

1 A bill to be entitled
2 An act relating to schools of hope; amending s.
3 1002.333, F.S.; revising the definition of
4 "persistently low-performing school" to specify that a
5 certain provision only applies to years in which the
6 school received a grade; providing that certain
7 nonprofit entities may be designated a local education
8 agency; providing that certain entities report
9 students to the department in a specified manner;
10 specifying reporting provisions that only apply to
11 certain schools of hope; providing schools of hope may
12 comply with certain financial reporting in a specified
13 manner; revising provisions related to the list of
14 specified facilities; revising the date such list is
15 due; revising the entities that provides and receive
16 such list; providing how errors on the list may be
17 corrected; authorizing certain unrestricted assets to
18 be used in a specified manner; revising the length of
19 time certain funds may be carried forward; amending s.
20 1012.32, F.S.; requiring certain school of hope
21 personnel to undergo background screening; providing
22 how such screening may be completed; amending s.
23 1013.62, F.S.; providing that schools of hope are
24 eligible to receive certain funds; providing an
25 effective date.

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

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

Section 1. Paragraph (c) of subsection (1), paragraphs (a), (g), and (h) of subsection (6), paragraph (d) of subsection (7), and paragraph (b) of subsection (10) of section 1002.333, Florida Statutes, are amended and paragraph (e) is added to subsection (9) of that section, to read:

1002.333 Persistently low-performing schools.—

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

(c) "Persistently low-performing school" means a school that has earned three grades lower than a "C," pursuant to s. 1008.34, in at least 3 of the previous 5 years in which the school received a grade and has not earned a grade of "B" or higher in the most recent 2 school years, and a school that was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent.

(6) STATUTORY AUTHORITY.—

(a) A school of hope or a nonprofit entity that operates more than one school of hope through a performance-based agreement with a school district may be designated as a local education agency by the department, if requested, for the purposes of receiving federal funds and, in doing so, accepts the full responsibility for all local education agency requirements and the schools for which it will perform local

51 education agency responsibilities.

52 1. A nonprofit entity designated as a local education
53 agency may report its students to the department in accordance
54 with the definitions in s. 1011.61 and pursuant to the
55 department's procedures and timelines.

56 2. Students enrolled in a school established by a hope
57 operator designated as a local educational agency are not
58 eligible students for purposes of calculating the district grade
59 pursuant to s. 1008.34(5).

60 (g) A ~~Each~~ school of hope that has not been designated as
61 a local education agency shall report its students to the school
62 district as required in s. 1011.62, and in accordance with the
63 definitions in s. 1011.61. The school district shall include
64 each charter school's enrollment in the district's report of
65 student enrollment. All charter schools submitting student
66 record information required by the department shall comply with
67 the department's guidelines for electronic data formats for such
68 data, and all districts shall accept electronic data that
69 complies with the department's electronic format.

70 (h)1. A school of hope shall provide the school district
71 with a concise, uniform, quarterly financial statement summary
72 sheet that contains a balance sheet and a statement of revenue,
73 expenditures, and changes in fund balance. The balance sheet and
74 the statement of revenue, expenditures, and changes in fund
75 balance shall be in the governmental fund format prescribed by

76 | the Governmental Accounting Standards Board. Additionally, a
 77 | school of hope shall comply with the annual audit requirement
 78 | for charter schools in s. 218.39.

79 | 2. A school of hope is in compliance with subparagraph 1.
 80 | if it is operated by a nonprofit entity designated as a local
 81 | education agency and the nonprofit submits to each school
 82 | district in which it operates a school of hope:

83 | a. A concise, uniform, quarterly financial statement
 84 | summary sheet that contains a balance sheet summarizing the
 85 | revenue, expenditures, and changes in fund balance for the
 86 | entity and for its schools of hope within the school district.

87 | b. An annual financial audit of the nonprofit that
 88 | includes all schools of hope it operates within the state and
 89 | that complies with s. 218.39 regarding audits of a school board.

90 | (7) FACILITIES.—

91 | (d) No later than January ~~October~~ 1, the department ~~each~~
 92 | ~~school district~~ shall annually provide to the school districts
 93 | ~~Department of Education~~ a list of all underused, vacant, or
 94 | surplus facilities owned or operated by the school district as
 95 | reported in the Florida Inventory of School Houses. A school
 96 | district may provide evidence to the department within 30 days
 97 | that the list contains errors or omissions. No later than April
 98 | 1, annually, the department shall update and publish a final
 99 | list of all underused, vacant, or surplus facilities owned or
 100 | operated by each school district, based upon the updated

101 information provided by each school district. A hope operator
102 establishing a school of hope may use an educational facility
103 identified in this paragraph at no cost or at a mutually
104 agreeable cost not to exceed \$600 per student. A hope operator
105 using a facility pursuant to this paragraph may not sell or
106 dispose of such facility without the written permission of the
107 school district. For purposes of this paragraph, the term
108 "underused, vacant, or surplus facility" means an entire
109 facility or portion thereof which is not fully used or is used
110 irregularly or intermittently by the school district for
111 instructional or program use.

112 (9) FUNDING.—

113 (e) For a nonprofit entity designated by the department as
114 a local education entity pursuant to paragraph (6) (h), any
115 unrestricted current and capital assets identified in the annual
116 financial audit required by sub-subparagraph (6) (h)2.b. may be
117 used by any school of hope operated by the local education
118 agency within the state. Unrestricted current assets shall be
119 used in accordance with s. 1011.62, and any unrestricted capital
120 assets shall be used in accordance with s. 1013.62(2).

121 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program
122 is created within the Department of Education.

123 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
124 funds allocated for the purpose of this subsection which are not
125 disbursed by June 30 of the fiscal year in which the funds are

126 allocated may be carried forward for up to 7 ~~5~~ years after the
127 effective date of the original appropriation.

128 Section 2. Paragraphs (c) and (d) of subsection (2) of
129 section 1012.32, Florida Statutes, are redesignated as
130 paragraphs (d) and (e), respectively, and a new paragraph (c) is
131 added to that subsection, to read:

132 1012.32 Qualifications of personnel.—

133 (2)

134 (c) Instructional and noninstructional personnel who are
135 hired or contracted to fill positions in any school of hope
136 charter school under s. 1002.333, must, upon employment,
137 engagement of services, or appointment, undergo background
138 screening pursuant to s. 1012.465 or s. 1012.56, whichever is
139 applicable. Such screening may be completed by filing with the
140 charter school a complete set of fingerprints taken by an
141 authorized law enforcement agency, an employee of the school or
142 school district who is trained to take fingerprints, or by any
143 other entity authorized by s. 943.053(13).

144
145 Fingerprints shall be submitted to the Department of Law
146 Enforcement for statewide criminal and juvenile records checks
147 and to the Federal Bureau of Investigation for federal criminal
148 records checks. A person subject to this subsection who is found
149 ineligible for employment under s. 1012.315, or otherwise found
150 through background screening to have been convicted of any crime

151 involving moral turpitude as defined by rule of the State Board
152 of Education, shall not be employed, engaged to provide
153 services, or serve in any position that requires direct contact
154 with students. Probationary persons subject to this subsection
155 terminated because of their criminal record have the right to
156 appeal such decisions. The cost of the background screening may
157 be borne by the district school board, the charter school, the
158 employee, the contractor, or a person subject to this
159 subsection. A district school board shall reimburse a charter
160 school the cost of background screening if it does not notify
161 the charter school of the eligibility of a governing board
162 member or instructional or noninstructional personnel within the
163 earlier of 14 days after receipt of the background screening
164 results from the Florida Department of Law Enforcement or 30
165 days of submission of fingerprints by the governing board member
166 or instructional or noninstructional personnel.

167 Section 3. Paragraph (a) of subsection (1) of section
168 1013.62, Florida Statutes, is amended to read:

169 1013.62 Charter schools capital outlay funding.—

170 (1) For the 2020-2021 fiscal year, charter school capital
171 outlay funding shall consist of state funds appropriated in the
172 2020-2021 General Appropriations Act. Beginning in fiscal year
173 2021-2022, charter school capital outlay funding shall consist
174 of state funds when such funds are appropriated in the General
175 Appropriations Act and revenue resulting from the discretionary

176 millage authorized in s. 1011.71(2) if the amount of state funds
177 appropriated for charter school capital outlay in any fiscal
178 year is less than the average charter school capital outlay
179 funds per unweighted full-time equivalent student for the 2018-
180 2019 fiscal year, multiplied by the estimated number of charter
181 school students for the applicable fiscal year, and adjusted by
182 changes in the Consumer Price Index issued by the United States
183 Department of Labor from the previous fiscal year. Nothing in
184 this subsection prohibits a school district from distributing to
185 charter schools funds resulting from the discretionary millage
186 authorized in s. 1011.71(2).

187 (a) To be eligible to receive capital outlay funds, a
188 charter school must:

189 1.a. Have been in operation for 2 or more years;

190 b. Be governed by a governing board established in the
191 state for 2 or more years which operates both charter schools
192 and conversion charter schools within the state;

193 c. Be an expanded feeder chain of a charter school within
194 the same school district that is currently receiving charter
195 school capital outlay funds;

196 d. Have been accredited by a regional accrediting
197 association as defined by State Board of Education rule; ~~or~~

198 e. Be operated as a school of hope by an operator as
199 defined in s. 1002.333; or

200 f. Serve students in facilities that are provided by a

201 business partner for a charter school-in-the-workplace pursuant
202 to s. 1002.33(15) (b).

203 2. Have an annual audit that does not reveal any of the
204 financial emergency conditions provided in s. 218.503(1) for the
205 most recent fiscal year for which such audit results are
206 available.

207 3. Have satisfactory student achievement based on state
208 accountability standards applicable to the charter school.

209 4. Have received final approval from its sponsor pursuant
210 to s. 1002.33 for operation during that fiscal year.

211 5. Serve students in facilities that are not provided by
212 the charter school's sponsor.

213 Section 4. This act shall take effect July 1, 2021.