

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1578
 INTRODUCER: Senator Hutson
 SUBJECT: Education
 DATE: January 17, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues, Dew, Brick	Sikes	ED	Fav/CS
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

Please see Section IX. for Additional Information:
 COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1578 expands the availability of college and career information for public high school students, adds provisions for public postsecondary institutions to serve as a charter school sponsor, provides additional flexibility for school district construction, and modifies facility requirements for charter schools. Specifically, the bill:

- Requires the Department of Education (DOE) to collect and annually distribute information about career preparation and placement to school guidance counselors and students at each public high school in the state.
- Authorizes state universities and Florida College System (FCS) institutions designated by the State Board of Education (SBE) to sponsor an application for a charter school and:
 - Provides that the board of trustees of a sponsoring state university or FCS institution is a local educational agency for the purposes of receiving federal funds.
 - Establishes operational and capital outlay funding formulas for charter schools sponsored by a state university or FCS institution.
- Requires the DOE to collaborate to develop a charter school sponsor evaluation framework.
- Removes the timeframe requirement for an initial charter school startup and modifies various other deadline provisions.
- Authorizes charter schools to offer career and professional academies.
- Modifies charter school facility requirements, reporting requirements for underused and vacant facilities, and provides for exceptions from educational facilities requirements available to district school boards.

The fiscal impact of the bill is discussed in Section V.

The bill takes effect on July 1, 2020.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

Economic Security Reporting

Present Situation

The Department of Economic Opportunity, in consultation with the Department of Education (DOE), annually prepares, or contracts with an entity to prepare, an economic security report of employment and earning outcomes for degrees or certificates earned at public postsecondary educational institutions.¹ The report is made available online and is required to include, by educational sector:²

- Data relating to the employment, earnings, continued education, and receipt of public assistance by graduates of a degree or certificate program from a public postsecondary educational institution.
- The average student loan debt of a graduate of a degree or certificate program from a public postsecondary educational institution.
- Data on the employment of graduates of a degree or certificate program from a public postsecondary educational institution the year after the degree or certificate is earned.
- Data on the earnings of graduates of a degree or certificate program from a public postsecondary educational institution the year after earning the degree or certificate.

Effect of Proposed Changes

The bill requires the DOE to annually collect and compile career landscape information, which must be distributed to high school guidance counselors at each public high school in the state and made available to students no later than October 15 of each year. Specifically, the DOE must collect and compile the following information:

- The jobs in this state for which there is the highest demand for employees, including the starting salary and the required level of education for such jobs.
- The average cost of attendance, including in-state tuition, fees, and, if applicable, room and board, for career and technical education programs, Florida College System (FCS) institutions, and state universities.
- The respective average monthly student loan payments of students upon graduation from such programs, institutions, and universities.
- The respective average three-year student loan default rates for such programs, institutions, and universities.

¹ Section 445.07(1), F.S.

² Beyond posting this information online, there is no provision in law to require this information to be distributed to school districts, public schools, or students. Section 445.07(2), F.S.

- The respective average graduation rates for such programs, institutions, and universities.
- The completion rates for apprenticeship programs, educational credential programs, career and technical education programs, and first-term military enlisted personnel.
- The percentage of college graduates working in occupations that do not require a college degree, listed by major.
- The average starting salaries for individuals graduating from career and technical education programs in this state, FCS institutions, and state universities.

The DOE may execute a memorandum of understanding with any state agency, or department or division thereof, to gain access to the information required to be collected.

Authorizing the DOE to collect and share information on the average cost and value-for-money of relevant programs, degrees, and jobs may help students to assess and choose programs, degrees, or career paths appropriate to the students' educational and career goals. However, providing some of the required data may be problematic in that it currently may not exist as specified in the bill.³

Charter Schools

Present Situation

Charter schools are tuition-free public schools created through an agreement or “charter” that provides flexibility relative to regulations created for traditional public schools.⁴ Forty-four states and the District of Columbia have enacted charter school laws as of January 2018.⁵ Between the 2000-2001 and 2016-2017 school years, the percentage of all public schools that were charter schools increased from two to seven percent, and the total number of charter schools increased from 2,000 to 7,000. The percentage of public school students nationwide attending public charter schools increased from one to six percent between fall 2000 and fall 2016.⁶

All charter schools in Florida are public schools and are part of the state's public education system.⁷ During the 2018-2019 school year, over 313,000 students were enrolled in 658 charter schools in Florida.⁸ Sixty-nine percent of the students attending charter schools in the 2018-2019 school year were minorities. Hispanic students comprised 43 percent of Florida's charter school enrollment, and 20 percent were African-American students.⁹

Charter School Sponsors

³ Board of Governors, *2020 Agency Analysis of SB 1578* (Jan. 27, 2020), at 5.

⁴ Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida's Charter Schools* (2019), available at <http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2019.pdf>.

⁵ Education Commission of the States, *50-State Comparison Charter School Policies* <http://ecs.force.com/mbdata/mbquestNB2C?rep=CS1708> (last visited Jan. 15, 2020).

⁶ National Center for Education Statistics, *Fast Facts Charter Schools*, <https://nces.ed.gov/fastfacts/display.asp?id=30> (last visited Jan. 15, 2020).

⁷ Section 1002.33(1), F.S.

⁸ Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida's Charter Schools* (2019), available at <http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2019.pdf>.

⁹ *Id.*

Under current Florida law, a district school board may sponsor a charter school in the county over which the district school board has jurisdiction.¹⁰ Additionally, a state university may sponsor a charter developmental research school (charter lab school).¹¹ FCS institutions may work with school districts to develop charter schools as provided for in law, but may not sponsor a K-12 charter school.¹²

A charter school sponsor has several responsibilities, including:¹³

- Approving or denying charter school applications.
- Overseeing each sponsored school's progress toward the goals established in the charter.
- Monitoring the revenues and expenditures of the school.
- Ensuring that the school participates in the state's education accountability system.
- Intervening when a sponsored school demonstrates deficient student performance or financial instability.

A sponsor must provide administrative services and may withhold a fee of up to five percent of each charter school's total operating funds.¹⁴

Charter School Sponsor Reporting

A charter school sponsor must submit an annual report to the DOE summarizing the following:¹⁵

- The number of draft applications received on or before May 1 and each applicant's contact information;
- The number of final applications received on or before August 1 and each applicant's contact information;
- The date each application was approved, denied, or withdrawn; and
- The date each final contract was executed.

The DOE must compile the reported sponsor information into an annual report, by district, and post the information on its website by November 1 each year.¹⁶

Establishing a Charter School

¹⁰ Section 1002.33(5)(a)1., F.S.

¹¹ Section 1002.33(5)(a)2., F.S.

¹² FCS institutions may only sponsor a charter technical career center. Section 1002.33(5)(b)4., F.S. and Section 1002.34(3)(b), F.S.

¹³ Section 1002.33(5)(b), F.S.

¹⁴ Administrative services include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program. Section 1002.33(20)(a)2., F.S.

¹⁵ Section 1002.33(5)(b)1.k.(I)-(II), F.S.

¹⁶ Section 1002.33(5)(b)1.k.(III), F.S. *See* Florida Department of Education, *Annual Authorizer Report 2018* (2018), available at <http://www.fldoe.org/core/fileparse.php/9905/urlt/18-AuthorizerReport.pdf>.

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.¹⁷ All charter applicants must prepare and submit a standard application, which:¹⁸

- Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
- Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
- Contains goals and objectives for improving student learning and measuring that improvement.
- Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level.
- Contains an annual financial plan for each year requested by the charter for operation of the school for up to five years.
- Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor must consider in deciding whether to approve or deny the application.
- Contains additional information a sponsor may require.
- Documents, for the establishment of a virtual charter school, the applicant has contracted with a provider of virtual instruction services in accordance with law.¹⁹

A sponsor receives and reviews all charter school applications²⁰ and, within 90 calendar days of receipt, must by majority vote approve or deny the application.²¹ A sponsor must receive and consider charter school applications received on or before February 1 of each year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time determined by the applicant.²²

Non-renewing or Terminating a Charter

A sponsor may choose not to renew or may terminate the charter if the sponsor finds clear and convincing evidence of one of the following:

- Failure to participate in the state's education accountability system as required.
- Failure to meet generally accepted standards of fiscal management.
- Material violation of law.
- Other good cause shown.

¹⁷ Section 1002.33(3)(a), F.S.

¹⁸ Section 1002.33(6)(a), F.S. Charter school applications are incorporated into State Board of Education (SBE) Rule 6A-6.0786, F.A.C.

¹⁹ Section 1002.45(1)(d), F.S.

²⁰ Section 1002.33(6)(b), F.S.

²¹ Section 1002.33(6)(b)3.a., F.S.

²² A sponsor may receive and consider applications after February 1, if it chooses. Section 1002.33(6)(b), F.S.

Charter School Students

A charter school may be exempt from specific enrollment requirements if the school is open to any student covered in an inter-district agreement and any student residing in the school district in which the charter school is located.²³ A charter school may limit the enrollment process only to target the following student populations:²⁴

- Students within specific age groups or grade levels.
- Students considered at risk of dropping out of school or academic failure.
- Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality.²⁵
- Students residing within a reasonable distance of the charter school.
- Students who meet established academic, artistic, or other eligibility standards.
- Students articulating from one charter school to another.
- Students living in a development in which a business entity provides the school facility and related property having an appraised value of at least \$5 million.

Florida College System and State University Charter Schools

FCS institutions may work with school districts in the FCS institution's designated service area to develop charter schools that offer secondary education, including an option for students to receive an associate degree upon high school graduation. If a FCS institution offers a teacher preparation program, it may operate one charter school for students in kindergarten through grade 12 and must implement innovative blended learning instructional models for students in kindergarten through grade 8.²⁶

There are 11 FCS institution-operated charter schools in Florida:²⁷

- Florida SouthWestern Collegiate High School in Charlotte County operated by Florida SouthWestern State College.
- Florida SouthWestern Collegiate High School in Lee County operated by Florida SouthWestern State College.
- State College of Florida Collegiate School in Manatee County operated by State College of Florida Manatee-Sarasota.
- Clark Advanced Learning Center in Martin County operated by Indian River State College.
- Collegiate High School at Northwest Florida State College in Okaloosa County operated by Northwest Florida State College.
- Polk State College Collegiate High School in Polk County operated by Polk State College.
- Chain of Lakes Collegiate High School in Polk County operated by Polk State College.
- Polk State Lakeland Gateway to College Charter High School in Polk County operated by Polk State College.
- St. Petersburg Collegiate High School in Pinellas County operated by St. Petersburg College.

²³ Section 1002.33(10)(a), F.S.

²⁴ Section 1002.33(10)(e), F.S.

²⁵ Section 1002.33(15), F.S.

²⁶ Section 1002.33(5)(b)4., F.S.

²⁷ Email, Department of Education (Jan. 23, 2020).

- St. Petersburg Collegiate High School North Pinellas in Pinellas County operated by St. Petersburg College.
- State College of Florida Collegiate School-Venice in Sarasota County operated by State College of Florida Manatee-Sarasota.

There are six existing university developmental research (laboratory schools). Of these, three are charter lab schools.²⁸ Charter lab schools are not required to be established by the nearest state university.²⁹ In considering an application to establish a charter lab school, a state university must consult with the district school board of the county in which the school is located. If a state university denies or does not act on the application, the applicant may appeal such decision to the State Board of Education (SBE).³⁰

The three charter lab schools operating in Florida, are:³¹

- Florida State University (FSU) School in Leon County sponsored by FSU.
- The Pembroke Pines Florida School in Broward County sponsored by FSU.
- Florida Atlantic University (FAU)/Saint Lucie Public Schools Palm Pointe Research School in St. Lucie County sponsored by FAU.

Charter School Facilities

A startup charter school must utilize facilities which comply with the Florida Building code pursuant to law except for the State Requirements for Educational Facilities (SREF).³²

Conversion charter schools must comply with the SREF provided that the school district and the charter school have entered into a plan for the reasonable maintenance of such facilities. Charter schools may choose to comply with the SREF. The local governing authority may not adopt or impose any local building requirements or site development restrictions, such as parking and site-size criteria, student enrollment, occupant load, that are addressed by and more stringent than those found in the SREF and must treat charter school equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public school that are not charter schools.

Effect of Proposed Changes

To address changing needs relating to educational capacity, workforce qualifications, and career education opportunities, the bill:

- Authorizes state universities and FCS institutions to solicit applications and sponsor charter schools upon approval by the SBE. A state university or FCS institution may deny an application for a charter school.

²⁸ Board of Governors, *2020 Agency Analysis of SB 1578* (Jan. 27, 2020), at 2. Developmental research (laboratory) schools (lab schools) are public schools. Each lab school must be affiliated with the college of education within the state university of closest geographic proximity. A lab school to which a charter has been issued is known as a charter lab school. Section 1002.32(2), F.S.

²⁹ Section 1002.32(2), F.S.

³⁰ Section 1002.33(6)(g), F.S.

³¹ Email, Department of Education (Jan. 23, 2020).

³² Section 1002.33(18), F.S.

- A state university-sponsored charter school may serve students from multiple school districts to meet regional education or workforce demands, and the charter's racial/ethnic balance must reflect that of nearby public schools rather than public schools located geographically within the district.
- An FCS-sponsored charter may exist in any county within its service area to meet workforce demands; however, a charter school currently operated by an FCS institution is not eligible to be sponsored by an FCS institution until its existing charter with the school district expires. An FCS-sponsored charter may offer postsecondary programs leading to industry certifications for eligible charter school students.
- Modifies annual reporting requirements and deadlines for sponsors.
- Removes the requirements that an FCS institution that operates an approved teacher preparation program:
 - May operate no more than one charter school; and
 - Implement an innovative blended learning instructional model for students in kindergarten through grade 8 at a charter school it operates.
- Clarifies that a student enrolled in a charter school sponsored by a state university or FCS institution may not be included in the calculation of the school district's grade.
- Removes the requirement that upon approval, the charter school initial startup commences with the beginning of the public school calendar for the district where the charter is granted.
- Modifies the terms under which a sponsor can terminate a charter to include demonstrating that an immediate and serious danger is likely to continue, and that termination is necessary.
- Expands eligible students to include students living in a development in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools, facilities and related property in an amount equal to or having a total appraised value of at least \$5 million.
- Clarifies procedures for challenged charter school facility requirements, restrictions and site planning to include:
 - Requiring the local governing authority to provide written justification for any challenged requirements, restrictions, and site planning processes.
 - Requiring the court to award attorney fees and court costs to the charter school if the court finds the local governing board failed to treat the charter school equitably.
- Specifies that, for charter schools housed within libraries, community organizations, museums, performing arts organizations, theaters, cinemas, churches and other places of worship, and Florida College System institutions:
 - Local governing authorities may not impose any additional requirements, including, without limitation, a special exception, rezoning, or land use changes or other site-specific or use requirements or processes.
 - The educational occupant load for charter schools within these facilities is based solely on the criteria set forth in the Florida Building Code and the Florida Fire Prevention Code and that no other restrictions on the number of students in the facility apply.
- Allows for a school district to enter into an agreement to plan, design, and construct a charter school and be the financial agent, lienholder, or lessor of the building and property.

The changes provide additional opportunities for charter school sponsorship, expanded student eligibility, and flexibility in construction and facility management that may increase the number of charter schools available to Florida students.

To ensure charter school sponsor accountability, the bill requires the DOE, in collaboration with charter school sponsors and operators, to develop a sponsor evaluation framework that must address, at a minimum:

- The sponsor’s strategic vision for charter school authorizing and progress towards that vision;
- Alignment of the sponsor’s policies and practices to best practices for charter school authorizing;
- Academic and financial performance of all operating charter schools overseen by the sponsor; and
- The status of charter schools authorized by the sponsor, including approved, operating and closed schools.

The bill requires the DOE to compile the results of the evaluation framework, by sponsor, and add them to its annual charter school sponsor report.

The bill replaces the terms “public school district” with “public school system” and “school district” with “sponsor” to conform to the establishment of FCS institutions and state universities as authorized charter school sponsors.

Charter School Funding

Present Situation

Charter school operations, like other public schools, are funded through the Florida Education Finance Program (FEFP). Each charter school reports student enrollment to its sponsor for inclusion in the district’s report of student enrollment for FEFP funding.³³ Operating funds from the FEFP are distributed to the charter school by the sponsor. A charter school is entitled to receive its proportionate share of categorical funds included in the FEFP for qualifying students.³⁴ Categorical funds must be spent for specified purposes, such as student transportation, safe schools, and supplemental academic instruction.

Charter schools are eligible to receive federal education funding through such programs as the Individuals with Disabilities Education Act (IDEA), Title I programs for disadvantaged students, and Title II programs for improving teaching and leadership in the same manner as district school board-operated public schools and must be included in requests for federal funding by the school district or the DOE.³⁵ A high performing charter school system³⁶ governing board may be designated as a local educational agency for the purpose of receiving federal funds, the same as if the charter school system were in the school district, if the governing board of the charter

³³ Section 1002.33(17)(a) and (b), F.S.

³⁴ Section 1002.33(17)(b), F.S.

³⁵ Section 1002.33(17)(c), F.S.

³⁶ A high-performing charter school system is an entity that operated at least three high-performing charter schools in the state during each of the previous 3 school years; operated a system of charter schools in which at least 50 percent of the charter schools were high-performing charter schools and no charter school earned a school grade of “D” or “F”, and did not receive a financial audit that revealed one or more of the financial emergency conditions. Section 1002.332 (1)(b), F.S.

school system has adopted and filed a resolution with its sponsoring district school board and the DOE.³⁷

Capital outlay funding for charter schools consists of state funds when appropriated in the General Appropriations Act (GAA) and revenue resulting from discretionary millage authorized in law.³⁸ To be eligible to receive capital outlay funds, a charter school must:³⁹

- Have operated for two or more years and meet specified requirements.⁴⁰
- Have an annual audit that does not reveal any financial emergency conditions.
- Have satisfactory student achievement based on state accountability standards.
- Have received final approval from its sponsor for operation during that fiscal year.
- Serve students in facilities that are not provided by the charter school's sponsor.

While each university receives additional state capital funding, unlike local school districts, university lab schools are dependent on funding from the Legislature for both operational and capital needs.⁴¹

Effect of Proposed Changes

The bill provides that students enrolled in a charter school sponsored by a state university or FCS institution be funded as if they are in a basic program or special program in the school district. The bill establishes the basis for funding these students as the sum of the total operating funds for the school district in which the school is located as provided from the FEFP and the GAA, including gross state and local funds, discretionary lottery funds, and funds from each school district's current operating discretionary millage levy; divided by total funded weighted FTE students in the school district; and multiplied by the FTE membership of the charter school.

The bill specifies that a board of trustees of a sponsoring state university or FCS institution is the local education agency for the charter schools it sponsors. As the local education agency, the sponsor may receive federal funds and accepts full responsibility for the schools it oversees, including local education agency requirements.

The DOE is required to develop a tool that each state university or FCS institution sponsoring a charter school must use for purposes of calculating the funding amount for each eligible charter school student. The total obtained by the calculation must be appropriated to the charter school from state funds in the GAA.

³⁷ Section, 1002.33(25), F.S.

³⁸ Section 10013.62, F.S.

³⁹ Section 10013.62(1)(a), F.S.

⁴⁰ Specified requirements include being governed by a governing board established in the state for two or more years which operates both charter schools and conversion charter schools within the state; being an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds; having been accredited by a regional accrediting association as defined by State Board of Education rule; or serving students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s.1002.33(15)(b). Section 1013.62(1)(a), F.S.

⁴¹ Board of Governors, *2020 Agency Analysis of SB 1578* (Jan. 27, 2020), at 3.

In addition, the bill requires capital outlay funding for state university or FCS-sponsored charter schools to be determined in accordance with the requirements established in law for other charter schools.

Persistently Low Performing Schools

Present Situation

A persistently low-performing school is a school that has earned three grades lower than a “C” in at least three of the previous five years and has not earned a grade of “B” or higher in the most recent two school years, and a school that was closed pursuant to the school’s turnaround option plan within two years after the submission of a notice of intent.⁴² The SBE is required to publish annually a list of persistently low-performing schools⁴³ and must provide students in persistently low-performing schools with a public school that meets accountability standards.⁴⁴

Schools of Hope

A hope operator, designated by the SBE based on criteria established in law, is a nonprofit organization with tax-exempt status under the Internal Revenue Code which operates three or more charter schools that serve students in grades K-12 in Florida or other states and has a record of serving students from low-income families.⁴⁵ An entity’s initial status as a hope operator is valid for five years from the opening of a school of hope.⁴⁶

A school of hope is a charter school operated by a hope operator, which:⁴⁷

- Serves students from one or more persistently low-performing schools and students who reside in a Florida Opportunity Zone;⁴⁸
- Is located in a Florida Opportunity Zone, in the attendance zone of a persistently low-performing school, or within a five-mile radius of such school; and
- Is a Title I eligible school.⁴⁹

A school of hope can also be a school operated by an outside entity, such as school turnaround organization, selected by the school district with a record of improving similar schools.

There are currently four Florida designated hope operators: Democracy Prep Public Schools, Inc., IDEA Public Schools, KIPP New Jersey, and Somerset Academy, Inc.⁵⁰

⁴² Section 1002.333(1)(b), F.S.

⁴³ Section 1002.333(1)(a), F.S.

⁴⁴ Section 1002.333(1)(d), F.S.

⁴⁵ Section 1002.333(2), F.S.

⁴⁶ Section 1002.333(3), F.S.

⁴⁷ Section 1002.333(1)(c), F.S.

⁴⁸ Florida Opportunity Zone means a population census tract that has been designated by the United States Department of the Treasury as a Qualified Opportunity Zone pursuant to s. 1400Z-1(b)(1)(B) of the Internal Revenue Code. Section 1002.333(1)(a), F.S.

⁴⁹ Florida Department of Education, *Title I, Part A: Improving the Academic Achievement of the Disadvantaged*, <http://www.fldoe.org/policy/federal-edu-programs/title-i-part-a-improving-the-academic-/> (last visited Jan. 20, 2020).

⁵⁰ Florida Department of Education, *Schools of Hope*, <http://www.fldoe.org/schools/school-choice/other-school-choice-options/schools-of-hope/> (last visited Jan. 27, 2020).

A school of hope must use facilities that comply with the Florida Building Code, except for the SREF.⁵¹ A school of hope that uses school district facilities must comply with SREF only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities, as specified in law.⁵²

The Schools of Hope Program is created within the DOE for a school of hope to receive additional funding for certain expenses specified in law.⁵³ Funds allocated which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to five years. In 2019, \$40 million was appropriated for the Schools of Hope Program.⁵⁴ Since the program's inception in the 2017-2018 fiscal year, \$320 million has been appropriated for the Schools of Hope Program and \$33.8 million has been expended. As of January 2020, the Schools of Hope Program has a \$286.2 million remaining balance.

Effect of Proposed Changes

The bill clarifies facility reporting requirements for identifying educational facilities that may be used by a school of hope. The bill requires the DOE to provide to school districts a list of all underused, vacant, or surplus facilities owned or operated by the school district, as reported in the Florida Inventory of School Houses,⁵⁵ by January 1 each year. A school district has the option to provide evidence to the DOE within 30 days after the list is provided if it contains errors or omissions. By April 1 of each year, the DOE must update and publish a final list of all underused, vacant, or surplus facilities owned or operated by each school district, based on the updated information provided.

The bill also extends from five years to seven years, the authorization for undispersed Schools of Hope Program funds to be carried forward.

Educational Facilities

Present Situation

School District Construction Flexibility

All public educational and ancillary plants constructed by a district school board must conform to the Florida Building Code, the Florida Fire Prevention Code, and the SREF.⁵⁶ A district school board may, with a majority vote, adopt a resolution to implement exceptions to the educational

⁵¹ Section 1002.333(7)(a), F.S.

⁵² *Id.*

⁵³ Section 1002.333(10), F.S.

⁵⁴ Section 2, ch. 2019-115, L.O.F.

⁵⁵ Florida Department of Education, *Florida Inventory Of School Houses (FISH)*, <http://www.fldoe.org/finance/educational-facilities/fl-inventory-of-school-houses-fish.shtml> (last visited Jan. 16, 2020)

⁵⁶ Section 1013.371, F.S. The State Requirements for Educational Facilities (SREF) are incorporated in Rule 6A-2.0010, F.A.C., and are available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04664> (last visited Jan. 13, 2020). The SREF is applicable to all public educational facilities and plants: pre-kindergarten (pre-K) through grade 12, including conversion charter schools; area vocational educational schools; area vocational/technical centers; adult education; Florida colleges and universities; the Florida School for the Deaf and the Blind (FSDB), where referenced; ancillary plants; relocatables; factory-built structures, reconstructable facilities, modular buildings and manufactured buildings; lease and lease-purchase; and new construction, remodeling, renovation, improvements and site-development projects. *Id.*

facilities construction requirements. An adopted resolution may propose to implement exceptions to the requirements of the uniform statewide building code⁵⁷ for the planning and construction of public educational and ancillary plants relating to:⁵⁸

- Interior non-load-bearing walls.
- Walkways, roadways, driveways, and parking areas.
- Standards for relocatables used as classroom space.
- Site lighting.
- Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to law so long as the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.⁵⁹

Charter School Construction Flexibility

Facilities for charter schools must meet the requirements of the uniform statewide building code, except for the SREF⁶⁰ and must comply with the Florida Fire Prevention Code.⁶¹ Charter school facilities that are specifically created to mitigate the educational impact created by the development of new residential dwelling units and are constructed with educational impact fees required to be paid in connection with the new residential dwelling units are required to be built to the SREF.⁶²

Effect of Proposed Changes

The bill modifies s. 1013.385, F.S., to authorize a district school board to adopt any exceptions to provisions of the Florida Building Code that limit the ability of a school to operate in a facility on the same basis as a charter school. The bill maintains the existing requirement that the regional planning council determine there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan as a prerequisite to the adoption of such exceptions.

Career and Professional Academies

Present Situation

In 2007, the Legislature enacted the Florida Career and Professional Education (CAPE) Act to provide a statewide planning partnership between the business and education communities to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.⁶³ The primary purpose of the CAPE Act is to:⁶⁴

⁵⁷ Sections 553.73 and 1013.37, F.S.

⁵⁸ Section 1013.385, F.S.

⁵⁹ See Section. 252.385(2)(b), F.S.

⁶⁰ Section 1002.33(18)(a), F.S. Conversion charter schools must use facilities that comply with the SREF. Section 1002.33(18)(a), F.S.

⁶¹ Sections 633.208 and 1002.33(18)(b), F.S.

⁶² Section 1002.33(18)(f), F.S.

⁶³ Section 1003.491, F.S.

⁶⁴ *Id.* at (1).

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- Provide rigorous and relevant career-themed courses that articulate to post-secondary level coursework and lead to industry certification;
- Support local and regional economic development;
- Respond to Florida’s critical workforce needs; and
- Provide state residents with access to high-wage and high-demand careers.

Each school board must offer career and professional academies⁶⁵ and include plans to implement a career and professional academy or career-themed course in at least one middle school in the district as part of its three-year strategic plan.⁶⁶ A career and professional academy is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs.⁶⁷ During the 2017-18 school year, 58 school districts and the Florida State University School registered 1,786 high school and 246 middle school career and professional academies with 233,124 participating students.⁶⁸

Current law does not expressly authorize charter schools to offer career and professional academies.

Effect of Proposed Changes

The bill modifies s. 1003.493 F.S. to authorize charter schools to provide career and professional academies. This may increase the number of charter middle and high schools offering career and professional academies to better meet career and workforce needs.

The bill reenacts ss. 11.40, 163.3180, 196.1983, 218.39, 381.0056, 409.1664, 409.9072, 944.801, 951.176, 1006.15, 1008.33, and 1011.61, F.S., for the purpose of incorporating the amendments made by the bill to s. 1002.33, F.S., in reference to that statute.

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁶⁵ Section 1003.493(1)(a), F.S.

⁶⁶ Section 1003.4935(1), F.S.

⁶⁷ Section 1003.493(1)(a), F.S.

⁶⁸ Florida Department of Education, *Career and Professional Education Act, Enrollment and Performance Report, 2017-18* (2018), available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/1718scapepr.pdf>.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires that the funds for eligible university- or Florida College System (FCS) institution-sponsored charter school students must be appropriated from state funds in the General Appropriations Act (GAA) to the school. Currently full-time equivalent students funded in the Florida Education Finance Program are funded with a combination of state and local funds. Since the eligible university-or FCS institution-sponsored charter school students will only be funded from state funds provided in the GAA, there may need to be additional state funds provided to offset the potential loss of local funds; however, at this time the individual amounts cannot be determined and would vary based upon the school district and its total amount of local funds.⁶⁹

The bill provides operational funding for a charter school sponsored by a state university of FCS institution based on a calculation of state funds and student FTE calculations. Neither the number of charter schools sponsored by a state university or FCS institution that will be established nor the number of students who will enroll in these is known; therefore, the fiscal impact is indeterminate.⁷⁰

VI. Technical Deficiencies:

The bill amends s. 1002.33(5), F.S., to authorize a state university to solicit applications and sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts, upon approval by the State Board of Education (SBE). However, the Board of Governors of the State University System (BOG) is constitutionally required to

⁶⁹ Board of Governors, *2020 Agency Analysis of SB 1578* (Jan. 27, 2020), at 4.

⁷⁰ *Id.*

oversee all university operations. Perhaps this should be amended to also require a state university to receive approval from the BOG prior to approval by the SBE.⁷¹

VII. Related Issues:

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1002.333, 1003.493, and 1013.385.

This bill creates section 1002.24 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 11.40, 163.3180, 196.1983, 218.39, 381.0056, 409.1664, 409.9072, 944.801, 951.176, 1006.15, 1008.33, and 1011.61.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education on February 3, 2020:

The committee substitute makes a technical correction.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁷¹ Board of Governors, *2020 Agency Analysis of SB 1578* (Jan. 27, 2020), at 5.