

1                                   A bill to be entitled  
2           An act relating to the school grading system;  
3           repealing s. 1008.34, F.S., relating to the school  
4           grading system, school report cards, and district  
5           grades; amending ss. 1001.42, 1002.20, 1002.33,  
6           1002.331, 1002.332, 1002.333, and 1002.37, F.S.;  
7           conforming provisions to changes made by the act;  
8           repealing s. 1002.38, F.S., relating to the  
9           Opportunity Scholarship Program; amending ss. 1002.39,  
10          1002.45, 1002.451, 1003.4996, and 1003.621, F.S.;  
11          conforming provisions to changes made by the act;  
12          repealing s. 1003.631, F.S., relating to the Schools  
13          of Excellence Program; amending ss. 1008.31 and  
14          1008.33, F.S.; conforming provisions to changes made  
15          by the act; repealing s. 1008.341, F.S., relating to  
16          school improvement ratings for alternative schools;  
17          repealing s. 1008.3415, F.S., relating to school  
18          grades or school improvement ratings for exceptional  
19          student education centers; amending s. 1008.345, F.S.;  
20          conforming provisions to changes made by the act;  
21          repealing s. 1008.36, F.S., relating to the Florida  
22          School Recognition Program; amending ss. 1008.385,  
23          1011.62, 1011.6202, 1011.64, 1012.07, 1012.22,  
24          1012.2315, and 1012.28, F.S.; conforming provisions to  
25          changes made by the act; providing an effective date.

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

Section 1. Section 1008.34, Florida Statutes, is repealed.

Section 2. Subsection (18), paragraph (d) of subsection (19), and subsections (20) 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 accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall comply with the provisions of ss. 1008.33, ~~1008.34~~, 1008.345, and 1008.385 and include the following:

(a) School improvement plans.—The district school board shall annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district which ~~has a school grade of "D" or "F";~~ has a significant gap in achievement on statewide, standardized

51 assessments administered pursuant to s. 1008.22 by one or more  
52 student subgroups, as defined in the federal Elementary and  
53 Secondary Education Act (ESEA), 20 U.S.C. s.  
54 6311(b)(2)(C)(v)(II); has not significantly increased the  
55 percentage of students passing statewide, standardized  
56 assessments; ~~has not significantly increased the percentage of~~  
57 ~~students demonstrating Learning Gains, as defined in s. 1008.34~~  
58 ~~and as calculated under s. 1008.34(3)(b), who passed statewide,~~  
59 ~~standardized assessments;~~ or has significantly lower graduation  
60 rates for a subgroup when compared to the state's graduation  
61 rate. The improvement plan of a school that meets the  
62 requirements of this paragraph shall include strategies for  
63 improving these results. The state board shall adopt rules  
64 establishing thresholds and for determining compliance with this  
65 paragraph.

66 (b) Early warning system.—

67 1. A school that serves any students in kindergarten  
68 through grade 8 shall implement an early warning system to  
69 identify students in such grades who need additional support to  
70 improve academic performance and stay engaged in school. The  
71 early warning system must include the following early warning  
72 indicators:

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

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

76 school.

77 c. Course failure in English Language Arts or mathematics  
78 during any grading period.

79 d. A Level 1 score on the statewide, standardized  
80 assessments in English Language Arts or mathematics or, for  
81 students in kindergarten through grade 3, a substantial reading  
82 deficiency under s. 1008.25(5)(a).

83  
84 A school district may identify additional early warning  
85 indicators for use in a school's early warning system. The  
86 system must include data on the number of students identified by  
87 the system as exhibiting two or more early warning indicators,  
88 the number of students by grade level who exhibit each early  
89 warning indicator, and a description of all intervention  
90 strategies employed by the school to improve the academic  
91 performance of students identified by the early warning system.

92 2. A school-based team responsible for implementing the  
93 requirements of this paragraph shall monitor the data from the  
94 early warning system. The team may include a school  
95 psychologist. When a student exhibits two or more early warning  
96 indicators, the team, in consultation with the student's parent,  
97 shall determine appropriate intervention strategies for the  
98 student unless the student is already being served by an  
99 intervention program at the direction of a school-based,  
100 multidisciplinary team. Data and information relating to a

101 student's early warning indicators must be used to inform any  
102 intervention strategies provided to the student.

103 (c) Public disclosure.—The district school board shall  
104 provide information regarding the performance of students and  
105 educational programs as required pursuant to ss. 1008.22 and  
106 1008.385 and implement a system of school reports as required by  
107 statute and State Board of Education rule which shall include  
108 schools operating for the purpose of providing educational  
109 services to students in Department of Juvenile Justice programs,  
110 and for those schools, report on the elements specified in s.  
111 1003.52(17). Annual public disclosure reports shall be in an  
112 easy-to-read ~~report card~~ format and shall include the school's  
113 ~~grade~~, high school graduation rate calculated without high  
114 school equivalency examinations, disaggregated by student  
115 ethnicity, and performance data as specified in state board  
116 rule.

117 (d) School improvement funds.—The district school board  
118 shall provide funds to schools for developing and implementing  
119 school improvement plans. Such funds shall include those funds  
120 appropriated for the purpose of school improvement pursuant to  
121 s. 24.121(5)(c).

122 (19) LOCAL-LEVEL DECISIONMAKING.—

123 ~~(d) Adopt policies that assist in giving greater autonomy,~~  
124 ~~including authority over the allocation of the school's budget,~~  
125 ~~to schools designated with a grade of "A," making excellent~~

126 ~~progress, and schools rated as having improved at least two~~  
127 ~~grades.~~

128 ~~(20) OPPORTUNITY SCHOLARSHIPS. Adopt policies allowing~~  
129 ~~students attending schools that have earned a grade of "F" or~~  
130 ~~three consecutive grades of "D" pursuant to s. 1008.34 to attend~~  
131 ~~a higher-performing school in the district or any other district~~  
132 ~~in the state, in conformance with s. 1002.38 and State Board of~~  
133 ~~Education rule.~~

134 ~~(21) EDUCATIONAL EMERGENCY. Negotiate special provisions~~  
135 ~~of its contract with the appropriate bargaining units to free~~  
136 ~~schools with a school grade of "D" or "F" from contract~~  
137 ~~restrictions that limit the school's ability to implement~~  
138 ~~programs and strategies needed to improve student performance.~~  
139 ~~The negotiations shall result in a memorandum of understanding~~  
140 ~~that addresses the selection, placement, and expectations of~~  
141 ~~instructional personnel and provides principals with the~~  
142 ~~autonomy described in s. 1012.28(8). For purposes of this~~  
143 ~~subsection, an educational emergency exists in a school district~~  
144 ~~if one or more schools in the district have a school grade of~~  
145 ~~"D" or "F."~~

146 Section 3. Paragraph (a) of subsection (6) and subsection  
147 (16) of section 1002.20, Florida Statutes, are amended to read:

148 1002.20 K-12 student and parent rights.—Parents of public  
149 school students must receive accurate and timely information  
150 regarding their child's academic progress and must be informed

151 of ways they can help their child to succeed in school. K-12  
152 students and their parents are afforded numerous statutory  
153 rights including, but not limited to, the following:

154 (6) EDUCATIONAL CHOICE.—

155 (a) Public educational school choices.—Parents of public  
156 school students may seek any public educational school choice  
157 options that are applicable and available to students throughout  
158 the state. These options may include controlled open enrollment,  
159 single-gender programs, lab schools, virtual instruction  
160 programs, charter schools, charter technical career centers,  
161 magnet schools, alternative schools, special programs, auditory-  
162 oral education programs, advanced placement, dual enrollment,  
163 International Baccalaureate, International General Certificate  
164 of Secondary Education (pre-AICE), CAPE digital tools, CAPE  
165 industry certifications, collegiate high school programs,  
166 Advanced International Certificate of Education, early  
167 admissions, credit by examination or demonstration of  
168 competency, the New World School of the Arts, the Florida School  
169 for the Deaf and the Blind, and the Florida Virtual School.  
170 These options may also include the public educational choice  
171 options of ~~the Opportunity Scholarship Program and the McKay~~  
172 ~~Scholarships for Students with Disabilities Program.~~

173 (16) SCHOOL ACCOUNTABILITY ~~AND SCHOOL IMPROVEMENT RATING~~  
174 ~~REPORTS; FISCAL TRANSPARENCY.~~—Parents of public school students  
175 have the right to ~~an easy-to-read report card about the school's~~

176 ~~grade designation or, if applicable under s. 1008.341, the~~  
177 ~~school's improvement rating, and the school's accountability~~  
178 report, including the school financial report as required under  
179 s. 1010.215. The school financial report must be provided to the  
180 parents and indicate the average amount of money expended per  
181 student in the school, which must also be included in the  
182 student handbook or a similar publication.

183 Section 4. Paragraphs (c) and (e) of subsection (7),  
184 paragraphs (n) and (p) of subsection (9), paragraph (d) of  
185 subsection (10), paragraph (a) of subsection (16), and paragraph  
186 (b) of subsection (21) of section 1002.33, Florida Statutes, are  
187 amended to read:

188 1002.33 Charter schools.—

189 (7) CHARTER.—The terms and conditions for the operation of  
190 a charter school shall be set forth by the sponsor and the  
191 applicant in a written contractual agreement, called a charter.  
192 The sponsor and the governing board of the charter school shall  
193 use the standard charter contract pursuant to subsection (21),  
194 which shall incorporate the approved application and any addenda  
195 approved with the application. Any term or condition of a  
196 proposed charter contract that differs from the standard charter  
197 contract adopted by rule of the State Board of Education shall  
198 be presumed a limitation on charter school flexibility. The  
199 sponsor may not impose unreasonable rules or regulations that  
200 violate the intent of giving charter schools greater flexibility



201 to meet educational goals. The charter shall be signed by the  
202 governing board of the charter school and the sponsor, following  
203 a public hearing to ensure community input.

204 (c)1. A charter may be renewed provided that a program  
205 review demonstrates that the criteria in paragraph (a) have been  
206 successfully accomplished and that none of the grounds for  
207 nonrenewal established by paragraph (8) (a) has been documented.  
208 In order to facilitate long-term financing for charter school  
209 construction, charter schools operating for a minimum of 3 years  
210 and demonstrating exemplary academic programming and fiscal  
211 management are eligible for a 15-year charter renewal. Such  
212 long-term charter is subject to annual review and may be  
213 terminated during the term of the charter.

214 2. The 15-year charter renewal that may be granted  
215 pursuant to subparagraph 1. shall be granted to a charter school  
216 that ~~has received a school grade of "A" or "B" pursuant to s.~~  
217 ~~1008.34 in 3 of the past 4 years and is not in a state of~~  
218 ~~financial emergency or deficit position as defined by this~~  
219 ~~section. Such long-term charter is subject to annual review and~~  
220 ~~may be terminated during the term of the charter pursuant to~~  
221 ~~subsection (8).~~

222 (e) A charter may be terminated by a charter school's  
223 governing board through voluntary closure. The decision to cease  
224 operations must be determined at a public meeting. The governing  
225 board shall notify the parents and sponsor of the public meeting

226 in writing before the public meeting. The governing board must  
227 notify the sponsor, parents of enrolled students, and the  
228 department in writing within 24 hours after the public meeting  
229 of its determination. The notice shall state the charter  
230 school's intent to continue operations or the reason for the  
231 closure and acknowledge that the governing board agrees to  
232 follow the procedures for dissolution and reversion of public  
233 funds pursuant to paragraphs (8) (e)-(g) and (9) (n) ~~(9) (e)~~.

234 (9) CHARTER SCHOOL REQUIREMENTS.—

235 ~~(n)1. The director and a representative of the governing~~  
236 ~~board of a charter school that has earned a grade of "D" or "F"~~  
237 ~~pursuant to s. 1008.34 shall appear before the sponsor to~~  
238 ~~present information concerning each contract component having~~  
239 ~~noted deficiencies. The director and a representative of the~~  
240 ~~governing board shall submit to the sponsor for approval a~~  
241 ~~school improvement plan to raise student performance. Upon~~  
242 ~~approval by the sponsor, the charter school shall begin~~  
243 ~~implementation of the school improvement plan. The department~~  
244 ~~shall offer technical assistance and training to the charter~~  
245 ~~school and its governing board and establish guidelines for~~  
246 ~~developing, submitting, and approving such plans.~~

247 2.a. ~~If a charter school earns three consecutive grades~~  
248 ~~below a "C," the charter school governing board shall choose one~~  
249 ~~of the following corrective actions:~~

250 ~~(I) Contract for educational services to be provided~~

251 ~~directly to students, instructional personnel, and school~~  
252 ~~administrators, as prescribed in state board rule;~~  
253 ~~(II) Contract with an outside entity that has a~~  
254 ~~demonstrated record of effectiveness to operate the school;~~  
255 ~~(III) Reorganize the school under a new director or~~  
256 ~~principal who is authorized to hire new staff; or~~  
257 ~~(IV) Voluntarily close the charter school.~~  
258 ~~b. The charter school must implement the corrective action~~  
259 ~~in the school year following receipt of a third consecutive~~  
260 ~~grade below a "C."~~  
261 ~~e. The sponsor may annually waive a corrective action if~~  
262 ~~it determines that the charter school is likely to improve a~~  
263 ~~letter grade if additional time is provided to implement the~~  
264 ~~intervention and support strategies prescribed by the school~~  
265 ~~improvement plan. Notwithstanding this sub-subparagraph, a~~  
266 ~~charter school that earns a second consecutive grade of "F" is~~  
267 ~~subject to subparagraph 3.~~  
268 ~~d. A charter school is no longer required to implement a~~  
269 ~~corrective action if it improves to a "C" or higher. However,~~  
270 ~~the charter school must continue to implement strategies~~  
271 ~~identified in the school improvement plan. The sponsor must~~  
272 ~~annually review implementation of the school improvement plan to~~  
273 ~~monitor the school's continued improvement pursuant to~~  
274 ~~subparagraph 4.~~  
275 ~~e. A charter school implementing a corrective action that~~

276 ~~does not improve to a "C" or higher after 2 full school years of~~  
277 ~~implementing the corrective action must select a different~~  
278 ~~corrective action. Implementation of the new corrective action~~  
279 ~~must begin in the school year following the implementation~~  
280 ~~period of the existing corrective action, unless the sponsor~~  
281 ~~determines that the charter school is likely to improve to a "C"~~  
282 ~~or higher if additional time is provided to implement the~~  
283 ~~existing corrective action. Notwithstanding this sub-~~  
284 ~~subparagraph, a charter school that earns a second consecutive~~  
285 ~~grade of "F" while implementing a corrective action is subject~~  
286 ~~to subparagraph 3.~~

287 ~~3. A charter school's charter contract is automatically~~  
288 ~~terminated if the school earns two consecutive grades of "F"~~  
289 ~~after all school grade appeals are final unless:~~

290 ~~a. The charter school is established to turn around the~~  
291 ~~performance of a district public school pursuant to s.~~  
292 ~~1008.33(4)(b)2. Such charter schools shall be governed by s.~~  
293 ~~1008.33;~~

294 ~~b. The charter school serves a student population the~~  
295 ~~majority of which resides in a school zone served by a district~~  
296 ~~public school subject to s. 1008.33(4) and the charter school~~  
297 ~~earns at least a grade of "D" in its third year of operation.~~  
298 ~~The exception provided under this sub-subparagraph does not~~  
299 ~~apply to a charter school in its fourth year of operation and~~  
300 ~~thereafter; or~~

301 ~~e. The state board grants the charter school a waiver of~~  
302 ~~termination. The charter school must request the waiver within~~  
303 ~~15 days after the department's official release of school~~  
304 ~~grades. The state board may waive termination if the charter~~  
305 ~~school demonstrates that the Learning Gains of its students on~~  
306 ~~statewide assessments are comparable to or better than the~~  
307 ~~Learning Gains of similarly situated students enrolled in nearby~~  
308 ~~district public schools. The waiver is valid for 1 year and may~~  
309 ~~only be granted once. Charter schools that have been in~~  
310 ~~operation for more than 5 years are not eligible for a waiver~~  
311 ~~under this sub-subparagraph.~~

312  
313 ~~The sponsor shall notify the charter school's governing board,~~  
314 ~~the charter school principal, and the department in writing when~~  
315 ~~a charter contract is terminated under this subparagraph. The~~  
316 ~~letter of termination must meet the requirements of paragraph~~  
317 ~~(8)(c). A charter terminated under this subparagraph must follow~~  
318 ~~the procedures for dissolution and reversion of public funds~~  
319 ~~pursuant to paragraphs (8)(c)-(g) and (9)(o).~~

320 ~~4. The director and a representative of the governing~~  
321 ~~board of a graded charter school that has implemented a school~~  
322 ~~improvement plan under this paragraph shall appear before the~~  
323 ~~sponsor at least once a year to present information regarding~~  
324 ~~the progress of intervention and support strategies implemented~~  
325 ~~by the school pursuant to the school improvement plan and~~

326 ~~corrective actions, if applicable. The sponsor shall communicate~~  
327 ~~at the meeting, and in writing to the director, the services~~  
328 ~~provided to the school to help the school address its~~  
329 ~~deficiencies.~~

330 ~~5. Notwithstanding any provision of this paragraph except~~  
331 ~~sub-subparagraphs 3.a.-c., the sponsor may terminate the charter~~  
332 ~~at any time pursuant to subsection (8).~~

333 (o)~~(p)~~1. Each charter school shall maintain a website that  
334 enables the public to obtain information regarding the school;  
335 the school's academic performance; the names of the governing  
336 board members; the programs at the school; any management  
337 companies, service providers, or education management  
338 corporations associated with the school; the school's annual  
339 budget and its annual independent fiscal audit; ~~the school's~~  
340 ~~grade pursuant to s. 1008.34;~~ and, on a quarterly basis, the  
341 minutes of governing board meetings.

342 2. Each charter school's governing board must appoint a  
343 representative to facilitate parental involvement, provide  
344 access to information, assist parents and others with questions  
345 and concerns, and resolve disputes. The representative must  
346 reside in the school district in which the charter school is  
347 located and may be a governing board member, a charter school  
348 employee, or an individual contracted to represent the governing  
349 board. If the governing board oversees multiple charter schools  
350 in the same school district, the governing board must appoint a

351 separate representative for each charter school in the district.  
352 The representative's contact information must be provided  
353 annually in writing to parents and posted prominently on the  
354 charter school's website. The sponsor may not require governing  
355 board members to reside in the school district in which the  
356 charter school is located if the charter school complies with  
357 this subparagraph.

358 3. Each charter school's governing board must hold at  
359 least two public meetings per school year in the school district  
360 where the charter school is located. The meetings must be  
361 noticed, open, and accessible to the public, and attendees must  
362 be provided an opportunity to receive information and provide  
363 input regarding the charter school's operations. The appointed  
364 representative and charter school principal or director, or his  
365 or her designee, must be physically present at each meeting.  
366 Members of the governing board may attend in person or by means  
367 of communications media technology used in accordance with rules  
368 adopted by the Administration Commission under s. 120.54(5).

369 (10) ELIGIBLE STUDENTS.—

370 (d) A charter school may give enrollment preference to the  
371 following student populations:

372 1. Students who are siblings of a student enrolled in the  
373 charter school.

374 2. Students who are the children of a member of the  
375 governing board of the charter school.

376 3. Students who are the children of an employee of the  
 377 charter school.

378 4. Students who are the children of:

379 a. An employee of the business partner of a charter  
 380 school-in-the-workplace established under paragraph (15)(b) or a  
 381 resident of the municipality in which such charter school is  
 382 located; or

383 b. A resident or employee of a municipality that operates  
 384 a charter school-in-a-municipality pursuant to paragraph (15)(c)  
 385 or allows a charter school to use a school facility or portion  
 386 of land provided by the municipality for the operation of the  
 387 charter school.

388 5. Students who have successfully completed a voluntary  
 389 prekindergarten education program under ss. 1002.51-1002.79  
 390 provided by the charter school or the charter school's governing  
 391 board during the previous year.

392 6. Students who are the children of an active duty member  
 393 of any branch of the United States Armed Forces.

394 ~~7. Students who attended or are assigned to failing~~  
 395 ~~schools pursuant to s. 1002.38(2).~~

396 (16) EXEMPTION FROM STATUTES.—

397 (a) A charter school shall operate in accordance with its  
 398 charter and shall be exempt from all statutes in chapters 1000-  
 399 1013. However, a charter school shall be in compliance with the  
 400 following statutes in chapters 1000-1013:



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401           1. Those statutes specifically applying to charter  
402 schools, including this section.

403           2. Those statutes pertaining to the student assessment  
404 program ~~and school grading system.~~

405           3. Those statutes pertaining to the provision of services  
406 to students with disabilities.

407           4. Those statutes pertaining to civil rights, including s.  
408 1000.05, relating to discrimination.

409           5. Those statutes pertaining to student health, safety,  
410 and welfare.

411           (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

412           (b)1. The Department of Education shall report to each  
413 charter school ~~receiving a school grade pursuant to s. 1008.34~~  
414 ~~or a school improvement rating pursuant to s. 1008.341~~ the  
415 school's student assessment data.

416           2. The charter school shall report the information in  
417 subparagraph 1. to each parent of a student at the charter  
418 school, the parent of a child on a waiting list for the charter  
419 school, the district in which the charter school is located, and  
420 the governing board of the charter school. This paragraph does  
421 not abrogate the provisions of s. 1002.22, relating to student  
422 records, or the requirements of 20 U.S.C. s. 1232g, the Family  
423 Educational Rights and Privacy Act.

424           Section 5. Paragraph (a) of subsection (1) of section  
425 1002.331, Florida Statutes, is amended to read:

426 1002.331 High-performing charter schools.-

427 (1) A charter school is a high-performing charter school  
428 if it:

429 ~~(a) Received at least two school grades of "A" and no~~  
430 ~~school grade below "B," pursuant to s. 1008.34, during each of~~  
431 ~~the previous 3 school years.~~

432 Section 6. Paragraph (b) of subsection (1) of section  
433 1002.332, Florida Statutes, is amended to read:

434 1002.332 High-performing charter school system.-

435 (1) For purposes of this section, the term:

436 (b) "High-performing charter school system" means an  
437 entity that:

438 1. Operated at least three high-performing charter schools  
439 in the state during each of the previous 3 school years;

440 2. Operated a system of charter schools in which at least  
441 50 percent of the charter schools were high-performing charter  
442 schools pursuant to s. 1002.331 ~~and no charter school earned a~~  
443 ~~school grade of "D" or "F" pursuant to s. 1008.34~~ in any of the  
444 previous 3 school years regardless of whether the entity  
445 currently operates the charter school, ~~except that:~~

446 ~~a. If the entity assumed operation of a public school~~  
447 ~~pursuant to s. 1008.33(4)(b)2. with a school grade of "F," that~~  
448 ~~school's grade may not be considered in determining high-~~  
449 ~~performing charter school system status for a period of 3 years.~~

450 ~~b. If the entity established a new charter school that~~

451 ~~served a student population the majority of which resided in a~~  
452 ~~school zone served by a public school that earned a grade of "F"~~  
453 ~~or three consecutive grades of "D" pursuant to s. 1008.34, that~~  
454 ~~charter school's grade may not be considered in determining~~  
455 ~~high-performing charter school system status if it attained and~~  
456 ~~maintained a school grade that was higher than that of the~~  
457 ~~public school serving that school zone within 3 years after~~  
458 ~~establishment; and~~

459 3. Did not receive a financial audit that revealed one or  
460 more of the financial emergency conditions set forth in s.  
461 218.503(1) for any charter school assumed or established by the  
462 entity in the most recent 3 fiscal years for which such audits  
463 are available.

464 Section 7. Paragraphs (b) and (c) of subsection (1),  
465 subsection (4), paragraphs (b), (d), and (h) of subsection (5),  
466 paragraphs (a) and (f) of subsection (6), and paragraphs (a),  
467 (b), and (d) of subsection (11) of section 1002.333, Florida  
468 Statutes, are amended to read:

469 1002.333 Persistently low-performing schools.—

470 (1) DEFINITIONS.—As used in this section, the term:

471 ~~(b) "Persistently low-performing school" means a school~~  
472 ~~that has earned three consecutive grades lower than a "C,"~~  
473 ~~pursuant to s. 1008.34, and a school that was closed pursuant to~~  
474 ~~s. 1008.33(4) within 2 years after the submission of a notice of~~  
475 ~~intent.~~

476 (b)~~(e)~~ "School of hope" means:

477 1. A charter school operated by a hope operator which  
478 ~~serves students from one or more persistently low-performing~~  
479 ~~schools; is located in the attendance zone of a persistently~~  
480 ~~low-performing school or within a 5-mile radius of such school,~~  
481 ~~whichever is greater; and is a Title I eligible school; or~~

482 2. A school operated by a hope operator ~~pursuant to s.~~  
483 ~~1008.33(4)(b)3.~~

484 (4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator  
485 seeking to open a school of hope must submit a notice of intent  
486 to the school district ~~in which a persistently low-performing~~  
487 ~~school has been identified by the State Board of Education~~  
488 ~~pursuant to subsection (10).~~

489 (a) The notice of intent must include:

490 1. An academic focus and plan.

491 2. A financial plan.

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

494 4. A completed or planned community outreach plan.

495 5. The organizational history of success in working with  
496 students with similar demographics.

497 6. The grade levels to be served and enrollment  
498 projections.

499 7. The proposed location or geographic area proposed for  
500 the school ~~and its proximity to the persistently low-performing~~

501 ~~school.~~

502 8. A staffing plan.

503 (b) Notwithstanding the requirements of s. 1002.33, a  
504 school district shall enter into a performance-based agreement  
505 with a hope operator to open schools ~~to serve students from~~  
506 ~~persistently low-performing schools.~~

507 (5) PERFORMANCE-BASED AGREEMENT.—The following shall  
508 comprise the entirety of the performance-based agreement:

509 (b) The location or geographic area proposed for the  
510 school of hope ~~and its proximity to the persistently low-~~  
511 ~~performing school.~~

512 (d) A plan of action and specific milestones for student  
513 recruitment and ~~the enrollment of students from persistently~~  
514 ~~low-performing schools~~, including enrollment preferences and  
515 procedures for conducting transparent admissions lotteries that  
516 are open to the public. ~~Students from persistently low-~~  
517 ~~performing schools shall be exempt from any enrollment lottery~~  
518 ~~to the extent permitted by federal grant requirements.~~

519 (h) A provision allowing the hope operator to open  
520 additional schools ~~to serve students enrolled in or zoned for a~~  
521 ~~persistently low-performing school~~ if the hope operator  
522 maintains its status under subsection (3).

523 (6) STATUTORY AUTHORITY.—

524 (a) A school of hope may be designated as a local  
525 education agency, if requested, for the purposes of receiving

526 federal funds and, in doing so, accepts the full responsibility  
527 for all local education agency requirements and the schools for  
528 which it will perform local education agency responsibilities.  
529 ~~Students enrolled in a school established by a hope operator~~  
530 ~~designated as a local educational agency are not eligible~~  
531 ~~students for purposes of calculating the district grade pursuant~~  
532 ~~to s. 1008.34(5).~~

533 (f) Schools of hope operated by a hope operator shall be  
534 exempt from chapters 1000-1013 and all school board policies.  
535 However, a hope operator shall be in compliance with the laws in  
536 chapters 1000-1013 relating to:

537 1. The student assessment program and ~~school grading~~  
538 ~~system.~~

539 2. Student progression and graduation.

540 3. The provision of services to students with  
541 disabilities.

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

544 5. Student health, safety, and welfare.

545 6. Public meetings and records, public inspection, and  
546 criminal and civil penalties pursuant to s. 286.011. The  
547 governing board of a school of hope must hold at least two  
548 public meetings per school year in the school district in which  
549 the school of hope is located. Any other meetings of the  
550 governing board may be held in accordance with s. 120.54(5)(b)2.

551 7. Public records pursuant to chapter 119.

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

554 (11) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS.—  
555 Pursuant to Art. IX of the State Constitution, which prescribes  
556 the duty of the State Board of Education to supervise the public  
557 school system, the State Board of Education shall:

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

560 (a) ~~(b)~~ Adopt a standard notice of intent and performance-  
561 based agreement that must be used by hope operators and district  
562 school boards to eliminate regulatory and bureaucratic barriers  
563 that delay access to high quality schools for students ~~in~~  
564 ~~persistently low-performing schools.~~

565 (c) ~~(d)~~ Provide students ~~in persistently low-performing~~  
566 ~~schools~~ with a public school that meets accountability  
567 standards. The State Board of Education may enter into a  
568 performance-based agreement with a hope operator when a school  
569 district has not improved the school after 3 years of the  
570 interventions and support provided under s. 1008.33 or has not  
571 complied with the requirements of subsection (4). Upon the State  
572 Board of Education entering into a performance-based agreement  
573 with a hope operator, the school district shall transfer to the  
574 school of hope the proportionate share of state funds allocated  
575 from the Florida Education Finance Program.

576 Section 8. Subsection (10) of section 1002.37, Florida  
 577 Statutes, is amended to read:

578 1002.37 The Florida Virtual School.—

579 ~~(10) The Florida Virtual School shall receive a school~~  
 580 ~~grade pursuant to s. 1008.34 for students receiving full-time~~  
 581 ~~instruction.~~

582 Section 9. Section 1002.38, Florida Statutes, is repealed.

583 Section 10. Section 1002.39, Florida Statutes, is amended  
 584 to read:

585 1002.39 The John M. McKay Scholarships for Students with  
 586 Disabilities Program.—There is established ~~a program that is~~  
 587 ~~separate and distinct from the Opportunity Scholarship Program~~  
 588 ~~and is named~~ the John M. McKay Scholarships for Students with  
 589 Disabilities Program.

590 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH  
 591 DISABILITIES PROGRAM.—The John M. McKay Scholarships for  
 592 Students with Disabilities Program is established to provide the  
 593 option to attend a public school other than the one to which  
 594 assigned, or to provide a scholarship to a private school of  
 595 choice, for students with disabilities for whom:

596 (a) An individual educational plan has been written in  
 597 accordance with rules of the State Board of Education; or

598 (b) A 504 accommodation plan has been issued under s. 504  
 599 of the Rehabilitation Act of 1973.

600



601 Students with disabilities include K-12 students who are  
602 documented as having an intellectual disability; a speech  
603 impairment; a language impairment; a hearing impairment,  
604 including deafness; a visual impairment, including blindness; a  
605 dual sensory impairment; an orthopedic impairment; an other  
606 health impairment; an emotional or behavioral disability; a  
607 specific learning disability, including, but not limited to,  
608 dyslexia, dyscalculia, or developmental aphasia; a traumatic  
609 brain injury; a developmental delay; or autism spectrum  
610 disorder.

611 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a  
612 student with a disability may request and receive from the state  
613 a John M. McKay Scholarship for the child to enroll in and  
614 attend a private school in accordance with this section if:

615 (a) The student has:

616 1. Received specialized instructional services under the  
617 Voluntary Prekindergarten Education Program pursuant to s.  
618 1002.66 during the previous school year and the student has a  
619 current individual educational plan developed by the local  
620 school board in accordance with rules of the State Board of  
621 Education for the John M. McKay Scholarships for Students with  
622 Disabilities Program or a 504 accommodation plan has been issued  
623 under s. 504 of the Rehabilitation Act of 1973; or

624 2. Spent the prior school year in attendance at a Florida  
625 public school or the Florida School for the Deaf and the Blind.

626 For purposes of this subparagraph, prior school year in  
627 attendance means that the student was enrolled and reported by:

628       a. A school district for funding during the preceding  
629 October and February Florida Education Finance Program surveys  
630 in kindergarten through grade 12, which includes time spent in a  
631 Department of Juvenile Justice commitment program if funded  
632 under the Florida Education Finance Program;

633       b. The Florida School for the Deaf and the Blind during  
634 the preceding October and February student membership surveys in  
635 kindergarten through grade 12; or

636       c. A school district for funding during the preceding  
637 October and February Florida Education Finance Program surveys,  
638 was at least 4 years of age when so enrolled and reported, and  
639 was eligible for services under s. 1003.21(1)(e).

640

641 However, a dependent child of a member of the United States  
642 Armed Forces who transfers to a school in this state from out of  
643 state or from a foreign country due to a parent's permanent  
644 change of station orders or a foster child is exempt from this  
645 paragraph but must meet all other eligibility requirements to  
646 participate in the program.

647       (b) The parent has obtained acceptance for admission of  
648 the student to a private school that is eligible for the program  
649 under subsection (8) and has requested from the department a  
650 scholarship at least 60 days before the date of the first

651 scholarship payment. The request must be communicated directly  
652 to the department in a manner that creates a written or  
653 electronic record of the request and the date of receipt of the  
654 request. The department must notify the district of the parent's  
655 intent upon receipt of the parent's request.

656 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is  
657 not eligible for a John M. McKay Scholarship:

658 (a) While he or she is enrolled in a school operating for  
659 the purpose of providing educational services to youth in  
660 Department of Juvenile Justice commitment programs;

661 (b) While he or she is receiving a Florida tax credit  
662 scholarship under s. 1002.395;

663 (c) While he or she is receiving an educational  
664 scholarship pursuant to this chapter;

665 (d) While he or she is participating in a home education  
666 program as defined in s. 1002.01(1);

667 (e) While he or she is participating in a private tutoring  
668 program pursuant to s. 1002.43;

669 (f) While he or she is participating in a virtual school,  
670 correspondence school, or distance learning program that  
671 receives state funding pursuant to the student's participation  
672 unless the participation is limited to no more than two courses  
673 per school year;

674 (g) While he or she is enrolled in the Florida School for  
675 the Deaf and the Blind;

676 (h) While he or she is not having regular and direct  
677 contact with his or her private school teachers at the school's  
678 physical location unless he or she is enrolled in the private  
679 school's transition-to-work program pursuant to subsection (10);  
680 or

681 (i) If he or she has been issued a temporary 504  
682 accommodation plan under s. 504 of the Rehabilitation Act of  
683 1973 which is valid for 6 months or less.

684 (4) TERM OF JOHN M. MCKAY SCHOLARSHIP.—

685 (a) For purposes of continuity of educational choice, a  
686 John M. McKay Scholarship shall remain in force until the  
687 student returns to a public school, graduates from high school,  
688 or reaches the age of 22, whichever occurs first. A scholarship  
689 student who enrolls in a public school or public school program  
690 is considered to have returned to a public school for the  
691 purpose of determining the end of the scholarship's term.  
692 However, if a student enters a Department of Juvenile Justice  
693 detention center for a period of no more than 21 days, the  
694 student is not considered to have returned to a public school  
695 for that purpose.

696 (b) Upon reasonable notice to the department and the  
697 school district, the student's parent may remove the student  
698 from the private school and place the student in a public school  
699 in accordance with this section.

700 (c) Upon reasonable notice to the department, the

701 student's parent may move the student from one participating  
702 private school to another participating private school.

703 (5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

704 (a)1. By April 1 of each year and within 10 days after an  
705 individual education plan meeting or a 504 accommodation plan is  
706 issued under s. 504 of the Rehabilitation Act of 1973, a school  
707 district shall notify the parent of the student of all options  
708 available pursuant to this section, inform the parent of the  
709 availability of the department's telephone hotline and Internet  
710 website for additional information on John M. McKay  
711 Scholarships, and offer that student's parent an opportunity to  
712 enroll the student in another public school in the district.

713 2. The parent is not required to accept the offer of  
714 enrolling in another public school in lieu of requesting a John  
715 M. McKay Scholarship to a private school. However, if the parent  
716 chooses the public school option, the student may continue  
717 attending a public school chosen by the parent until the student  
718 graduates from high school.

719 3. If the parent chooses a public school consistent with  
720 the district school board's choice plan under s. 1002.31, the  
721 school district shall provide transportation to the public  
722 school selected by the parent. The parent is responsible to  
723 provide transportation to a public school chosen that is not  
724 consistent with the district school board's choice plan under s.  
725 1002.31.

726 (b)1. For a student with disabilities who does not have a  
727 matrix of services under s. 1011.62(1)(e), the school district  
728 must complete a matrix that assigns the student to one of the  
729 levels of service as they existed prior to the 2000-2001 school  
730 year.

731 2.a. Within 10 school days after it receives notification  
732 of a parent's request for a John M. McKay Scholarship, a school  
733 district must notify the student's parent if the matrix of  
734 services has not been completed and inform the parent that the  
735 district is required to complete the matrix within 30 days after  
736 receiving notice of the parent's request for a John M. McKay  
737 Scholarship. This notice should include the required completion  
738 date for the matrix.

739 b. The school district must complete the matrix of  
740 services for any student who is participating in the John M.  
741 McKay Scholarships for Students with Disabilities Program and  
742 must notify the department of the student's matrix level within  
743 30 days after receiving notification of a request to participate  
744 in the scholarship program. The school district must provide the  
745 student's parent with the student's matrix level within 10  
746 school days after its completion.

747 c. The department shall notify the private school of the  
748 amount of the scholarship within 10 days after receiving the  
749 school district's notification of the student's matrix level.

750 d. A school district may change a matrix of services only

751 if the change is to correct a technical, typographical, or  
752 calculation error.

753 (c) A school district shall provide notification to  
754 parents of the availability of a reevaluation at least every 3  
755 years of each student who receives a John M. McKay Scholarship.

756 (d) If the parent chooses the private school option and  
757 the student is accepted by the private school pending the  
758 availability of a space for the student, the parent of the  
759 student must notify the department 60 days prior to the first  
760 scholarship payment and before entering the private school in  
761 order to be eligible for the scholarship when a space becomes  
762 available for the student in the private school.

763 (e) The parent of a student may choose, as an alternative,  
764 to enroll the student in and transport the student to a public  
765 school in an adjacent school district which has available space  
766 and has a program with the services agreed to in the student's  
767 individual education plan or 504 accommodation plan already in  
768 place, and that school district shall accept the student and  
769 report the student for purposes of the district's funding  
770 pursuant to the Florida Education Finance Program.

771 (f) For a student who participates in the John M. McKay  
772 Scholarships for Students with Disabilities Program whose parent  
773 requests that the student take the statewide assessments under  
774 s. 1008.22, the district in which the student attends private  
775 school shall provide locations and times to take all statewide

776 assessments.

777 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
778 shall:

779 (a) Establish a toll-free hotline that provides parents  
780 and private schools with information on participation in the  
781 John M. McKay Scholarships for Students with Disabilities  
782 Program.

783 (b) Annually verify the eligibility of private schools  
784 that meet the requirements of subsection (8).

785 (c) Establish a process by which individuals may notify  
786 the department of any violation by a parent, private school, or  
787 school district of state laws relating to program participation.  
788 The department shall conduct an inquiry of any written complaint  
789 of a violation of this section, or make a referral to the  
790 appropriate agency for an investigation, if the complaint is  
791 signed by the complainant and is legally sufficient. A complaint  
792 is legally sufficient if it contains ultimate facts that show  
793 that a violation of this section or any rule adopted by the  
794 State Board of Education has occurred. In order to determine  
795 legal sufficiency, the department may require supporting  
796 information or documentation from the complainant. A department  
797 inquiry is not subject to the requirements of chapter 120.

798 (d) Require an annual, notarized, sworn compliance  
799 statement by participating private schools certifying compliance  
800 with state laws and shall retain such records.



801 (e) Cross-check the list of participating scholarship  
802 students with the public school enrollment lists prior to each  
803 scholarship payment to avoid duplication.

804 (f)1. Conduct random site visits to private schools  
805 participating in the John M. McKay Scholarships for Students  
806 with Disabilities Program. The purpose of the site visits is  
807 solely to verify the information reported by the schools  
808 concerning the enrollment and attendance of students, the  
809 credentials of teachers, background screening of teachers, and  
810 teachers' fingerprinting results, which information is required  
811 by rules of the State Board of Education, subsection (8), and s.  
812 1002.421. The Department of Education may not make more than  
813 three random site visits each year and may not make more than  
814 one random site visit each year to the same private school.

815 2. Annually, by December 15, report to the Governor, the  
816 President of the Senate, and the Speaker of the House of  
817 Representatives the Department of Education's actions with  
818 respect to implementing accountability in the scholarship  
819 program under this section and s. 1002.421, any substantiated  
820 allegations or violations of law or rule by an eligible private  
821 school under this program concerning the enrollment and  
822 attendance of students, the credentials of teachers, background  
823 screening of teachers, and teachers' fingerprinting results and  
824 the corrective action taken by the Department of Education.

825 (7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

826 (a) The Commissioner of Education:

827 1. Shall deny, suspend, or revoke a private school's

828 participation in the scholarship program if it is determined

829 that the private school has failed to comply with the provisions

830 of this section. However, if the noncompliance is correctable

831 within a reasonable amount of time and if the health, safety, or

832 welfare of the students is not threatened, the commissioner may

833 issue a notice of noncompliance which provides the private

834 school with a timeframe within which to provide evidence of

835 compliance before taking action to suspend or revoke the private

836 school's participation in the scholarship program.

837 2. May deny, suspend, or revoke a private school's

838 participation in the scholarship program if the commissioner

839 determines that an owner or operator of the private school is

840 operating or has operated an educational institution in this

841 state or in another state or jurisdiction in a manner contrary

842 to the health, safety, or welfare of the public.

843 a. In making such a determination, the commissioner may

844 consider factors that include, but are not limited to, acts or

845 omissions by an owner or operator which led to a previous denial

846 or revocation of participation in an education scholarship

847 program; an owner's or operator's failure to reimburse the

848 Department of Education for scholarship funds improperly

849 received or retained by a school; imposition of a prior criminal

850 sanction related to an owner's or operator's management or

851 operation of an educational institution; imposition of a civil  
852 fine or administrative fine, license revocation or suspension,  
853 or program eligibility suspension, termination, or revocation  
854 related to an owner's or operator's management or operation of  
855 an educational institution; or other types of criminal  
856 proceedings in which an owner or operator was found guilty of,  
857 regardless of adjudication, or entered a plea of nolo contendere  
858 or guilty to, any offense involving fraud, deceit, dishonesty,  
859 or moral turpitude.

860 b. For purposes of this subparagraph, the term "owner or  
861 operator" includes an owner, operator, superintendent, or  
862 principal of, or a person who has equivalent decisionmaking  
863 authority over, a private school participating in the  
864 scholarship program.

865 (b) The commissioner's determination is subject to the  
866 following:

867 1. If the commissioner intends to deny, suspend, or revoke  
868 a private school's participation in the scholarship program, the  
869 department shall notify the private school of such proposed  
870 action in writing by certified mail and regular mail to the  
871 private school's address of record with the department. The  
872 notification shall include the reasons for the proposed action  
873 and notice of the timelines and procedures set forth in this  
874 paragraph.

875 2. The private school that is adversely affected by the

876 proposed action shall have 15 days from receipt of the notice of  
877 proposed action to file with the department's agency clerk a  
878 request for a proceeding pursuant to ss. 120.569 and 120.57. If  
879 the private school is entitled to a hearing under s. 120.57(1),  
880 the department shall forward the request to the Division of  
881 Administrative Hearings.

882 3. Upon receipt of a request referred pursuant to this  
883 paragraph, the director of the Division of Administrative  
884 Hearings shall expedite the hearing and assign an administrative  
885 law judge who shall commence a hearing within 30 days after the  
886 receipt of the formal written request by the division and enter  
887 a recommended order within 30 days after the hearing or within  
888 30 days after receipt of the hearing transcript, whichever is  
889 later. Each party shall be allowed 10 days in which to submit  
890 written exceptions to the recommended order. A final order shall  
891 be entered by the agency within 30 days after the entry of a  
892 recommended order. The provisions of this subparagraph may be  
893 waived upon stipulation by all parties.

894 (c) The commissioner may immediately suspend payment of  
895 scholarship funds if it is determined that there is probable  
896 cause to believe that there is:

897 1. An imminent threat to the health, safety, or welfare of  
898 the students; or

899 2. Fraudulent activity on the part of the private school.  
900 Notwithstanding s. 1002.22, in incidents of alleged fraudulent

901 activity pursuant to this section, the Department of Education's  
902 Office of Inspector General is authorized to release personally  
903 identifiable records or reports of students to the following  
904 persons or organizations:

905 a. A court of competent jurisdiction in compliance with an  
906 order of that court or the attorney of record in accordance with  
907 a lawfully issued subpoena, consistent with the Family  
908 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

909 b. A person or entity authorized by a court of competent  
910 jurisdiction in compliance with an order of that court or the  
911 attorney of record pursuant to a lawfully issued subpoena,  
912 consistent with the Family Educational Rights and Privacy Act,  
913 20 U.S.C. s. 1232g.

914 c. Any person, entity, or authority issuing a subpoena for  
915 law enforcement purposes when the court or other issuing agency  
916 has ordered that the existence or the contents of the subpoena  
917 or the information furnished in response to the subpoena not be  
918 disclosed, consistent with the Family Educational Rights and  
919 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

920  
921 The commissioner's order suspending payment pursuant to this  
922 paragraph may be appealed pursuant to the same procedures and  
923 timelines as the notice of proposed action set forth in  
924 paragraph (b).

925 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be

926 eligible to participate in the John M. McKay Scholarships for  
927 Students with Disabilities Program, a private school may be  
928 sectarian or nonsectarian and must:

929 (a) Comply with all requirements for private schools  
930 participating in state school choice scholarship programs  
931 pursuant to s. 1002.421.

932 (b) Provide to the department all documentation required  
933 for a student's participation, including the private school's  
934 and student's fee schedules, at least 30 days before any  
935 quarterly scholarship payment is made for the student pursuant  
936 to paragraph (11) (e). A student is not eligible to receive a  
937 quarterly scholarship payment if the private school fails to  
938 meet this deadline.

939 (c) Be academically accountable to the parent for meeting  
940 the educational needs of the student by:

941 1. At a minimum, annually providing to the parent a  
942 written explanation of the student's progress.

943 2. Cooperating with the scholarship student whose parent  
944 chooses to participate in the statewide assessments pursuant to  
945 s. 1008.22.

946 (d) Maintain in this state a physical location where a  
947 scholarship student regularly attends classes.

948  
949 The inability of a private school to meet the requirements of  
950 this subsection shall constitute a basis for the ineligibility

951 of the private school to participate in the scholarship program  
952 as determined by the department.

953 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
954 PARTICIPATION.—A parent who applies for a John M. McKay  
955 Scholarship is exercising his or her parental option to place  
956 his or her child in a private school.

957 (a) The parent must select the private school and apply  
958 for the admission of his or her child.

959 (b) The parent must have requested the scholarship at  
960 least 60 days prior to the date of the first scholarship  
961 payment.

962 (c) Any student participating in the John M. McKay  
963 Scholarships for Students with Disabilities Program must remain  
964 in attendance throughout the school year unless excused by the  
965 school for illness or other good cause.

966 (d) Each parent and each student has an obligation to the  
967 private school to comply with the private school's published  
968 policies.

969 (e) If the parent requests that the student participating  
970 in the John M. McKay Scholarships for Students with Disabilities  
971 Program take all statewide assessments required pursuant to s.  
972 1008.22, the parent is responsible for transporting the student  
973 to the assessment site designated by the school district.

974 (f) Upon receipt of a scholarship warrant, the parent to  
975 whom the warrant is made must restrictively endorse the warrant

976 to the private school for deposit into the account of the  
977 private school. The parent may not designate any entity or  
978 individual associated with the participating private school as  
979 the parent's attorney in fact to endorse a scholarship warrant.  
980 A participant who fails to comply with this paragraph forfeits  
981 the scholarship.

982 (10) TRANSITION-TO-WORK PROGRAM.—A student participating  
983 in the John M. McKay Scholarships for Students with Disabilities  
984 Program who is at least 17 years, but not older than 22 years,  
985 of age and who has not received a high school diploma or  
986 certificate of completion is eligible for enrollment in his or  
987 her private school's transition-to-work program. A transition-  
988 to-work program shall consist of academic instruction, work  
989 skills training, and a volunteer or paid work experience.

990 (a) To offer a transition-to-work program, a participating  
991 private school must:

992 1. Develop a transition-to-work program plan, which must  
993 include a written description of the academic instruction and  
994 work skills training students will receive and the goals for  
995 students in the program.

996 2. Submit the transition-to-work program plan to the  
997 Office of Independent Education and Parental Choice.

998 3. Develop a personalized transition-to-work program plan  
999 for each student enrolled in the program. The student's parent,  
1000 the student, and the school principal must sign the personalized



1001 | plan. The personalized plan must be submitted to the Office of  
 1002 | Independent Education and Parental Choice upon request by the  
 1003 | office.

1004 |         4. Provide a release of liability form that must be signed  
 1005 | by the student's parent, the student, and a representative of  
 1006 | the business offering the volunteer or paid work experience.

1007 |         5. Assign a case manager or job coach to visit the  
 1008 | student's job site on a weekly basis to observe the student and,  
 1009 | if necessary, provide support and guidance to the student.

1010 |         6. Provide to the parent and student a quarterly report  
 1011 | that documents and explains the student's progress and  
 1012 | performance in the program.

1013 |         7. Maintain accurate attendance and performance records  
 1014 | for the student.

1015 |         (b) A student enrolled in a transition-to-work program  
 1016 | must, at a minimum:

1017 |             1. Receive 15 instructional hours at the private school's  
 1018 | physical facility, which must include academic instruction and  
 1019 | work skills training.

1020 |             2. Participate in 10 hours of work at the student's  
 1021 | volunteer or paid work experience.

1022 |         (c) To participate in a transition-to-work program, a  
 1023 | business must:

1024 |             1. Maintain an accurate record of the student's  
 1025 | performance and hours worked and provide the information to the

1026 private school.

1027 2. Comply with all state and federal child labor laws.

1028 (11) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

1029 (a)1. The maximum scholarship granted for an eligible

1030 student with disabilities shall be equivalent to the base

1031 student allocation in the Florida Education Finance Program

1032 multiplied by the appropriate cost factor for the educational

1033 program that would have been provided for the student in the

1034 district school to which he or she was assigned, multiplied by

1035 the district cost differential.

1036 2. In addition, a share of the guaranteed allocation for

1037 exceptional students shall be determined and added to the amount

1038 in subparagraph 1. The calculation shall be based on the

1039 methodology and the data used to calculate the guaranteed

1040 allocation for exceptional students for each district in chapter

1041 2000-166, Laws of Florida. Except as provided in subparagraphs

1042 3. and 4., the calculation shall be based on the student's

1043 grade, matrix level of services, and the difference between the

1044 2000-2001 basic program and the appropriate level of services

1045 cost factor, multiplied by the 2000-2001 base student allocation

1046 and the 2000-2001 district cost differential for the sending

1047 district. The calculated amount shall include the per-student

1048 share of supplemental academic instruction funds, instructional

1049 materials funds, technology funds, and other categorical funds

1050 as provided in the General Appropriations Act.

1051           3. The scholarship amount for a student who is eligible  
1052 under sub-subparagraph (2)(a)2.b. shall be calculated as  
1053 provided in subparagraphs 1. and 2. However, the calculation  
1054 shall be based on the school district in which the parent  
1055 resides at the time of the scholarship request.

1056           4. Until the school district completes the matrix required  
1057 by paragraph (5)(b), the calculation shall be based on the  
1058 matrix that assigns the student to support Level I of service as  
1059 it existed prior to the 2000-2001 school year. When the school  
1060 district completes the matrix, the amount of the payment shall  
1061 be adjusted as needed.

1062           5. The scholarship amount for a student eligible under s.  
1063 504 of the Rehabilitation Act of 1973 shall be based on the  
1064 program cost factor the student currently generates through the  
1065 Florida Education Finance Program.

1066           6. The scholarship amount granted for an eligible student  
1067 with disabilities is not subject to the maximum value for  
1068 funding a student under s. 1011.61(4).

1069           (b) The amount of the John M. McKay Scholarship shall be  
1070 the calculated amount or the amount of the private school's  
1071 tuition and fees, whichever is less. The amount of any  
1072 assessment fee required by the participating private school may  
1073 be paid from the total amount of the scholarship.

1074           (c)1. The school district shall report all students who  
1075 are attending a private school under this program. The students

1076 with disabilities attending private schools on John M. McKay  
 1077 Scholarships shall be reported separately from other students  
 1078 reported for purposes of the Florida Education Finance Program.

1079 2. For program participants who are eligible under sub-  
 1080 subparagraph (2)(a)2.b., the school district that is used as the  
 1081 basis for the calculation of the scholarship amount as provided  
 1082 in subparagraph (a)3. shall:

1083 a. Report to the department all such students who are  
 1084 attending a private school under this program.

1085 b. Be held harmless for such students from the weighted  
 1086 enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.b.  
 1087 during the first school year in which the students are reported.

1088 (d) Following notification on July 1, September 1,  
 1089 December 1, or February 1 of the number of program participants,  
 1090 the department shall transfer, from General Revenue funds only,  
 1091 the amount calculated under paragraph (b) from the school  
 1092 district's total funding entitlement under the Florida Education  
 1093 Finance Program and from authorized categorical accounts to a  
 1094 separate account for the scholarship program for quarterly  
 1095 disbursement to the parents of participating students. Funds may  
 1096 not be transferred from any funding provided to the Florida  
 1097 School for the Deaf and the Blind for program participants who  
 1098 are eligible under sub-subparagraph (2)(a)2.b. For a student  
 1099 exiting a Department of Juvenile Justice commitment program who  
 1100 chooses to participate in the scholarship program, the amount of

1101 the John M. McKay Scholarship calculated pursuant to paragraph  
1102 (b) shall be transferred from the school district in which the  
1103 student last attended a public school before commitment to the  
1104 Department of Juvenile Justice. When a student enters the  
1105 scholarship program, the department must receive all  
1106 documentation required for the student's participation,  
1107 including the private school's and the student's fee schedules,  
1108 at least 30 days before the first quarterly scholarship payment  
1109 is made for the student.

1110 (e) Upon notification by the department that it has  
1111 received the documentation required under paragraph (d), the  
1112 Chief Financial Officer shall make scholarship payments in four  
1113 equal amounts no later than September 1, November 1, February 1,  
1114 and April 1 of each academic year in which the scholarship is in  
1115 force. The initial payment shall be made after department  
1116 verification of admission acceptance, and subsequent payments  
1117 shall be made upon verification of continued enrollment and  
1118 attendance at the private school. Payment must be by individual  
1119 warrant made payable to the student's parent and mailed by the  
1120 department to the private school of the parent's choice, and the  
1121 parent shall restrictively endorse the warrant to the private  
1122 school for deposit into the account of the private school.

1123 (f) Subsequent to each scholarship payment, the department  
1124 shall request from the Department of Financial Services a sample  
1125 of endorsed warrants to review and confirm compliance with

1126 endorsement requirements.

1127 (12) LIABILITY.—No liability shall arise on the part of  
1128 the state based on the award or use of a John M. McKay  
1129 Scholarship.

1130 (13) SCOPE OF AUTHORITY.—The inclusion of eligible private  
1131 schools within options available to Florida public school  
1132 students does not expand the regulatory authority of the state,  
1133 its officers, or any school district to impose any additional  
1134 regulation of private schools beyond those reasonably necessary  
1135 to enforce requirements expressly set forth in this section.

1136 (14) RULES.—The State Board of Education shall adopt rules  
1137 pursuant to ss. 120.536(1) and 120.54 to administer this  
1138 section, including rules that school districts must use to  
1139 expedite the development of a matrix of services based on an  
1140 active individual education plan from another state or a foreign  
1141 country for a transferring student with a disability who is a  
1142 dependent child of a member of the United States Armed Forces.  
1143 The rules must identify the appropriate school district  
1144 personnel who must complete the matrix of services. For purposes  
1145 of these rules, a transferring student with a disability is one  
1146 who was previously enrolled as a student with a disability in an  
1147 out-of-state or an out-of-country public or private school or  
1148 agency program and who is transferring from out of state or from  
1149 a foreign country pursuant to a parent's permanent change of  
1150 station orders.

1151 Section 11. Paragraph (a) of subsection (2) and subsection  
 1152 (8) of section 1002.45, Florida Statutes, are amended to read:

1153 1002.45 Virtual instruction programs.—

1154 (2) PROVIDER QUALIFICATIONS.—

1155 (a) The department shall annually publish online a list of  
 1156 providers approved to offer virtual instruction programs. To be  
 1157 approved by the department, a provider must document that it:

1158 1. Is nonsectarian in its programs, admission policies,  
 1159 employment practices, and operations;

1160 2. Complies with the antidiscrimination provisions of s.  
 1161 1000.05;

1162 3. Locates an administrative office or offices in this  
 1163 state, requires its administrative staff to be state residents,  
 1164 requires all instructional staff to be Florida-certified  
 1165 teachers under chapter 1012 and conducts background screenings  
 1166 for all employees or contracted personnel, as required by s.  
 1167 1012.32, using state and national criminal history records;

1168 4. Provides to parents and students specific information  
 1169 posted and accessible online that includes, but is not limited  
 1170 to, the following teacher-parent and teacher-student contact  
 1171 information for each course:

1172 a. How to contact the instructor via phone, e-mail, or  
 1173 online messaging tools.

1174 b. How to contact technical support via phone, e-mail, or  
 1175 online messaging tools.

- 1176 c. How to contact the administration office via phone, e-  
1177 mail, or online messaging tools.
- 1178 d. Any requirement for regular contact with the instructor  
1179 for the course and clear expectations for meeting the  
1180 requirement.
- 1181 e. The requirement that the instructor in each course  
1182 must, at a minimum, conduct one contact via phone with the  
1183 parent and the student each month;
- 1184 5. Possesses prior, successful experience offering online  
1185 courses to elementary, middle, or high school students as  
1186 demonstrated by quantified student learning gains in each  
1187 subject area and grade level provided for consideration as an  
1188 instructional program option. However, for a provider without  
1189 sufficient prior, successful experience offering online courses,  
1190 the department may conditionally approve the provider to offer  
1191 courses measured pursuant to subsection (8) ~~subparagraph~~  
1192 ~~(8)(a)2~~. Conditional approval shall be valid for 1 school year  
1193 only and, based on the provider's experience in offering the  
1194 courses, the department shall determine whether to grant  
1195 approval to offer a virtual instruction program;
- 1196 6. Is accredited by a regional accrediting association as  
1197 defined by State Board of Education rule;
- 1198 7. Ensures instructional and curricular quality through a  
1199 detailed curriculum and student performance accountability plan  
1200 that addresses every subject and grade level it intends to



1201 provide through contract with the school district, including:  
 1202       a. Courses and programs that meet the standards of the  
 1203 International Association for K-12 Online Learning and the  
 1204 Southern Regional Education Board.  
 1205       b. Instructional content and services that align with, and  
 1206 measure student attainment of, student proficiency in the Next  
 1207 Generation Sunshine State Standards.  
 1208       c. Mechanisms that determine and ensure that a student has  
 1209 satisfied requirements for grade level promotion and high school  
 1210 graduation with a standard diploma, as appropriate;  
 1211       8. Publishes for the general public, in accordance with  
 1212 disclosure requirements adopted in rule by the State Board of  
 1213 Education, as part of its application as a provider and in all  
 1214 contracts negotiated pursuant to this section:  
 1215       a. Information and data about the curriculum of each full-  
 1216 time and part-time program.  
 1217       b. School policies and procedures.  
 1218       c. Certification status and physical location of all  
 1219 administrative and instructional personnel.  
 1220       d. Hours and times of availability of instructional  
 1221 personnel.  
 1222       e. Student-teacher ratios.  
 1223       f. Student completion and promotion rates.  
 1224       g. Student, educator, and school performance  
 1225 accountability outcomes;

1226 9. If the provider is a Florida College System  
 1227 institution, employs instructors who meet the certification  
 1228 requirements for instructional staff under chapter 1012; and  
 1229 10. Performs an annual financial audit of its accounts and  
 1230 records conducted by an independent certified public accountant  
 1231 which is in accordance with rules adopted by the Auditor  
 1232 General, is conducted in compliance with generally accepted  
 1233 auditing standards, and includes a report on financial  
 1234 statements presented in accordance with generally accepted  
 1235 accounting principles.

1236 (8) ASSESSMENT AND ACCOUNTABILITY.—

1237 ~~(a)~~ Each approved provider contracted under this section  
 1238 must:

1239 ~~1.~~ participate in the statewide assessment program under  
 1240 s. 1008.22 and in the state's education performance  
 1241 accountability system under s. 1008.31.

1242 ~~2. Receive a school grade under s. 1008.34 or a school~~  
 1243 ~~improvement rating under s. 1008.341, as applicable. The school~~  
 1244 ~~grade or school improvement rating received by each approved~~  
 1245 ~~provider shall be based upon the aggregated assessment scores of~~  
 1246 ~~all students served by the provider statewide. The department~~  
 1247 ~~shall publish the school grade or school improvement rating~~  
 1248 ~~received by each approved provider on its Internet website. The~~  
 1249 department shall develop an evaluation method for providers of  
 1250 part-time programs which includes the percentage of students

1251 making learning gains, the percentage of students successfully  
1252 passing any required end-of-course assessment, the percentage of  
1253 students taking Advanced Placement examinations, and the  
1254 percentage of students scoring 3 or higher on an Advanced  
1255 Placement examination.

1256 ~~(b) The performance of part-time students in grades 9~~  
1257 ~~through 12 shall not be included for purposes of school grades~~  
1258 ~~or school improvement ratings under subparagraph (a)2.; however,~~  
1259 ~~their performance shall be included for school grading or school~~  
1260 ~~improvement rating purposes by the nonvirtual school providing~~  
1261 ~~the student's primary instruction.~~

1262 ~~(c) An approved provider that receives a school grade of~~  
1263 ~~"D" or "F" under s. 1008.34 or a school improvement rating of~~  
1264 ~~"Unsatisfactory" under s. 1008.341 must file a school~~  
1265 ~~improvement plan with the department for consultation to~~  
1266 ~~determine the causes for low performance and to develop a plan~~  
1267 ~~for correction and improvement.~~

1268 ~~(d) An approved provider's contract must be terminated if~~  
1269 ~~the provider receives a school grade of "D" or "F" under s.~~  
1270 ~~1008.34 or a school improvement rating of "Unsatisfactory" under~~  
1271 ~~s. 1008.341 for 2 years during any consecutive 4-year period or~~  
1272 ~~has violated any qualification requirement pursuant to~~  
1273 ~~subsection (2). A provider that has a contract terminated under~~  
1274 ~~this paragraph may not be an approved provider for a period of~~  
1275 ~~at least 1 year after the date upon which the contract was~~

1276 ~~terminated and until the department determines that the provider~~  
1277 ~~is in compliance with subsection (2) and has corrected each~~  
1278 ~~cause of the provider's low performance.~~

1279 Section 12. Paragraph (b) of subsection (3) and paragraph  
1280 (a) of subsection (5) of section 1002.451, Florida Statutes, are  
1281 amended to read:

1282 1002.451 District innovation school of technology  
1283 program.—

1284 (3) TERM OF PERFORMANCE CONTRACT.—An innovation school of  
1285 technology may operate pursuant to a performance contract with  
1286 the State Board of Education for a period of 5 years.

1287 (b) The performance contract shall be terminated by the  
1288 State Board of Education if:

1289 ~~1. The school receives a grade of "F" as an innovation~~  
1290 ~~school of technology for 2 consecutive years;~~

1291 1.2. The school or district fails to comply with the  
1292 criteria in this section;

1293 2.3. The school or district does not comply with terms of  
1294 the contract which specify that a violation results in  
1295 termination; or

1296 3.4. Other good cause is shown.

1297 (5) EXEMPTION FROM STATUTES.—

1298 (a) An innovation school of technology is exempt from  
1299 chapters 1000-1013. However, an innovation school of technology  
1300 shall comply with the following provisions of those chapters:

- 1301           1. Laws pertaining to the following:
- 1302           a. Schools of technology, including this section.
- 1303           b. Student assessment program ~~and school grading system.~~
- 1304           c. Services to students who have disabilities.
- 1305           d. Civil rights, including s. 1000.05, relating to
- 1306           discrimination.
- 1307           e. Student health, safety, and welfare.
- 1308           2. Laws governing the election and compensation of
- 1309           district school board members and election or appointment and
- 1310           compensation of district school superintendents.
- 1311           3. Section 1003.03, governing maximum class size, except
- 1312           that the calculation for compliance pursuant to s. 1003.03 is
- 1313           the average at the school level.
- 1314           4. Sections 1012.22(1)(c) and 1012.27(2), relating to
- 1315           compensation and salary schedules.
- 1316           5. Section 1012.33(5), relating to workforce reductions,
- 1317           for annual contracts for instructional personnel. This
- 1318           subparagraph does not apply to at-will employees.
- 1319           6. Section 1012.335, relating to contracts with
- 1320           instructional personnel hired on or after July 1, 2011, for
- 1321           annual contracts for instructional personnel. This subparagraph
- 1322           does not apply to at-will employees.
- 1323           7. Section 1012.34, relating to requirements for
- 1324           performance evaluations of instructional personnel and school
- 1325           administrators.

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1326 Section 13. Paragraph (b) of subsection (2) of section  
1327 1003.4996, Florida Statutes, is amended to read:

1328 1003.4996 Competency-Based Education Pilot Program.—  
1329 Beginning with the 2016-2017 school year, the Competency-Based  
1330 Education Pilot Program is created within the Department of  
1331 Education to be administered for a period of 5 years. The  
1332 purpose of the pilot program is to provide an educational  
1333 environment that allows students to advance to higher levels of  
1334 learning upon the mastery of concepts and skills through  
1335 statutory exemptions relating to student progression and the  
1336 awarding of credits.

1337 (2) APPLICATION.—The application to participate in the  
1338 pilot program must, at a minimum, include:

1339 (b) The annual goals and performance outcomes for  
1340 participating schools, including, but not limited to:

- 1341 1. Student performance ~~as defined in s. 1008.34.~~
- 1342 2. Promotion and retention rates.
- 1343 3. Graduation rates.
- 1344 4. Indicators of college and career readiness.

1345 Section 14. Paragraphs (a) and (d) of subsection (1) and  
1346 paragraph (e) of subsection (2) of section 1003.621, Florida  
1347 Statutes, are amended to read:

1348 1003.621 Academically high-performing school districts.—It  
1349 is the intent of the Legislature to recognize and reward school  
1350 districts that demonstrate the ability to consistently maintain

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1351 or improve their high-performing status. The purpose of this  
1352 section is to provide high-performing school districts with  
1353 flexibility in meeting the specific requirements in statute and  
1354 rules of the State Board of Education.

1355 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

1356 (a) A school district is an academically high-performing  
1357 school district if it meets the following criteria:

1358 ~~1.a. Earns a grade of "A" under s. 1008.34 for 2~~  
1359 ~~consecutive years; and~~

1360 ~~b. Has no district-operated school that earns a grade of~~  
1361 ~~"F" under s. 1008.34;~~

1362 ~~1.2.~~ Complies with all class size requirements in s. 1,  
1363 Art. IX of the State Constitution and s. 1003.03; and

1364 ~~2.3.~~ Has no material weaknesses or instances of material  
1365 noncompliance noted in the annual financial audit conducted  
1366 pursuant to s. 11.45 or s. 218.39.

1367 (d) In order to maintain the designation as an  
1368 academically high-performing school district pursuant to this  
1369 section, a school district must ~~meet the following requirements:~~

1370 ~~1.~~ comply with the provisions of subparagraphs (a)1. and  
1371 2. ~~(a)2. and 3.; and~~

1372 ~~2. Earn a grade of "A" under s. 1008.34 for 2 years within~~  
1373 ~~a 3-year period.~~

1374  
1375 ~~However, a district in which a district-operated school earns a~~

1376 ~~grade of "F" under s. 1008.34 during the 3-year period may not~~  
1377 ~~continue to be designated as an academically high-performing~~  
1378 ~~school district during the remainder of that 3-year period. The~~  
1379 ~~district must meet the criteria in paragraph (a) in order to be~~  
1380 ~~redesignated as an academically high-performing school district.~~

1381 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically  
1382 high-performing school district shall comply with all of the  
1383 provisions in chapters 1000-1013, and rules of the State Board  
1384 of Education which implement these provisions, pertaining to the  
1385 following:

1386 (e) Those statutes pertaining to the student assessment  
1387 program ~~and the school grading system~~, including chapter 1008.

1388 Section 15. Section 1003.631, Florida Statutes, is  
1389 repealed.

1390 Section 16. Paragraph (b) of subsection (1) of section  
1391 1008.31, Florida Statutes, is amended to read:

1392 1008.31 Florida's K-20 education performance  
1393 accountability system; legislative intent; mission, goals, and  
1394 systemwide measures; data quality improvements.—

1395 (1) LEGISLATIVE INTENT.—It is the intent of the  
1396 Legislature that:

1397 (b) The K-20 education performance accountability system  
1398 be established as a single, unified accountability system with  
1399 multiple components, including, but not limited to, student  
1400 performance in public schools ~~and school and district grades.~~



1401 Section 17. Paragraph (a) of subsection (2), paragraphs  
1402 (b) and (c) of subsection (3), and subsection (4) of section  
1403 1008.33, Florida Statutes, are amended to read:

1404 1008.33 Authority to enforce public school improvement.—

1405 (2) (a) Pursuant to subsection (1) and ss. ~~1008.34,~~  
1406 ~~1008.345,~~ and 1008.385, the State Board of Education shall hold  
1407 all school districts and public schools accountable for student  
1408 performance. The state board is responsible for a state system  
1409 of school improvement and education accountability that assesses  
1410 student performance by school, identifies schools that are not  
1411 meeting accountability standards, and institutes appropriate  
1412 measures for enforcing improvement.

1413 (3)

1414 (b) The Department of Education shall annually identify  
1415 each public school in need of intervention and support to  
1416 improve student academic performance. ~~All schools earning a~~  
1417 ~~grade of "D" or "F" pursuant to s. 1008.34 are schools in need~~  
1418 ~~of intervention and support.~~

1419 (c) The state board shall adopt by rule a differentiated  
1420 matrix of intervention and support strategies for assisting  
1421 traditional public schools identified under this section ~~and~~  
1422 ~~rules for implementing s. 1002.33(9)(n), relating to charter~~  
1423 ~~schools.~~ The intervention and support strategies must address  
1424 student performance and may include improvement planning;  
1425 leadership quality improvement; educator quality improvement;

1426 professional development; curriculum review, pacing, and  
1427 alignment across grade levels to improve background knowledge in  
1428 social studies, science, and the arts; and the use of continuous  
1429 improvement and monitoring plans and processes. In addition, the  
1430 state board may prescribe reporting requirements to review and  
1431 monitor the progress of the schools. The rule must define ~~the~~  
1432 ~~intervention and support strategies for school improvement for~~  
1433 ~~schools earning a grade of "D" or "F" and the roles for the~~  
1434 district and department.

1435 ~~(4) (a) The state board shall apply intensive intervention~~  
1436 ~~and support strategies tailored to the needs of schools earning~~  
1437 ~~two consecutive grades of "D" or a grade of "F." In the first~~  
1438 ~~full school year after a school initially earns two consecutive~~  
1439 ~~grades of "D" or a grade of "F," the school district must~~  
1440 ~~immediately implement intervention and support strategies~~  
1441 ~~prescribed in rule under paragraph (3) (c) and, by September 1,~~  
1442 ~~provide the department with the memorandum of understanding~~  
1443 ~~negotiated pursuant to s. 1001.42(21) and, by October 1, a~~  
1444 ~~district-managed turnaround plan for approval by the state~~  
1445 ~~board. Upon approval by the state board, the school district~~  
1446 ~~must implement the plan for the remainder of the school year and~~  
1447 ~~continue the plan for 1 full school year. The state board may~~  
1448 ~~allow a school an additional year of implementation before the~~  
1449 ~~school must implement a turnaround option required under~~  
1450 ~~paragraph (b) if it determines that the school is likely to~~

1451 ~~improve to a grade of "C" or higher after the first full school~~  
1452 ~~year of implementation.~~

1453 ~~(b) Unless an additional year of implementation is~~  
1454 ~~provided pursuant to paragraph (a), a school that earns three~~  
1455 ~~consecutive grades below a "C" must implement one of the~~  
1456 ~~following:~~

1457 ~~1. Reassign students to another school and monitor the~~  
1458 ~~progress of each reassigned student;~~

1459 ~~2. Close the school and reopen the school as one or more~~  
1460 ~~charter schools, each with a governing board that has a~~  
1461 ~~demonstrated record of effectiveness; or~~

1462 ~~3. Contract with an outside entity that has a demonstrated~~  
1463 ~~record of effectiveness to operate the school. An outside entity~~  
1464 ~~may include a district-managed charter school in which all~~  
1465 ~~instructional personnel are not employees of the school~~  
1466 ~~district, but are employees of an independent governing board~~  
1467 ~~composed of members who did not participate in the review or~~  
1468 ~~approval of the charter.~~

1469 ~~(c) Implementation of the turnaround option is no longer~~  
1470 ~~required if the school improves to a grade of "C" or higher.~~

1471 ~~(d) If a school earning two consecutive grades of "D" or a~~  
1472 ~~grade of "F" does not improve to a grade of "C" or higher after~~  
1473 ~~2 full school years of implementing the turnaround option~~  
1474 ~~selected by the school district under paragraph (b), the school~~  
1475 ~~district must implement another turnaround option.~~

1476 ~~Implementation of the turnaround option must begin the school~~  
1477 ~~year following the implementation period of the existing~~  
1478 ~~turnaround option, unless the state board determines that the~~  
1479 ~~school is likely to improve to a grade of "C" or higher if~~  
1480 ~~additional time is provided to implement the existing turnaround~~  
1481 ~~option.~~

1482       Section 18. Section 1008.341, Florida Statutes, is  
1483 repealed.

1484       Section 19. Section 1008.3415, Florida Statutes, is  
1485 repealed.

1486       Section 20. Paragraphs (b) and (d) of subsection (6) and  
1487 paragraph (a) of subsection (7) of section 1008.345, Florida  
1488 Statutes, are amended to read:

1489       1008.345 Implementation of state system of school  
1490 improvement and education accountability.—

1491       (6)

1492       (b) Upon request, the department shall provide technical  
1493 assistance and training to any school, including any school  
1494 operating for the purpose of providing educational services to  
1495 youth in Department of Juvenile Justice programs, school  
1496 advisory council, district, or district school board for  
1497 conducting needs assessments, developing and implementing school  
1498 improvement plans, or implementing other components of school  
1499 improvement and accountability. Priority for these services  
1500 shall be given to ~~schools designated with a grade of "D" or "F"~~

1501 ~~and~~ school districts in rural and sparsely populated areas of  
1502 the state.

1503 ~~(d) The commissioner shall assign a community assessment~~  
1504 ~~team to each school district or governing board with a school~~  
1505 ~~that earned a grade of "D" or "F" pursuant to s. 1008.34 to~~  
1506 ~~review the school performance data and determine causes for the~~  
1507 ~~low performance, including the role of school, area, and~~  
1508 ~~district administrative personnel. The community assessment team~~  
1509 ~~shall review a high school's graduation rate calculated without~~  
1510 ~~high school equivalency diploma recipients for the past 3 years,~~  
1511 ~~disaggregated by student ethnicity. The team shall make~~  
1512 ~~recommendations to the school board or the governing board and~~  
1513 ~~to the State Board of Education based on the interventions and~~  
1514 ~~support strategies identified pursuant to subsection (5) to~~  
1515 ~~address the causes of the school's low performance and to~~  
1516 ~~incorporate the strategies into the school improvement plan. The~~  
1517 ~~assessment team shall include, but not be limited to, a~~  
1518 ~~department representative, parents, business representatives,~~  
1519 ~~educators, representatives of local governments, and community~~  
1520 ~~activists, and shall represent the demographics of the community~~  
1521 ~~from which they are appointed.~~

1522 (7) As a part of the system of educational accountability,  
1523 the Department of Education shall:

1524 (a) Develop minimum standards for various grades and  
1525 subject areas, as required in ss. 1001.03 and, 1008.22, ~~and~~

1526 | ~~1008.34.~~

1527 |       Section 21. Section 1008.36, Florida Statutes, is  
 1528 | repealed.

1529 |       Section 22. Paragraph (b) of subsection (1) of section  
 1530 | 1008.385, Florida Statutes, is amended to read:

1531 |       1008.385 Educational planning and information systems.—

1532 |       (1) EDUCATIONAL PLANNING.—

1533 |       (b) Each district school board shall maintain a continuing  
 1534 | system of planning and budgeting designed to aid in identifying  
 1535 | and meeting the educational needs of students and the public.

1536 | Provision shall be made for coordination between district school  
 1537 | boards and Florida College System institution boards of trustees  
 1538 | concerning the planning for career education and adult  
 1539 | educational programs. The major emphasis of the system shall be  
 1540 | upon locally determined goals and objectives, the state plan for  
 1541 | education, and the Sunshine State Standards developed by the  
 1542 | Department of Education and adopted by the State Board of  
 1543 | Education. The district planning and budgeting system must  
 1544 | include consideration of student achievement data obtained  
 1545 | pursuant to s. ss. 1008.22 ~~and 1008.34~~. The system shall be  
 1546 | structured to meet the specific management needs of the district  
 1547 | and to align the budget adopted by the district school board  
 1548 | with the plan the board has also adopted. Each district school  
 1549 | board shall utilize its system of planning and budgeting to  
 1550 | emphasize a system of school-based management in which

1551 individual school centers become the principal planning units  
1552 and to integrate planning and budgeting at the school level.

1553 Section 23. Paragraphs (l), (m), and (n) of subsection (1)  
1554 and paragraph (d) of subsection (7) of section 1011.62, Florida  
1555 Statutes, are amended to read:

1556 1011.62 Funds for operation of schools.—If the annual  
1557 allocation from the Florida Education Finance Program to each  
1558 district for operation of schools is not determined in the  
1559 annual appropriations act or the substantive bill implementing  
1560 the annual appropriations act, it shall be determined as  
1561 follows:

1562 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
1563 OPERATION.—The following procedure shall be followed in  
1564 determining the annual allocation to each district for  
1565 operation:

1566 (1) Calculation of additional full-time equivalent  
1567 membership based on International Baccalaureate examination  
1568 scores of students.—A value of 0.16 full-time equivalent student  
1569 membership shall be calculated for each student enrolled in an  
1570 International Baccalaureate course who receives a score of 4 or  
1571 higher on a subject examination. A value of 0.3 full-time  
1572 equivalent student membership shall be calculated for each  
1573 student who receives an International Baccalaureate diploma.  
1574 Such value shall be added to the total full-time equivalent  
1575 student membership in basic programs for grades 9 through 12 in

1576 the subsequent fiscal year. Each school district shall allocate  
1577 80 percent of the funds received from International  
1578 Baccalaureate bonus FTE funding to the school program whose  
1579 students generate the funds and to school programs that prepare  
1580 prospective students to enroll in International Baccalaureate  
1581 courses. Funds shall be expended solely for the payment of  
1582 allowable costs associated with the International Baccalaureate  
1583 program. Allowable costs include International Baccalaureate  
1584 annual school fees; International Baccalaureate examination  
1585 fees; salary, benefits, and bonuses for teachers and program  
1586 coordinators for the International Baccalaureate program and  
1587 teachers and coordinators who prepare prospective students for  
1588 the International Baccalaureate program; supplemental books;  
1589 instructional supplies; instructional equipment or instructional  
1590 materials for International Baccalaureate courses; other  
1591 activities that identify prospective International Baccalaureate  
1592 students or prepare prospective students to enroll in  
1593 International Baccalaureate courses; and training or  
1594 professional development for International Baccalaureate  
1595 teachers. School districts shall allocate the remaining 20  
1596 percent of the funds received from International Baccalaureate  
1597 bonus FTE funding for programs that assist academically  
1598 disadvantaged students to prepare for more rigorous courses. The  
1599 school district shall distribute to each classroom teacher who  
1600 provided International Baccalaureate instruction~~+~~



1601           ~~1.~~ a bonus in the amount of \$50 for each student taught by  
 1602 the International Baccalaureate teacher in each International  
 1603 Baccalaureate course who receives a score of 4 or higher on the  
 1604 International Baccalaureate examination.

1605           ~~2. An additional bonus of \$500 to each International~~  
 1606 ~~Baccalaureate teacher in a school designated with a grade of "D"~~  
 1607 ~~or "F" who has at least one student scoring 4 or higher on the~~  
 1608 ~~International Baccalaureate examination, regardless of the~~  
 1609 ~~number of classes taught or of the number of students scoring a~~  
 1610 ~~4 or higher on the International Baccalaureate examination.~~

1611  
 1612 Bonuses awarded under this paragraph shall be in addition to any  
 1613 regular wage or other bonus the teacher received or is scheduled  
 1614 to receive. For such courses, the teacher shall earn an  
 1615 additional bonus of \$50 for each student who has a qualifying  
 1616 score.

1617           (m) Calculation of additional full-time equivalent  
 1618 membership based on Advanced International Certificate of  
 1619 Education examination scores of students.—A value of 0.16 full-  
 1620 time equivalent student membership shall be calculated for each  
 1621 student enrolled in a full-credit Advanced International  
 1622 Certificate of Education course who receives a score of E or  
 1623 higher on a subject examination. A value of 0.08 full-time  
 1624 equivalent student membership shall be calculated for each  
 1625 student enrolled in a half-credit Advanced International

1626 Certificate of Education course who receives a score of E or  
 1627 higher on a subject examination. A value of 0.3 full-time  
 1628 equivalent student membership shall be calculated for each  
 1629 student who receives an Advanced International Certificate of  
 1630 Education diploma. Such value shall be added to the total full-  
 1631 time equivalent student membership in basic programs for grades  
 1632 9 through 12 in the subsequent fiscal year. Each school district  
 1633 shall allocate at least 80 percent of the funds received from  
 1634 the Advanced International Certificate of Education bonus FTE  
 1635 funding, in accordance with this paragraph, to the school  
 1636 program that generated the funds. The school district shall  
 1637 distribute to each classroom teacher who provided Advanced  
 1638 International Certificate of Education instruction~~+~~

1639 ~~1.~~ a bonus in the amount of \$50 for each student taught by  
 1640 the Advanced International Certificate of Education teacher in  
 1641 each full-credit Advanced International Certificate of Education  
 1642 course who receives a score of E or higher on the Advanced  
 1643 International Certificate of Education examination. A bonus in  
 1644 the amount of \$25 for each student taught by the Advanced  
 1645 International Certificate of Education teacher in each half-  
 1646 credit Advanced International Certificate of Education course  
 1647 who receives a score of E or higher on the Advanced  
 1648 International Certificate of Education examination.

1649 ~~2. An additional bonus of \$500 to each Advanced~~  
 1650 ~~International Certificate of Education teacher in a school~~

1651 ~~designated with a grade of "D" or "F" who has at least one~~  
1652 ~~student scoring E or higher on the full credit Advanced~~  
1653 ~~International Certificate of Education examination, regardless~~  
1654 ~~of the number of classes taught or of the number of students~~  
1655 ~~scoring an E or higher on the full credit Advanced International~~  
1656 ~~Certificate of Education examination.~~

1657 ~~3. Additional bonuses of \$250 each to teachers of half-~~  
1658 ~~credit Advanced International Certificate of Education classes~~  
1659 ~~in a school designated with a grade of "D" or "F" which has at~~  
1660 ~~least one student scoring an E or higher on the half-credit~~  
1661 ~~Advanced International Certificate of Education examination in~~  
1662 ~~that class. Teachers receiving an award under subparagraph 2.~~  
1663 ~~are not eligible for a bonus under this subparagraph.~~

1664  
1665 Bonuses awarded to a teacher according to this paragraph shall  
1666 be in addition to any regular wage or other bonus the teacher  
1667 received or is scheduled to receive.

1668 (n) Calculation of additional full-time equivalent  
1669 membership based on college board advanced placement scores of  
1670 students.—A value of 0.16 full-time equivalent student  
1671 membership shall be calculated for each student in each advanced  
1672 placement course who receives a score of 3 or higher on the  
1673 College Board Advanced Placement Examination for the prior year  
1674 and added to the total full-time equivalent student membership  
1675 in basic programs for grades 9 through 12 in the subsequent

1676 | fiscal year. Each district must allocate at least 80 percent of  
 1677 | the funds provided to the district for advanced placement  
 1678 | instruction, in accordance with this paragraph, to the high  
 1679 | school that generates the funds. The school district shall  
 1680 | distribute to each classroom teacher who provided advanced  
 1681 | placement instruction~~;~~

1682 |         ~~1.~~ a bonus in the amount of \$50 for each student taught by  
 1683 | the Advanced Placement teacher in each advanced placement course  
 1684 | who receives a score of 3 or higher on the College Board  
 1685 | Advanced Placement Examination.

1686 |         ~~2. An additional bonus of \$500 to each Advanced Placement~~  
 1687 | ~~teacher in a school designated with a grade of "D" or "F" who~~  
 1688 | ~~has at least one student scoring 3 or higher on the College~~  
 1689 | ~~Board Advanced Placement Examination, regardless of the number~~  
 1690 | ~~of classes taught or of the number of students scoring a 3 or~~  
 1691 | ~~higher on the College Board Advanced Placement Examination.~~

1692 |  
 1693 | Bonuses awarded under this paragraph shall be in addition to any  
 1694 | regular wage or other bonus the teacher received or is scheduled  
 1695 | to receive. For such courses, the teacher shall earn an  
 1696 | additional bonus of \$50 for each student who has a qualifying  
 1697 | score.

1698 |         (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

1699 |         (d) Each district's allocation of sparsity supplement  
 1700 | funds shall be adjusted in the following manner:

- 1701           1. A maximum discretionary levy per FTE value for each  
1702 district shall be calculated by dividing the value of each  
1703 district's maximum discretionary levy by its FTE student count.
- 1704           2. A state average discretionary levy value per FTE shall  
1705 be calculated by dividing the total maximum discretionary levy  
1706 value for all districts by the state total FTE student count.
- 1707           3. A total potential funds per FTE for each district shall  
1708 be calculated by dividing the total potential funds, not  
1709 including ~~Florida School Recognition Program funds~~ and the  
1710 minimum guarantee funds, for each district by its FTE student  
1711 count.
- 1712           4. A state average total potential funds per FTE shall be  
1713 calculated by dividing the total potential funds, not including  
1714 ~~Florida School Recognition Program funds~~ and the minimum  
1715 guarantee funds, for all districts by the state total FTE  
1716 student count.
- 1717           5. For districts that have a levy value per FTE as  
1718 calculated in subparagraph 1. higher than the state average  
1719 calculated in subparagraph 2., a sparsity wealth adjustment  
1720 shall be calculated as the product of the difference between the  
1721 state average levy value per FTE calculated in subparagraph 2.  
1722 and the district's levy value per FTE calculated in subparagraph  
1723 1. and the district's FTE student count and -1. However, no  
1724 district shall have a sparsity wealth adjustment that, when  
1725 applied to the total potential funds calculated in subparagraph

1726 3., would cause the district's total potential funds per FTE to  
1727 be less than the state average calculated in subparagraph 4.

1728 6. Each district's sparsity supplement allocation shall be  
1729 calculated by adding the amount calculated as specified in  
1730 paragraphs (a) and (b) and the wealth adjustment amount  
1731 calculated in this paragraph.

1732 Section 24. Paragraph (a) of subsection (2), paragraph (b)  
1733 of subsection (3), and subsection (7) of section 1011.6202,  
1734 Florida Statutes, are amended to read:

1735 1011.6202 Principal Autonomy Pilot Program Initiative.—The  
1736 Principal Autonomy Pilot Program Initiative is created within  
1737 the Department of Education. The purpose of the pilot program is  
1738 to provide the highly effective principal of a participating  
1739 school with increased autonomy and authority to operate his or  
1740 her school in a way that produces significant improvements in  
1741 student achievement and school management while complying with  
1742 constitutional requirements. The State Board of Education may,  
1743 upon approval of a principal autonomy proposal, enter into a  
1744 performance contract with up to seven district school boards for  
1745 participation in the pilot program.

1746 (2) PRINCIPAL AUTONOMY PROPOSAL.—

1747 (a) To participate in the pilot program, a school district  
1748 must:

1749 ~~1. Identify three schools that received at least two~~  
1750 ~~school grades of "D" or "F" pursuant to s. 1008.34 during the~~

1751 ~~previous 3 school years.~~

1752       1.2. Identify three principals who have earned a highly  
1753 effective rating on the prior year's performance evaluation  
1754 pursuant to s. 1012.34, one of whom shall be assigned to each of  
1755 the participating schools.

1756       2.3. Describe the current financial and administrative  
1757 management of each participating school; identify the areas in  
1758 which each school principal will have increased fiscal and  
1759 administrative autonomy, including the authority and  
1760 responsibilities provided in s. 1012.28(8); and identify the  
1761 areas in which each participating school will continue to follow  
1762 district school board fiscal and administrative policies.

1763       3.4. Explain the methods used to identify the educational  
1764 strengths and needs of the participating school's students and  
1765 identify how student achievement can be improved.

1766       4.5. Establish performance goals for student achievement,  
1767 ~~as defined in s. 1008.34(1),~~ and explain how the increased  
1768 autonomy of principals will help participating schools improve  
1769 student achievement and school management.

1770       5.6. Provide each participating school's mission and a  
1771 description of its student population.

1772       (3) EXEMPTION FROM LAWS.—

1773       (b) A participating school shall comply with the  
1774 provisions of chapters 1000-1013, and rules of the state board  
1775 that implement those provisions, pertaining to the following:

- 1776           1. Those laws relating to the election and compensation of  
 1777 district school board members, the election or appointment and  
 1778 compensation of district school superintendents, public meetings  
 1779 and public records requirements, financial disclosure, and  
 1780 conflicts of interest.
- 1781           2. Those laws relating to the student assessment program  
 1782 ~~and school grading system~~, including chapter 1008.
- 1783           3. Those laws relating to the provision of services to  
 1784 students with disabilities.
- 1785           4. Those laws relating to civil rights, including s.  
 1786 1000.05, relating to discrimination.
- 1787           5. Those laws relating to student health, safety, and  
 1788 welfare.
- 1789           6. Section 1001.42(4)(f), relating to the uniform opening  
 1790 date for public schools.
- 1791           7. Section 1003.03, governing maximum class size, except  
 1792 that the calculation for compliance pursuant to s. 1003.03 is  
 1793 the average at the school level for a participating school.
- 1794           8. Sections 1012.22(1)(c) and 1012.27(2), relating to  
 1795 compensation and salary schedules.
- 1796           9. Section 1012.33(5), relating to workforce reductions  
 1797 for annual contracts for instructional personnel. This  
 1798 subparagraph does not apply to at-will employees.
- 1799           10. Section 1012.335, relating to annual contracts for  
 1800 instructional personnel hired on or after July 1, 2011. This



1801 subparagraph does not apply to at-will employees.

1802 11. Section 1012.34, relating to personnel evaluation  
1803 procedures and criteria.

1804 12. Those laws pertaining to educational facilities,  
1805 including chapter 1013, except that s. 1013.20, relating to  
1806 covered walkways for relocatables, and s. 1013.21, relating to  
1807 the use of relocatable facilities exceeding 20 years of age, are  
1808 eligible for exemption.

1809 13. Those laws pertaining to participating school  
1810 districts, including this section and ss. 1011.69(2) and  
1811 1012.28(8).

1812 (7) FUNDING.—The Legislature shall provide an  
1813 appropriation to the department for the costs of the pilot  
1814 program, including administrative costs and enrollment costs for  
1815 the nationally recognized school turnaround program, and an  
1816 additional amount of \$10,000 for each participating principal in  
1817 each participating district as an annual salary supplement, a  
1818 fund for the principal's school to be used at the principal's  
1819 discretion, or both, as determined by the district. To be  
1820 eligible for a salary supplement under this subsection, a  
1821 participating principal must:

1822 ~~(a)~~ be rated "highly effective" as determined by the  
1823 principal's performance evaluation under s. 1012.34;

1824 ~~(b) Be transferred to a school that earned a grade of "F"~~  
1825 ~~or three consecutive grades of "D" pursuant to s. 1008.34 and~~

1826 ~~provided additional authority and responsibilities pursuant to~~  
 1827 ~~s. 1012.28(8); and~~

1828 ~~(c) Have implemented a turnaround option under s.~~  
 1829 ~~1008.33(4) at a school as the school's principal. The turnaround~~  
 1830 ~~option must have resulted in the school improving by at least~~  
 1831 ~~one letter grade while he or she was serving as the school's~~  
 1832 ~~principal.~~

1833 Section 25. Paragraph (a) of subsection (2) of section  
 1834 1011.64, Florida Statutes, is amended to read:

1835 1011.64 School district minimum classroom expenditure  
 1836 requirements.—

1837 (2) For the purpose of implementing the provisions of this  
 1838 section, the Legislature shall prescribe minimum academic  
 1839 performance standards and minimum classroom expenditure  
 1840 requirements for districts not meeting such minimum academic  
 1841 performance standards in the General Appropriations Act.

1842 ~~(a) Minimum academic performance standards may be based~~  
 1843 ~~on, but are not limited to, district grades determined pursuant~~  
 1844 ~~to s. 1008.34.~~

1845 Section 26. Section 1012.07, Florida Statutes, is amended  
 1846 to read:

1847 1012.07 Identification of critical teacher shortage  
 1848 areas.—The term "critical teacher shortage area" means high-need  
 1849 content areas and high-priority location areas identified by the  
 1850 State Board of Education. The State Board of Education shall

1851 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to  
1852 annually identify critical teacher shortage areas. The state  
1853 board must consider current and emerging educational  
1854 requirements and workforce demands in determining critical  
1855 teacher shortage areas. School grade levels may also be  
1856 designated critical teacher shortage areas. Individual district  
1857 school boards may identify and submit other critical teacher  
1858 shortage areas. Such submissions must be aligned to current and  
1859 emerging educational requirements and workforce demands in order  
1860 to be approved by the State Board of Education. High-priority  
1861 location areas shall be in high-density, low-economic urban  
1862 schools and low-density, low-economic rural schools, ~~and~~  
1863 ~~schools that earned a grade of "F" or three consecutive grades~~  
1864 ~~of "D" pursuant to s. 1008.34.~~

1865 Section 27. Paragraphs (b) and (c) of subsection (1) of  
1866 section 1012.22, Florida Statutes, are amended to read:

1867 1012.22 Public school personnel; powers and duties of the  
1868 district school board.—The district school board shall:

1869 (1) Designate positions to be filled, prescribe  
1870 qualifications for those positions, and provide for the  
1871 appointment, compensation, promotion, suspension, and dismissal  
1872 of employees as follows, subject to the requirements of this  
1873 chapter:

1874 (b) Time to act on nominations.—The district school board  
1875 shall act no later than 3 weeks following the receipt of

1876 statewide, standardized assessment scores and data under s.  
1877 1008.22 ~~and school grades~~, or June 30, whichever is later, on  
1878 the district school superintendent's nominations of supervisors,  
1879 principals, and members of the instructional staff.

1880 (c) Compensation and salary schedules.—

1881 1. Definitions.—As used in this paragraph:

1882 a. "Adjustment" means an addition to the base salary  
1883 schedule that is not a bonus and becomes part of the employee's  
1884 permanent base salary and shall be considered compensation under  
1885 s. 121.021(22).

1886 b. "Grandfathered salary schedule" means the salary  
1887 schedule or schedules adopted by a district school board before  
1888 July 1, 2014, pursuant to subparagraph 4.

1889 c. "Instructional personnel" means instructional personnel  
1890 as defined in s. 1012.01(2)(a)-(d), excluding substitute  
1891 teachers.

1892 d. "Performance salary schedule" means the salary schedule  
1893 or schedules adopted by a district school board pursuant to  
1894 subparagraph 5.

1895 e. "Salary schedule" means the schedule or schedules used  
1896 to provide the base salary for district school board personnel.

1897 f. "School administrator" means a school administrator as  
1898 defined in s. 1012.01(3)(c).

1899 g. "Supplement" means an annual addition to the base  
1900 salary for the term of the negotiated supplement as long as the

1901 employee continues his or her employment for the purpose of the  
 1902 supplement. A supplement does not become part of the employee's  
 1903 continuing base salary but shall be considered compensation  
 1904 under s. 121.021(22).

1905 2. Cost-of-living adjustment.—A district school board may  
 1906 provide a cost-of-living salary adjustment if the adjustment:

1907 a. Does not discriminate among comparable classes of  
 1908 employees based upon the salary schedule under which they are  
 1909 compensated.

1910 b. Does not exceed 50 percent of the annual adjustment  
 1911 provided to instructional personnel rated as effective.

1912 3. Advanced degrees.—A district school board may not use  
 1913 advanced degrees in setting a salary schedule for instructional  
 1914 personnel or school administrators hired on or after July 1,  
 1915 2011, unless the advanced degree is held in the individual's  
 1916 area of certification and is only a salary supplement.

1917 4. Grandfathered salary schedule.—

1918 a. The district school board shall adopt a salary schedule  
 1919 or salary schedules to be used as the basis for paying all  
 1920 school employees hired before July 1, 2014. Instructional  
 1921 personnel on annual contract as of July 1, 2014, shall be placed  
 1922 on the performance salary schedule adopted under subparagraph 5.  
 1923 Instructional personnel on continuing contract or professional  
 1924 service contract may opt into the performance salary schedule if  
 1925 the employee relinquishes such contract and agrees to be

1926 employed on an annual contract under s. 1012.335. Such an  
1927 employee shall be placed on the performance salary schedule and  
1928 may not return to continuing contract or professional service  
1929 contract status. Any employee who opts into the performance  
1930 salary schedule may not return to the grandfathered salary  
1931 schedule.

1932       b. In determining the grandfathered salary schedule for  
1933 instructional personnel, a district school board must base a  
1934 portion of each employee's compensation upon performance  
1935 demonstrated under s. 1012.34 and shall provide differentiated  
1936 pay for both instructional personnel and school administrators  
1937 based upon district-determined factors, including, but not  
1938 limited to, additional responsibilities, school demographics,  
1939 critical shortage areas, and level of job performance  
1940 difficulties.

1941       5. Performance salary schedule.—By July 1, 2014, the  
1942 district school board shall adopt a performance salary schedule  
1943 that provides annual salary adjustments for instructional  
1944 personnel and school administrators based upon performance  
1945 determined under s. 1012.34. Employees hired on or after July 1,  
1946 2014, or employees who choose to move from the grandfathered  
1947 salary schedule to the performance salary schedule shall be  
1948 compensated pursuant to the performance salary schedule once  
1949 they have received the appropriate performance evaluation for  
1950 this purpose.

1951           a. Base salary.—The base salary shall be established as  
 1952 follows:

1953           (I) The base salary for instructional personnel or school  
 1954 administrators who opt into the performance salary schedule  
 1955 shall be the salary paid in the prior year, including  
 1956 adjustments only.

1957           (II) Beginning July 1, 2014, instructional personnel or  
 1958 school administrators new to the district, returning to the  
 1959 district after a break in service without an authorized leave of  
 1960 absence, or appointed for the first time to a position in the  
 1961 district in the capacity of instructional personnel or school  
 1962 administrator shall be placed on the performance salary  
 1963 schedule.

1964           b. Salary adjustments.—Salary adjustments for highly  
 1965 effective or effective performance shall be established as  
 1966 follows:

1967           (I) The annual salary adjustment under the performance  
 1968 salary schedule for an employee rated as highly effective must  
 1969 be greater than the highest annual salary adjustment available  
 1970 to an employee of the same classification through any other  
 1971 salary schedule adopted by the district.

1972           (II) The annual salary adjustment under the performance  
 1973 salary schedule for an employee rated as effective must be equal  
 1974 to at least 50 percent and no more than 75 percent of the annual  
 1975 adjustment provided for a highly effective employee of the same

1976 classification.

1977 (III) The performance salary schedule shall not provide an  
 1978 annual salary adjustment for an employee who receives a rating  
 1979 other than highly effective or effective for the year.

1980 c. Salary supplements.—In addition to the salary  
 1981 adjustments, each district school board shall provide for salary  
 1982 supplements for activities that must include, but are not  
 1983 limited to:

1984 (I) Assignment to a Title I eligible school.

1985 ~~(II) Assignment to a school that earned a grade of "F" or~~  
 1986 ~~three consecutive grades of "D" pursuant to s. 1008.34 such that~~  
 1987 ~~the supplement remains in force for at least 1 year following~~  
 1988 ~~improved performance in that school.~~

1989 (II) ~~(III)~~ Certification and teaching in critical teacher  
 1990 shortage areas. Statewide critical teacher shortage areas shall  
 1991 be identified by the State Board of Education under s. 1012.07.  
 1992 However, the district school board may identify other areas of  
 1993 critical shortage within the school district for purposes of  
 1994 this sub-sub-subparagraph and may remove areas identified by the  
 1995 state board which do not apply within the school district.

1996 (III) ~~(IV)~~ Assignment of additional academic  
 1997 responsibilities.

1998  
 1999 If budget constraints in any given year limit a district school  
 2000 board's ability to fully fund all adopted salary schedules, the



2001 performance salary schedule shall not be reduced on the basis of  
 2002 total cost or the value of individual awards in a manner that is  
 2003 proportionally greater than reductions to any other salary  
 2004 schedules adopted by the district.

2005 Section 28. Subsections (2) and (3) of section 1012.2315,  
 2006 Florida Statutes, are amended to read:

2007 1012.2315 Assignment of teachers.—

2008 ~~(2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—~~

2009 ~~(a) A school district may not assign a higher percentage~~  
 2010 ~~than the school district average of temporarily certified~~  
 2011 ~~teachers, teachers in need of improvement, or out-of-field~~  
 2012 ~~teachers to schools graded "D" or "F" pursuant to s. 1008.34.~~

2013 ~~(b)1. Beginning July 1, 2014, a school district may assign~~  
 2014 ~~an individual newly hired as instructional personnel to a school~~  
 2015 ~~that has earned a grade of "F" in the previous year or any~~  
 2016 ~~combination of three consecutive grades of "D" or "F" in the~~  
 2017 ~~previous 3 years pursuant to s. 1008.34 if the individual:~~

2018 ~~a. Has received an effective rating or highly effective~~  
 2019 ~~rating in the immediate prior year's performance evaluation~~  
 2020 ~~pursuant s. 1012.34;~~

2021 ~~b. Has successfully completed or is enrolled in a teacher~~  
 2022 ~~preparation program pursuant to s. 1004.04, s. 1004.85, or s.~~  
 2023 ~~1012.56, or a teacher preparation program specified in State~~  
 2024 ~~Board of Education rule, is provided with high quality mentoring~~  
 2025 ~~during the first 2 years of employment, holds a certificate~~

2026 ~~issued pursuant to s. 1012.56, and holds a probationary contract~~  
2027 ~~pursuant to s. 1012.335(2) (a); or~~

2028 ~~e. Holds a probationary contract pursuant to s.~~  
2029 ~~1012.335(2) (a), holds a certificate issued pursuant to s.~~  
2030 ~~1012.56, and has successful teaching experience, and if, in the~~  
2031 ~~judgment of the school principal, students would benefit from~~  
2032 ~~the placement of that individual.~~

2033 ~~2. As used in this paragraph, the term "mentoring"~~  
2034 ~~includes the use of student achievement data combined with at~~  
2035 ~~least monthly observations to improve the educator's~~  
2036 ~~effectiveness in improving student outcomes. Mentoring may be~~  
2037 ~~provided by a school district, a teacher preparation program~~  
2038 ~~approved pursuant to s. 1004.04, s. 1004.85, or s. 1012.56, or a~~  
2039 ~~teacher preparation program specified in State Board of~~  
2040 ~~Education rule.~~

2041  
2042 ~~Each school district shall annually certify to the Commissioner~~  
2043 ~~of Education that the requirements in this subsection have been~~  
2044 ~~met. If the commissioner determines that a school district is~~  
2045 ~~not in compliance with this subsection, the State Board of~~  
2046 ~~Education shall be notified and shall take action pursuant to s.~~  
2047 ~~1008.32 in the next regularly scheduled meeting to require~~  
2048 ~~compliance.~~

2049 ~~(2)(3)~~ SALARY INCENTIVES.—District school boards are  
2050 authorized to provide salary incentives ~~to meet the requirement~~

2051 ~~of subsection (2).~~ A district school board may not sign a  
 2052 collective bargaining agreement that precludes the school  
 2053 district from providing sufficient incentives ~~to meet this~~  
 2054 ~~requirement.~~

2055 Section 29. Paragraph (b) of subsection (8) of section  
 2056 1012.28, Florida Statutes, is amended to read:

2057 1012.28 Public school personnel; duties of school  
 2058 principals.—

2059 (8) The principal of a school participating in the  
 2060 Principal Autonomy Pilot Program Initiative under s. 1011.6202  
 2061 has the following additional authority and responsibilities:

2062 (b) The authority to deploy financial resources to school  
 2063 programs at the principal's discretion to help improve student  
 2064 achievement, ~~as defined in s. 1008.34(1),~~ and meet performance  
 2065 goals identified in the principal autonomy proposal submitted  
 2066 pursuant to s. 1011.6202.

2067 Section 30. This act shall take effect July 1, 2018.