

By the Committees on Appropriations; and Education; and Senator Bean

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1                                   A bill to be entitled  
2       An act relating to K-12 public schools; creating s.  
3       1002.333, F.S., relating to high-impact schools and  
4       high-impact school operators; defining terms;  
5       providing eligibility criteria for high-impact school  
6       operators; providing for the designation and  
7       redesignation of a high-impact school operator;  
8       authorizing high-impact school operators to establish  
9       high-impact schools in specified areas; providing the  
10      process for the establishment of a high-impact school;  
11      providing the requirements for a performance-based  
12      agreement; authorizing the State Board of Education to  
13      designate a high-impact school as a local education  
14      agency; providing that a school district sponsor is  
15      not liable for specified damages; providing that a  
16      high-impact school may be a private or public  
17      employer; authorizing a high-impact school to  
18      participate in the Florida Retirement System;  
19      authorizing a high-impact school operator to employ  
20      certain staff; providing specific statutory exemptions  
21      for high-impact schools; providing requirements for  
22      facilities used by high-impact schools; requiring  
23      districts to annually provide a list of specified  
24      property to the Department of Education; requiring  
25      that high-impact schools be funded through the Florida  
26      Education Finance Program; establishing additional  
27      funding sources and guidelines for eligible  
28      expenditures; providing authority and obligations of  
29      the State Board of Education; providing a mechanism

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30 for the resolution of disputes; providing for  
 31 rulemaking; creating s. 1001.292, F.S.; establishing  
 32 the High-impact Schools Revolving Loan Program;  
 33 providing criteria for administration of the program;  
 34 providing an effective date.

35  
 36 Be It Enacted by the Legislature of the State of Florida:

37  
 38 Section 1. Section 1002.333, Florida Statutes, is created  
 39 to read:

40 1002.333 High-impact school; high-impact school operator.-

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

42 (a) "High-impact school operator" means an entity  
 43 identified by the department pursuant to subsection (2). The  
 44 term does not include a for-profit entity.

45 (b) "Persistently low-performing school" means a school  
 46 defined pursuant to s. 1008.33(3)(c).

47 (c) "High-impact school" means a full-time public school  
 48 operated by a high-impact school operator which primarily serves  
 49 students who were attending, or were assigned to attend, a  
 50 persistently low-performing school and who comprise at least 60  
 51 percent of its total enrollment; which is located in the  
 52 attendance zone of a persistently low-performing school; and  
 53 which is a Title I eligible school. The term does not include a  
 54 part-time school or a virtual charter school.

55 (2) HIGH-IMPACT SCHOOL OPERATOR.-A high-impact school  
 56 operator is a nonprofit organization with tax exempt status  
 57 under s. 501(c)(3) of the Internal Revenue Code which operates  
 58 three or more charter schools that serve students in grades K-12

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59 in Florida or other states has a record of serving students from  
60 low-income families, and is designated by the State Board of  
61 Education as a high-impact school operator based on a  
62 determination that it meets at least one of the following  
63 requirements:

64 (a) The past performance of the high-impact school operator  
65 meets or exceeds the following criteria:

66 1. The achievement of enrolled students exceeds the  
67 district and state averages of the states in which the  
68 operator's schools operate;

69 2. The average college attendance rate at all schools  
70 currently operated by the operator exceeds 80 percent, if such  
71 data is available;

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

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

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

80 6. Other outcome measures as determined by the State Board  
81 of Education.

82 (b) The operator was awarded a United States Department of  
83 Education Charter School Program grant for Replication and  
84 Expansion of High-Quality Charter Schools within the preceding 3  
85 years before applying to be a high-impact school operator.

86 (c) The operator receives funding through the National Fund  
87 or a Regional Fund of the Charter School Growth Fund to

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88 accelerate the growth of the nation's best charter schools.

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

91  
92 An entity that meets the requirements of paragraph (b),  
93 paragraph (c), or paragraph (d) before the adoption by the state  
94 board of measurable criteria pursuant to paragraph (a) shall be  
95 designated as a high-impact school operator. After the adoption  
96 of the measurable criteria, an entity shall be designated as a  
97 high-impact school operator if it meets the criteria or is  
98 selected by a district school board in accordance with s.  
99 1008.33.

100 (3) DESIGNATION OF HIGH-IMPACT SCHOOL OPERATOR.—Initial  
101 status as a high-impact school operator is valid for 3 years  
102 after the opening of a high-impact school. If a high-impact  
103 school operator seeks the renewal of its status, such renewal  
104 shall solely be based upon the academic and financial  
105 performance of all schools established by the operator in the  
106 state since its initial designation and the operator's material  
107 compliance with the terms of its performance-based agreement  
108 established pursuant to subsection (5).

109 (4) ESTABLISHMENT OF HIGH-IMPACT SCHOOLS.—A high-impact  
110 school operator may submit a notice of intent to open a high-  
111 impact school to the school district in which a persistently  
112 low-performing school has been identified by the State Board of  
113 Education pursuant to subsection (9).

114 (a) The notice of intent must include:

115 1. An academic focus and plan;

116 2. A financial plan;

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117 3. Goals and objectives for increasing student achievement  
118 for the students from any persistently low-performing school and  
119 students from low-income families;

120 4. A completed or planned community outreach plan;

121 5. The organizational history of success in working with  
122 students with similar demographics;

123 6. The grade levels to be served and enrollment  
124 projections;

125 7. The proposed location or geographic area proposed for  
126 the school and its proximity to the persistently low-performing  
127 school; and

128 8. A staffing plan.

129 (b) A school district with a school that is designated, or  
130 is likely to be designated, as a persistently low-performing  
131 school during the 2017-2018 school year may, with the approval  
132 of the State Board of Education contingent on its determination  
133 that the school will likely improve to a grade of "C" or higher  
134 during the 2018-2019 school year, implement a new turnaround  
135 option specified under s. 1008.33(4). Absent the approval of the  
136 state board, a school district must enter into a performance-  
137 based agreement with a high-impact operator, or may relinquish  
138 authority to the state board to enter into a performance-based  
139 agreement with a high-impact school operator, to open one or  
140 more high-impact schools.

141 (5) PERFORMANCE-BASED AGREEMENT.—The performance-based  
142 agreement must include all of the following components:

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

145 (b) The location or geographic area proposed for the high-

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146 impact school and its proximity to the persistently low-  
147 performing school.

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

151 (d) A plan of action and specific milestones for student  
152 recruitment and the enrollment of students from persistently  
153 low-performing schools, including enrollment preferences and  
154 procedures for conducting transparent admissions lotteries that  
155 are open to the public; however, enrollment preference must be  
156 given to students who are attending, or are assigned to attend,  
157 a persistently low-performing school. If the high-impact  
158 school's total enrollment consists of at least 60 percent of  
159 students who were attending, or were assigned to attend, a  
160 persistently low-performing school, students attending the high-  
161 impact school are exempt, to the extent permitted by federal  
162 grant requirements, from any enrollment lottery.

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

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

168 (g) The grounds for termination, including failure to meet  
169 the requirements for student performance established pursuant to  
170 paragraph (e), generally accepted standards of fiscal  
171 management, or material violation of terms of the agreement. The  
172 nonrenewal or termination of a performance-based agreement must  
173 comply with the requirements of s. 1002.33(8).

174 (h) A provision allowing the high-impact school operator to

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175 open additional schools to serve students enrolled in or zoned  
176 for a persistently low-performing school if the high-impact  
177 school operator maintains its status under subsection (3).

178 (i) A provision establishing the initial term as 3 years.  
179 The agreement shall be renewed, upon the request of the high-  
180 impact school operator, unless the school fails to meet the  
181 requirements for student performance established pursuant to  
182 paragraph (e) or generally accepted standards of fiscal  
183 management, or the high-impact school operator or its high-  
184 impact school materially violates the law or the terms of the  
185 agreement.

186 (j) A requirement to provide transportation consistent with  
187 the requirements of ss. 1006.21-1006.27 and s. 1012.45. The  
188 governing body of the high-impact school may provide  
189 transportation through an agreement or contract with the  
190 district school board, a private provider, or parents of  
191 enrolled students. Transportation may not be a barrier to equal  
192 access for all students residing within a reasonable distance of  
193 the school.

194 (k) A requirement that any arrangement entered into to  
195 borrow or otherwise secure funds for the high-impact school from  
196 a source other than the state or a school district shall  
197 indemnify the state and the school district from any and all  
198 liability, including, but not limited to, financial  
199 responsibility for the payment of the principal or interest.

200 (l) A provision that any loans, bonds, or other financial  
201 agreements are not obligations of the state or the school  
202 district but are obligations of the high-impact school and are  
203 payable solely from the sources of funds pledged by such

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204 agreement.

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

207 (6) AUTHORIZED FLEXIBILITIES.—

208 (a) A high-impact school may be designated by the State  
209 Board of Education as a local education agency, if requested,  
210 for the purposes of receiving federal funds and, in doing so,  
211 accepts the full responsibility for all local education agency  
212 requirements and the schools for which it will perform local  
213 education agency responsibilities. Students enrolled in a school  
214 established by a high-impact school operator designated as a  
215 local educational agency are not eligible students for purposes  
216 of calculating the district grade pursuant to s. 1008.34(5).

217 (b) For the purposes of tort liability, the high-impact  
218 school operator, the high-impact school, and its employees or  
219 agents shall be governed by s. 768.28. The school district  
220 sponsor is not liable for civil damages under state law for the  
221 employment actions or personal injury, property damage, or death  
222 resulting from an act or omission of a high-impact school  
223 operator, the high-impact school, or its employees or agents.

224 (c) A high-impact school may be either a private or a  
225 public employer. As a public employer, the high-impact school  
226 may participate in the Florida Retirement System upon  
227 application and approval as a covered group under s.  
228 121.021(34). If a high-impact school participates in the Florida  
229 Retirement System, the high-impact school's employees shall be  
230 compulsory members of the Florida Retirement System.

231 (d) A high-impact school operator may employ school  
232 administrators and instructional personnel who do not meet the



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233 requirements of s. 1012.56 if the school administrators and  
234 instructional personnel are not ineligible for such employment  
235 under s. 1012.315.

236 (e) Compliance with s. 1003.03 shall be calculated as the  
237 average at the school level.

238 (f) High-impact schools operated by a high-impact school  
239 operator shall be exempt from chapters 1000-1013 and all school  
240 board policies. However, a high-impact school operator shall be  
241 in compliance with the laws in chapters 1000-1013 relating to:

242 1. The student assessment program and school grading  
243 system;

244 2. Student progression and graduation;

245 3. The provision of services to students with disabilities;

246 4. Civil rights, including s. 1000.05, relating to  
247 discrimination;

248 5. Student health, safety, and welfare;

249 6. Public meetings and records, public inspection, and  
250 criminal and civil penalties pursuant to s. 286.011. The  
251 governing board of a high-impact school must hold at least two  
252 public meetings per school year in the school district in which  
253 the high-impact school is located. Any other meetings of the  
254 governing board may be held in accordance with s.  
255 120.54(2)(b)2.;

256 7. Public records pursuant to chapter 119; and

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

259 (7) FACILITIES.—

260 (a) A high-impact school shall use facilities that comply  
261 with the Florida Building Code, except for the State

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262 Requirements for Educational Facilities. A high-impact school  
263 that uses school district facilities must comply with the State  
264 Requirements for Educational Facilities only if the school  
265 district and the high-impact school operator have entered into a  
266 mutual management plan for the reasonable maintenance of such  
267 facilities. The mutual management plan shall contain a provision  
268 by which the district school board agrees to maintain the school  
269 facilities in the same manner as its other public schools within  
270 the district. The local governing authority shall not adopt or  
271 impose any local building requirements or site-development  
272 restrictions, such as parking and site-size criteria, which are  
273 addressed by and more stringent than those found in the State  
274 Requirements for Educational Facilities of the Florida Building  
275 Code. A local governing authority must treat high-impact schools  
276 equitably in comparison to similar requirements, restrictions,  
277 and site planning processes imposed upon public schools. The  
278 agency having jurisdiction for inspection of a facility and  
279 issuance of a certificate of occupancy or use shall be the local  
280 municipality or, if in an unincorporated area, the county  
281 governing authority. If an official or employee of the local  
282 governing authority refuses to comply with this paragraph, the  
283 aggrieved school or entity has an immediate right to bring an  
284 action in circuit court to enforce its rights by injunction. An  
285 aggrieved party that receives injunctive relief may be awarded  
286 reasonable attorney fees and court costs.

287 (b) Any facility, or portion thereof, used to house a high-  
288 impact school shall be exempt from ad valorem taxes pursuant to  
289 s. 196.1983. Library, community service, museum, performing  
290 arts, theatre, cinema, church, Florida College System

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291 institution, college, and university facilities may provide  
292 space to high-impact schools within their facilities under their  
293 preexisting zoning and land use designations.

294 (c) High-impact school facilities are exempt from  
295 assessments of fees for building permits, except as provided in  
296 s. 553.80; fees for building and occupational licenses; impact  
297 fees or exactions; service availability fees; and assessments  
298 for special benefits.

299 (d) No later than October 1, each school district shall  
300 annually provide to the department a list of all underused,  
301 vacant, or surplus facilities owned or operated by the school  
302 district. A high-impact school operator establishing a high-  
303 impact school may use an educational facility identified in this  
304 paragraph at no cost or at a mutually agreeable cost not to  
305 exceed fair market value rates. A high-impact school operator  
306 using a facility pursuant to this paragraph may not sell or  
307 dispose of such facility without the written permission of the  
308 school district. For purposes of this paragraph, "underused,  
309 vacant, or surplus facility" means an entire facility or portion  
310 thereof which is not fully used or is used irregularly or  
311 intermittently by the school district for instructional or  
312 program use.

313 (8) FUNDING.—

314 (a) High-impact schools shall be funded in accordance with  
315 s. 1002.33(17).

316 (b) High-impact schools shall receive priority in the  
317 department's Public Charter School Grant Program competitions.

318 (c) High-impact schools shall be considered charter schools  
319 for purposes of s. 1013.62, except charter capital outlay may

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320 not be used to purchase real property or for the construction of  
321 school facilities.

322 (d) Funding for high-impact schools may be provided in the  
323 General Appropriations Act to support the following eligible  
324 expenditures:

325 1. Preparing teachers, school leaders, and specialized  
326 instructional support personnel, including costs associated  
327 with:

328 a. Providing professional development; and

329 b. Hiring and compensating teachers, school leaders, and  
330 specialized instructional support personnel for services beyond  
331 the school day and year.

332 2. Acquiring supplies, training, equipment, and educational  
333 materials, including developing and acquiring instructional  
334 materials.

335 3. Providing one-time startup costs associated with  
336 providing transportation to students to and from the high-impact  
337 school.

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

340 5. Providing funds to cover the nonvoted ad valorem millage  
341 that would otherwise be required for schools and the required  
342 local effort funds calculated pursuant to s. 1011.62 when the  
343 State Board of Education enters into an agreement with a high-  
344 impact school operator pursuant to subsection (5).

345 (e) If a high-impact school is not renewed or is  
346 terminated, any unencumbered funds and all equipment and  
347 property purchased with the funds shall revert to the ownership  
348 of the district school board. The reversion of such equipment,

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349 property, and furnishings shall focus on tangible or  
350 irrecoverable costs such as rental or leasing fees, normal  
351 maintenance, and limited renovations. The reversion of all  
352 property secured with grant funds is subject to the complete  
353 satisfaction of all lawful liens or encumbrances.

354 (9) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS.—  
355 Pursuant to Art. IX of the State Constitution, which prescribes  
356 the duty of the State Board of Education to supervise the public  
357 school system, the State Board of Education shall:

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

360 (b) Adopt a standard notice of intent and performance-based  
361 agreement that must be used by high-impact school operators and  
362 district school boards to eliminate regulatory and bureaucratic  
363 barriers that delay access to high-quality schools for students  
364 in persistently low-performing schools.

365 (c) Resolve disputes between a high-impact school operator  
366 and a school district arising from a performance-based agreement  
367 or a contract between a charter operator and a school district  
368 under the board's oversight and enforcement authority and the  
369 requirements of s. 1008.33.

370 (d) Provide students in persistently low-performing schools  
371 with a public school that meets accountability standards.  
372 Subject to the authorities and approvals specified under  
373 paragraph (4) (b), the State Board of Education may enter into a  
374 performance-based agreement with a high-impact school operator  
375 to establish a high-impact school. Upon the State Board of  
376 Education entering into a performance-based agreement with a  
377 high-impact school operator, the school district shall transfer

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378 to the high-impact school the proportionate share of state funds  
379 allocated from the Florida Education Finance Program.

380 (10) RULES.—The State Board of Education shall adopt rules  
381 pursuant to ss. 120.536(1) and 120.54 to implement this section.

382 Section 2. Section 1001.292, Florida Statutes, is created  
383 to read:

384 1001.292 High-impact Schools Revolving Loan Program.—

385 (1) The High-impact Schools Revolving Loan Program is  
386 established within the Department of Education to provide  
387 assistance to a high-impact school operator, as defined in s.  
388 1002.333, to meet school building construction needs and pay for  
389 expenses related to the startup of a new high-impact school. The  
390 program shall consist of funds appropriated by the Legislature,  
391 money received from the repayment of loans made from the  
392 program, and interest earned.

393 (2) Funds provided pursuant to this section may not exceed  
394 25 percent of the total cost of the project, which shall be  
395 calculated based on 80 percent of the cost per student station  
396 established by s. 1013.64(6)(b) multiplied by the capacity of  
397 the facility.

398 (3) The department may contract with a third-party  
399 administrator to administer the program. If the department  
400 contracts with a third-party administrator, funds shall be  
401 granted to the third-party administrator to create a revolving  
402 loan fund for the purpose of financing projects that meet the  
403 requirements of subsection (4). The third-party administrator  
404 shall report to the department annually. The department shall  
405 continue to administer the program until a third-party  
406 administrator is selected.

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407       (4) High-impact school operators that have been designated  
408 by the State Board of Education and have executed a performance-  
409 based agreement pursuant to s. 1002.333 shall be provided a loan  
410 up to the amount provided in subsection (2) to support the  
411 performance-based contract components of high-impact schools, as  
412 defined in s. 1002.333(1).

413       (5) The department shall post on its website the projects  
414 that have received loans, the geographic distribution of the  
415 projects, the status of the projects, the costs of the program,  
416 and student outcomes for students enrolled in the high-impact  
417 school receiving funds.

418       (6) All repayments of principal and interest shall be  
419 returned to the loan fund and made available for loans to other  
420 applicants.

421       (7) Interest on loans provided under this program may be  
422 used to defray the costs of administration and shall be the  
423 lower of:

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

425           (b) A rate equal to 50 percent of the rate authorized under  
426 s. 215.84.

427       Section 3. This act shall take effect July 1, 2017.