 providing for the designation and redesignation of a
822 hope operator; authorizing hope operators to establish
823 schools of hope in specified areas; providing the



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824 process for the establishment of a school of hope;
825 providing the requirements for a performance-based
826 agreement; authorizing a school of hope to be
827 designated as a local education agency; providing that
828 a sponsor is not liable for specified damages;
829 providing that a school of hope may be a private or
830 public employer; authorizing a school of hope to
831 participate in the Florida Retirement System;
832 authorizing a hope operator to employ certain staff;
833 providing specific statutory exemptions for schools of
834 hope; providing requirements for facilities used by
835 schools of hope; requiring districts to annually
836 provide a list of specified property to the Department
837 of Education; providing that schools of hope shall be
838 funded through the Florida Education Finance Program;
839 establishing additional funding sources and guidelines
840 for eligible expenditures; providing a mechanism to
841 address school district noncompliance; providing
842 authority and obligations of the State Board of
843 Education; providing a mechanism for the resolution of
844 disputes; providing for rulemaking; creating s.
845 1001.291, F.S.; establishing the Schools of Hope
846 Revolving Loan Program; providing criteria for
847 administration of the program; providing for
848 severability; providing effective dates.