

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 51 Charter Schools

SPONSOR(S): Education & Employment Committee, Early Learning & Elementary Education Subcommittee, McClain and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 1028

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education & Lifelong Learning Subcommittee	12 Y, 4 N	Sleap	Kiner
2) PreK-12 Appropriations Subcommittee	12 Y, 3 N	Bailey	Potvin
3) Early Learning & Elementary Education Subcommittee	12 Y, 5 N, As CS	Sleap	Brink
4) Education & Employment Committee	14 Y, 4 N, As CS	Sleap	Hassell

SUMMARY ANALYSIS

To expand access to diverse educational opportunities within Florida, the bill:

- Authorizes state universities and Florida College System (FCS) institutions to solicit applications and sponsor charter schools upon approval by the Department of Education (DOE).
- Provides that a state university sponsored charter school may serve students from multiple school districts to meet regional education or workforce demands and a FCS sponsored charter school may serve students from any county within the colleges' service area to meet workforce demands.
- Provides that the board of trustees of a sponsoring state university or FCS institution charter school is a local educational agency for the purpose of receiving federal funds and accepting responsibility for all requirements in that role.
- Provides accountability for all charter school operators by requiring the DOE, in collaboration with charter school sponsors and operators, to develop a sponsor evaluation framework and report results in its annual charter school application report.
- Exempts a university that establishes a lab school to serve families of a military installation from the limitation of operating one lab school per university.
- Revises charter school application reporting requirements and submission dates.
- Authorizes a charter exceptional student education center to replicate in certain circumstances and limits the administrative fee a school district may withhold for such a school.
- Revises requirements for enrollment limitations and preferences for a charter school and requirements for expanding enrollment at high-performing charter schools.
- Provides for a direct appeal in a charter dispute if a party wants to bypass mediation.
- Revises the procedures for immediately terminating a charter school.
- Provides for the reduction of charter school sponsor administrative fees and the award of attorney fees and costs in certain circumstances.
- Revises the eligibility for a charter school to be considered high-performing and allows such a school to submit two applications at a time to replicate its high-performing charter school.
- Authorizes a nonprofit entity that operates more than one school of hope, which has been designated as a local education agency, to report its students to the DOE directly, rather than through a school district and such nonprofit entity is responsible for providing quarterly and annual financial audit requirements.
- Authorizes a school of hope to provide for background screening for their employees and governing board members, to be eligible to receive charter school capital outlay funding, and extends the authorization for undispersed Schools of Hope Program funds to be carried forward from 5 years to 7 years.
- Revises the terms of office of a district school board member.

The fiscal impact of the bill is indeterminate. See Fiscal Comments.

The bill takes effect on July 1, 2021.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0051f.EEC

DATE: 4/15/2021

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Charter School Sponsors

Present Situation

All charter schools in Florida are tuition-free public schools within the state's public education system.¹ Charter schools are created through an agreement or "charter" that provides flexibility relative to regulations created for traditional public schools in return for a commitment to higher standards of accountability.² One of the guiding principles of charter schools is to "meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system."³ During the 2019-2020 school year, over 329,000 students were enrolled in 673 charter schools in Florida.⁴

Several types of entities may sponsor charter schools:

- School districts may sponsor charter schools.⁵
- State universities may sponsor charter lab schools.⁶
- District school boards, Florida College System (FCS) institution boards of trustees, or an association of one or more of each may sponsor a charter technical career center.⁷

A sponsor's responsibilities include:

- approving or denying charter school applications;
- overseeing each sponsored charter school's progress toward the goals established in the charter;
- monitoring the revenues and expenditures of the charter school;
- ensuring that the charter school participates in the state's education accountability system; and
- intervening when a sponsored charter school demonstrates deficient student performance or financial instability.⁸

A sponsor provides various administrative services to charter schools in its purview, including contract management; full-time equivalent (FTE) and student achievement data reporting; exceptional student education program administration; eligibility and reporting for the National School Lunch Program; test administration, including payment of the costs of state- or school district-required assessments; processing of teacher certification data; and student information services.⁹ As compensation for services provided, a sponsor may withhold an administrative fee of up to 5 percent of each charter school's total operating funds, based upon weighted FTE students, and up to 2 percent for a high-performing charter school.¹⁰ For a charter school that serves 75 percent or more exceptional education students, the calculated percentage must be based on unweighted FTE students.¹¹

¹ Section 1002.33(1), F.S. Florida's first charter school law was enacted in 1996. Chapter 96-186, L.O.F., initially codified at s. 228.056, F.S., re-designated in 2002 as s. 1002.33, F.S.

² Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida's Charter Schools* (Oct. 2020), available at <http://www.fldoe.org/core/fileparse.php/7778/urlt/Charter-oct-2020.pdf> [hereinafter *Charter School Fact Sheet*].

³ Section 1002.33(2)(a)1., F.S.

⁴ *Charter School Fact Sheet*, supra note 2.

⁵ Section 1002.33(5)(a)1., F.S.

⁶ Sections 1002.32(2) and 1002.33(5)(a)2., F.S.

⁷ Section 1002.34(3)(b), F.S.

⁸ Section 1002.33(5)(b), F.S.

⁹ Section 1002.33(20)(a)1., F.S. see also, Florida Attorney General Opinion, AGO 2013-04, stating that the administrative fee includes costs to administer state-required or district-required student assessments, available at

<http://www.myfloridalegal.com/ago.nsf/Opinions/D20AD30420BB793B85257B3C0052B3A6>.

¹⁰ Section 1002.33(20)(a)2.a.-b., F.S.

¹¹ Section 1002.33(20)(a)2., F.S.

Florida College System & State University Charter Schools

FCS institutions are statutorily authorized to operate charter schools that offer secondary education¹² and allow students to obtain an associate degree¹³ upon graduation from high school. Students have full access to all college facilities, activities, and services. Such a charter school must be sponsored by the school board or boards within the FCS institution’s service area.¹⁴ If a FCS institution offers a teacher preparation program, it may operate one charter school for students in kindergarten through grade 12, implementing innovative blended learning instructional models for students in kindergarten through grade 8.¹⁵

There are 11 FCS charter schools operating in Florida:¹⁶

School District Sponsor	Charter School(s)	Affiliated FCS Institution
Charlotte	Florida SouthWestern Collegiate High School	Florida SouthWestern State College
Lee	Florida SouthWestern Collegiate High School	Florida SouthWestern State College
Manatee	State College of Florida Collegiate School	State College of Florida Manatee-Sarasota
Martin	Clark Advanced Learning Center	Indian River State College
Okaloosa	Collegiate High School at Northwest Florida State College	Northwest Florida State College
Polk	Polk State College Collegiate High School	Polk State College
	Chain of Lakes Collegiate High School	
	Polk State Lakeland Gateway to College Charter High School	
Pinellas	St. Petersburg Collegiate High School	St. Petersburg College
	St. Petersburg Collegiate High School North Pinellas	
Sarasota	State College of Florida Collegiate School-Venice	State College of Florida Manatee-Sarasota

District school boards, FCS institution boards of trustees, or an association of one or more of each are authorized in law to sponsor a charter technical career center.¹⁷ There is only one charter technical center operating in the state, Lake Technical College, sponsored by the Lake County school board.¹⁸

State universities are authorized to establish “charter lab schools.”¹⁹ Unlike developmental research schools (lab schools),²⁰ charter lab schools operate under a charter and are not required to be established by the nearest state university.²¹ In considering an application to establish a charter lab

¹² In this context, the term “secondary education” is synonymous with “middle or high school” (grades 6 through 12). Generally, elementary schools serve students in kindergarten through grade 5, middle schools serve students in grades 6 through 8, and high schools serve students in grades 9 through 12. *see s. 1003.01(2), F.S. (definition of “school”).*

¹³ Associate degrees include the associate in arts, associate in science, and associate in applied science degrees. *See Rule 6A-14.030(3)-(5), F.A.C.*

¹⁴ Section 1002.33(5)(b)4., F.S.; *see also s. 1000.21(3)(a)-(bb), F.S.*

¹⁵ Section 1002.33(5)(b)4., F.S.

¹⁶ Email from Alexis Calatayud, Legislative Affairs, Florida Department of Education, RE: HB 51 (Feb. 24, 2021) [hereinafter FCS Charter Schools & SUS Charter Lab Schools].

¹⁷ Section 1002.34(3)(b), F.S.

¹⁸ Florida Department of Education, *Charter Technical Centers Annual Report (2019-2020)*, at 5, available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/charterreview20.pdf>.

¹⁹ Section 1002.33(5)(a)2., F.S.

²⁰ Section 1002.32(2), F.S.

²¹ Section 1002.33(5)(a)2., F.S.; *see also s. 1002.32(2), F.S.*

school, a state university must consult with the district school board of the county in which the school is located. If a state university does not act on or denies the application, the applicant may appeal such decision to the State Board of Education (SBE).²²

There are three state university sponsored charter lab schools operating in Florida:²³

State University Sponsor	Charter School(s)
Florida Atlantic University	Florida Atlantic University/St. Lucie Public Schools Palm Pointe Research School
Florida State University	Florida State University Schools The Pembroke Pines Florida

Sparsity Supplement for Developmental Research (lab) Schools

The FEFP recognizes the relatively higher operating cost of smaller districts due to sparse student populations through a statutory formula in which the variable factor is a sparsity index.²⁴ This index is computed by dividing the FTE student membership of the qualified district by the number of permanent senior high school centers, not to exceed three. For districts with at least 20,000 FTE, but no more than 24,000 FTE, the index is computed by dividing the total FTE by the number of permanent senior high school centers, not to exceed four.²⁵

Each eligible lab school in operation as of September 1, 2013, with a permanent high school center must also receive a proportional share of the sparsity supplement.²⁶

Effect of Proposed Changes

To address the needs of educational capacity, workforce qualifications, and career education opportunities that may extend beyond a school district's boundaries, the bill authorizes state universities and FCS institutions to solicit applications and sponsor charter schools upon approval by the Department of Education (DOE). A state university or FCS institution may, at its discretion, deny an application for a charter school.

The bill provides that a state university-sponsored charter school may serve students from multiple school districts to meet regional education or workforce demands. Additionally, a FCS institution-sponsored charter may exist in any county within its service area to meet workforce demands; however, a charter school currently operated by a FCS institution is not eligible to be sponsored by a FCS institution until its existing charter with the school district expires. A FCS institution-sponsored charter school may offer postsecondary programs leading to industry certifications for eligible charter school students.

The bill deletes the limitation that a FCS institution that operates an approved teacher preparation program operate no more than one charter school, allowing a FCS institution to operate additional charter schools that serve students in kindergarten through grade 12 and providing that the students served may be in any school district within the service area of the FCS institution. The requirement that the school implement an innovative blended learning instructional model for students in kindergarten through grade 8 is deleted.

The bill specifies that a charter's racial/ethnic balance must reflect that of nearby public schools rather than public schools located geographically within the district to address state university and FCS sponsored charter schools which may serve students from multiple school districts.

²² Section 1002.33(6)(g), F.S.

²³ FCS Charter Schools & SUS Charter Lab Schools, *supra* note 16.

²⁴ Florida Department of Education, 2020-21 Funding for Florida School Districts (2020), at 18, *available at* <http://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf>.

²⁵ *Id.*

²⁶ Section 1002.32(9)(a), F.S.

The bill prohibits a FCS institution from reporting FTE for any students participating in FCS-sponsored charter schools who receive FTE funding through the FEFP.

The bill specifies that a board of trustees of a sponsoring state university or FCS institution is the local education agency for all charter schools it sponsors. As the local education agency, the sponsor may receive federal funds and accepts full responsibility for local education agency requirements and the schools it oversees. A student is enrolled in a charter school that is sponsored by a state university or FCS institution may not be included in the calculation of the school district's grade.

To provide accountability for all charter school operators, 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:

- a 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 exempts a university that establishes a lab school to serve families of a military installation²⁷ that is within the same county as a branch campus that offers programs from the university's college of education from the limitation of operating one lab school per university.

The bill aligns school grade offerings for the charter lab school at Florida Atlantic University as a K-12 school to current practice.

The bill authorizes all lab schools with permanent high school centers to receive a proportional share of the sparsity supplement, not just for those in operation prior to September 1, 2013.

Establishing a Charter School

Present Situation

Application

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 Florida law.²⁸ While a charter school must be a public or nonprofit entity, it may be managed by a for-profit education management organization.²⁹

An applicant must submit a charter school application on a standard application form developed by the DOE.³⁰ As of 2018, charter school applications must be submitted to the sponsor by February 1 for a charter school to open 18 months later or at a time determined by the applicant. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses.³¹ The charter school application must:

²⁷ 10 U.S.C. s 2801. A "military installation" means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department or, in the case of an activity in a foreign country, under the operational control of the Secretary of a military department or the Secretary of Defense, without regard to the duration of operational control.

²⁸ Section 1002.33(3)(a), F.S.

²⁹ Section 1002.33(12)(i), F.S.

³⁰ Rule 6A-6.0786, F.A.C.; see also Florida Department of Education, Model Florida Charter School Application, *Form IEPC-M1*, <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-reference/> (last visited April 13, 2021).

³¹ Section 1002.33(6)(b), F.S.

- demonstrate how the school will utilize the guiding principles;³²
- provide a detailed curriculum plan aligned with the Next Generation Sunshine State Standards;
- contain goals and objectives for improving student learning and measuring such improvement;
- describe the reading curricula and differentiated strategies for serving students at various levels of reading ability;
- contain an annual financial plan;
- disclose 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 each charter school operated by the applicant;
- contain additional information required by the sponsor; and
- for a virtual charter school, document that the applicant has contracted with a provider for virtual instruction services.³³

The sponsor may require the applicant to submit additional information as an addendum to the application.³⁴

A sponsor must approve or deny a charter school application within 90 calendar days of receipt, unless an extension of the deadline is mutually agreed to by the sponsor and applicant.³⁵ If an application is denied, the sponsor must within 10 calendar days provide specific written reasons, based upon good cause, for its denial to the applicant and the DOE.³⁶ The applicant has 30 calendar days to file an appeal with the SBE after the denial of or failure to act upon an application.³⁷ The Charter School Appeal Commission is required to convene and make recommendations to the SBE regarding the appeal.³⁸ The state board's decision is a final action subject to judicial review in the District Court of Appeal.³⁹

Application Reporting

A charter school sponsor is required to submit an annual report to the DOE summarizing the following:

- 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.
- The date each final contract was executed.⁴⁰

The DOE must compile the reported sponsor information into an annual report, by district, and post it on its website by November 1 each year.⁴¹

³² The legislative guiding principles for charter schools provide that they are to meet high standards of student achievement while increasing parental choice, to increase learning opportunities for all students, with special emphasis on low-performing students and reading, and to utilize innovative learning methods. Charter schools may also serve to provide rigorous competition to stimulate improvement in traditional public schools, expand the capacity of the public school system, mitigate the educational impact created by the development of new residential dwelling units and create new professional opportunities for teachers, including ownership of the learning program at the school site. Section 1002.33(2), F.S.

³³ Section 1002.33(6)(a), F.S.

³⁴ *Id.*

³⁵ Section 1002.33(6)(b)3.a., F.S.

³⁶ *Id.*

³⁷ Section 1002.33(6)(c)1., F.S.

³⁸ *Id.* See also Florida Department of Education, *Charter School Appeal Commission*, <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-appeal/csac-members.stml> (last visited April 13, 2021).

³⁹ Section 1002.33(6)(c)-(d), F.S.; see also s. 120.68, F.S.

⁴⁰ Section 1002.33(5)(b)1.k.(I)-(II), F.S.

⁴¹ Section 1002.33(5)(b)1.k.(III), F.S.; see also Florida Department of Education, *Annual Authorizer Report 2019* (2019), available at <http://www.fldoe.org/core/fileparse.php/9905/urlt/19-AuthorizerReport.pdf>.

Establishing a Charter School

After a charter school application is approved, the initial startup must commence with the beginning of the public school calendar year for the district in which the charter is granted⁴² or to be opened at a time determined by the applicant.⁴³ The charter school may defer opening for up to 3 years to provide adequate time for facilities planning. Written notice of intent to defer opening must be provided to parents at least 30 days before the first day of school.⁴⁴

The terms of the charter must be negotiated by the applicant and sponsor using the standard charter contract within 30 days after approval of the application.⁴⁵ Any term of a proposed charter contract that differs from the standard charter contract is presumed to be a limitation on charter school flexibility.⁴⁶ The parties then have 40 days to negotiate and finalize the charter.⁴⁷

The DOE must provide mediation services for any dispute relating to an approved charter, except a dispute regarding an application denial.⁴⁸ If the Commissioner of Education determines the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge.⁴⁹

The initial term of a charter is 5 years, excluding 2 planning years.⁵⁰ The charter must include:

- the students to be served, including ages and grade levels;
- the curriculum focus and instructional methods to be used;⁵¹
- baseline standards of student academic achievement, outcomes to be achieved and methods of measurement to be used;⁵²
- the method for determining the strengths and needs of students and whether they are meeting educational goals⁵³ and for secondary charter schools,⁵⁴ the method to determine a student has satisfied the requirements for high school graduation;
- the method for resolving conflicts between the governing body and the sponsor;
- admission and dismissal procedures and the school's student conduct code;
- methods for achieving a racial/ethnic balance reflective of the community served;
- the financial and administrative management of the school, including experience required for management positions and a description of internal audit controls;
- asset and liability projections;
- a description of plans to identify various risks, reduce losses and ensure student and faculty safety;
- an agreement that the charter may be cancelled if the school has made insufficient progress with student achievement;

⁴² Section 1002.33(6)(b)5., F.S.

⁴³ Section 1002.33(6)(b), F.S.

⁴⁴ Section 1002.33(6)(b)5., F.S.

⁴⁵ Section 1002.33(7) and (7)(b), F.S. The standard charter contract must incorporate the approved application and any addenda approved with the application.; *See also* Rule 6A-6.0786, F.A.C. and Florida Department of Education, *Florida Standard Charter Contract*, <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-reference/> (last visited April 13, 2021).

⁴⁶ Section 1002.33(7), F.S. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals.

⁴⁷ Section 1002.33(7)(b), F.S.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Section 1002.33(7)(a)(12), F.S. (2018).

⁵¹ The charter must ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction to students who are reading below grade level. Additionally, to provide students with access to diverse instructional delivery models, charter schools may implement blended learning courses. Section 1002.33(7)(a)2.a.-b., F.S.

⁵² The district school board is required to provide academic student performance data for students coming from the district school system to the charter, as well as rates of academic progress of comparable students populations in the district. Section 1002.33(7)(a)3. (flush-left provisions at the end of (a)3.c.).

⁵³ Students in charter school must, at a minimum, participate in Florida's statewide assessments. Section 1002.33(7)(a)4., F.S.

⁵⁴ In this context, the term "secondary education" is synonymous with "middle or high school" (grades 6 through 12). Generally, elementary schools serve students in kindergarten through grade 5, middle schools serve students in grades 6 through 8, and high schools serve students in grades 9 through 12. *See s. 1003.01(2)*, F.S. (definition of "school").

- the facilities to be used;
- teacher qualifications, governance structure and timetables for implementing each element of the charter;
- full disclosure of all charter school employees who are relatives of charter school officials and employees who have decision making authority over charter school operations; and
- provisions for implementing high-performing charter school benefits if the charter school is designated as “high-performing.”⁵⁵

The charter may be modified during its initial term or any renewal term upon recommendation of the sponsor or the charter school’s governing board, to which both parties agree.⁵⁶ The charter may be renewed at the end of its term if a program review conducted by the sponsor demonstrates that the goals and criteria stated in the charter have been met and that none of the grounds for nonrenewal have occurred.⁵⁷

Interlocal Agreements

To support a charter school in its development, construction, or operation, a school district may enter into nonexclusive interlocal agreements with federal and state agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the school district to act on behalf of such governmental entities in the inspection, issuance, and any other activities for necessary permits, licenses, and other permissions for the charter school.⁵⁸ A charter school may use, but is not required to use, a school district for these services.⁵⁹ The interlocal agreement must include, but is not limited to, the identification of fees the charter schools will be charged for such services.⁶⁰

Student Enrollment

Prospective students must apply for enrollment in a charter school, and if the number of applications exceeds the school’s capacity, a random lottery must be used to determine which students are enrolled.⁶¹ A charter school may give enrollment preference to the following specific student populations:⁶²

- Students who are siblings of a student enrolled in the charter school.
- Students who are the children of a member of the governing board of the charter school.
- Students who are the children of an employee of the charter school.
- Students who are the children of:
 - An employee of the business partner of a charter school-in-the-workplace or a resident of the municipality in which the charter school is located; or
 - A resident or employee of a municipality that operates a charter school-in-a-municipality or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.
- Students who have successfully completed a voluntary prekindergarten education (VPK) program provided by the charter school or the charter school’s governing board during the previous school year.
- Students who are the children of an active duty member of any branch of the United States Armed Forces.
- Students who attended or are assigned to failing schools and have received an opportunity scholarship to enroll and attend a higher performing school.⁶³

⁵⁵ Section 1002.33(7), F.S.

⁵⁶ Section 1002.33(7)(d), F.S.

⁵⁷ Section 1002.33(7)(c)1., F.S.

⁵⁸ Section 1002.33(5)(b)5., F.S.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ Section 1002.33(10)(b), F.S.

⁶² Section 1002.33(10)(d)1.-7., F.S.

⁶³ Section 1002.38(2), F.S.

A charter school may also limit the enrollment process in order to target the following student populations:

- students within specific age groups or grade levels;
- students considered at risk of dropping out of school or academic failure, to include exceptional education students;
- children of employees of the business partner who seek to enroll in a charter school-in-the-workplace or children of municipal residents who seek to enroll in a charter school-in-a-municipality;
- students residing within a reasonable distance of the charter school;
- students who meet reasonable academic, artistic or other eligibility standards established by the charter school;
- students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor; or
- 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 to be used as a charter school to mitigate the educational impact created by the development of new residential dwelling units; such students are entitled to no more than 50 percent of the student stations at the school.⁶⁴

Causes for Nonrenewal or Termination

A charter school sponsor must make student academic achievement for all students the most important factor when determining whether to renew or terminate a charter, but may terminate or not renew a charter for any of the following reasons:

- Failure to participate in the state's education accountability system or failure to meet the charter's requirements for student performance.
- Failure to meet generally accepted standards of fiscal management.
- Material violation of law.
- Other good cause shown.⁶⁵

A sponsor must provide 90-days written notice to the charter school prior to termination or nonrenewal, except that a charter may be terminated immediately if the sponsor sets forth particular facts and circumstances indicating an immediate and serious danger to the health, safety or welfare of the students.⁶⁶ The sponsor must notify in writing the charter school's governing board, the charter school principal, and the DOE of an immediate termination.⁶⁷ The governing board is entitled to a formal hearing with an administrative law judge (ALJ), who must issue a final order to the sponsor.⁶⁸ The governing board may appeal the final order in the District Court of Appeal.⁶⁹ Under these circumstances, the sponsor must assume operation of the charter school throughout the pendency of the hearing.⁷⁰

Award of Attorney Fees and Costs

Current law provides the award of reasonable attorney fees and costs to the prevailing party in a dispute between a sponsor and a charter schools, including:

- A dispute arising under the charter;⁷¹
- the termination or nonrenewal of a charter school;⁷² and

⁶⁴ Section 1002.33(10)(e), F.S.

⁶⁵ Section 1002.33(8)(a)1.-4., F.S.

⁶⁶ Section 1002.33(8)(b) and (c), F.S.

⁶⁷ Section 1002.33(8)(c), F.S.

⁶⁸ *Id.*

⁶⁹ Section 1002.33(8)(d), F.S.

⁷⁰ Section 1002.33(8)(c), F.S. The administrative law judge must award the prevailing party reasonable attorney fees and costs incurred during the administrative proceedings and any appeals.

⁷¹ Section 1002.33(7)(b), F.S.

⁷² Section 1002.33(8)(b), F.S.

- disputes relating to contracts for goods and services separate from the charter.⁷³

For a charter school that is terminated immediately due to an immediate and serious danger to the health, safety, or welfare of the school's students, the sponsor must assume operation of the charter school during any hearing to dispute the termination.⁷⁴ Failure by the sponsor to assume and continue operation of the charter school must result in the awarding of reasonable costs and attorney's fees to the charter school if the charter school prevails on appeal.⁷⁵

Effect of Proposed Changes

Application

The bill repeals an obsolete August 1 application deadline and specifies that each sponsor's report to the DOE must reflect the applications it receives by the February 1 deadline, which became effective in 2018. Since the law allows an applicant to determine the time at which the charter school will open, the bill deletes conflicting language that requires the school's opening to coincide with the beginning of the school district's school calendar.

The bill repeals the requirement that a charter school sponsor report on draft applications it receives and revises the date by which a sponsor must annually report the number of applications it receives from August 31 to November 1. Accordingly, the bill revises the date by which the DOE annually reports the number of applications on its website from November 1 to January 15.

The bill requires a school district which does not implement the decision of the District Court of Appeal regarding an appealed charter school application, to reduce the administrative fee the sponsor is authorized to charge to one percent for all charter schools operating in the school district. The school district must file a monthly report detailing the reduction in the amount of administrative fees withheld. Once the written contractual agreement, or charter is executed, the sponsor may resume withholding the full amount of administrative fees, however, the sponsor may not recover any fees that would have otherwise accrued during the period of noncompliance with the District Court of Appeal decision. The bill authorizes a charter school which had administrative fees withheld as a result of such a sponsor violation to recover attorney fees and costs.

Charter Contract

The bill authorizes a charter school to immediately appeal any formal or informal decision by a sponsor in a dispute regarding a charter contract to an administrative law judge. The appeal may occur if either the charter school or the sponsor do not wish to mediate the decision and indicates such a decision in writing.

The bill specifies that changes to a charter school's curriculum consistent with state standards and necessary to implement blended learning are deemed approved in terms of modifications to the charter, unless the sponsor and the DOE determines in writing that the curriculum is inconsistent with state standards.

Interlocal Agreements

The bill provides that notwithstanding any other provision of law, an interlocal agreement established to assist in the development of a charter school which prohibits or limits the creation of a charter school within the geographical borders of the school district, is void and unenforceable.

⁷³ Section 1002.33(20)(b), F.S.

⁷⁴ Section 1002.33(8)(c), F.S.

⁷⁵ *Id.*; See also *Championship Academy of Distinction at Davie, Inc. v. Broward County School Board*, Case No.20-4344F (Fla. DOAH Dec. 17, 2020). The final order denied the petitioners entitlement to attorney's fees and costs under s. 1002.33(c) finding that the fee provision under 1002.33(8)(b), F.S. is substantive, rather than procedural, and as such, it cannot be included among the procedures set forth in paragraph (b) that have been incorporated into s. 1002.33(8)(c), F.S.

Enrollment

The bill expands the enrollment preference for students who complete the VPK program provided by the charter school to include students who complete the program at a provider with which the charter school has a written agreement.

The bill applies the enrollment limitation that a charter school built by a housing developer may use for students within the development if either the developer or its affiliated business entity or charity contributes to the construction, formation, acquisition, or operation of the charter school. This limitation will also apply to other charter schools and charter school facilities provided for by these entities so long as they have a combined value of at least \$5 million. The bill specifies that students in the development are entitled to 50 percent of these seats.

Termination

In the case of an immediate termination of a charter school, the bill requires the sponsor to provide the facts and circumstances supporting the termination in writing. They must demonstrate that an immediate and serious danger exists to the charter school's students, that the immediate and serious danger is likely to continue, and that an immediate termination of the charter is necessary.

The bill authorizes a charter school sponsor to seek an injunction in circuit court to prohibit continued operation of a charter school if continued operation of the school would materially threaten the health, safety, or welfare of the students.

The bill removes the requirement for a sponsor to assume and continue operation of a charter school pending a hearing on the school's immediate termination.

Award of Attorney Fees and Costs

The bill revises requirements for awarding reasonable attorney fees and costs in disputes relating to charter schools by requiring an ALJ to award reasonable fees and costs to the prevailing party in any injunction, administrative proceeding, or appeal arising from the immediate termination of a charter school, rather than only to the charter school in situations where the sponsor does not assume and continue operation of the school.

High-Performing Charter Schools

Present Situation

Charter schools and operators of systems of charter schools with a track record of academic excellence and financial stability may earn "high-performing" status.⁷⁶ A high-performing charter school is a charter school that during each of the 3 previous years:

- received at least two school grades of "A" and no school grade below "B;"
- has received an unqualified opinion⁷⁷ on each annual financial audit; and
- has not received an annual financial audit that reveals a financial emergency condition.⁷⁸

Initial eligibility for "high-performing" status is verified by the commissioner, upon request by a charter school. Thereafter, the commissioner must annually verify continued eligibility.⁷⁹

⁷⁶ Section 1002.331(1), F.S.

⁷⁷ An unqualified audit opinion means that the charter school's financial statements are materially correct.

⁷⁸ Section 1002.331(1), F.S.; *see* s. 218.503(1), F.S. (financial emergency conditions).

⁷⁹ Sections 1002.331(4) and 1002.332(2)(a), F.S.

High-performing charter schools may take advantage of various benefits. Among other benefits, the operator of a high-performing charter school may submit an application in any Florida school district to establish and operate a new charter school that substantially replicates one of its high-performing charter schools.⁸⁰ The application process for such applications is streamlined to expedite approval.⁸¹ A high-performing charter school may not be replicated more than twice in any given year and may not replicate again until the new charter school achieves “high-performing” status.⁸² Systems may replicate their high-performing charter schools using the same process applicable to high-performing charter schools.⁸³ Additionally, a high-performing charter school may have the term of its charter extended to up to 15 years.⁸⁴

A high-performing charter school may increase the school’s enrollment once per year to more than the capacity identified in the charter, but student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect.⁸⁵ If the school chooses to expand the grade levels it serves, i.e., a K-5 school adding grade 6, the facility capacity must include any improvements to an existing facility or any new facility in which a majority of the high-performing charter school students will enroll.⁸⁶ A high-performing charter school may also expand grade levels within kindergarten through grade 12 to add grade levels not already served as long as the increase in enrollment in either case does not exceed the current facility capacity.⁸⁷

Effect of Proposed Changes

The bill revises the criteria for identifying a high-performing charter school to include a charter school that receives the required school grades based on the years that the school received a school grade⁸⁸ or a charter school which receives funding through the National Fund of the Charter School Growth Fund⁸⁹, during its first 3 years of operation.

The bill revises the determination of a high-performing charter school facility’s capacity so that any expansion of enrollment, regardless of grade level expansion or where a majority of new students will be enrolled, is based on the school’s facilities at the time the expansion will take effect.

The bill allows a high-performing charter school to submit two applications at a time, instead of two per year, for a charter school to be opened at a time determined by the high-performing charter school. Subsequent applications may be submitted so long as each previous charter school application is withdrawn or has commenced operation instead of upon each school being designated high-performing.

Charter School Funding

Present Situation

⁸⁰ Section 1002.331(3)(a)1., F.S.

⁸¹ Section 1002.331(3)(a)2., F.S.

⁸² Section 1002.331(3)(b), F.S.

⁸³ Section 1002.332(2)(b), F.S.

⁸⁴ Section 1002.331(2)(e), F.S.

⁸⁵ Section 1002.331(2)(a), F.S.

⁸⁶ *Id.*

⁸⁷ Section 1002.331(2)(b), F.S.

⁸⁸ Pursuant to the DOE Emergency Order No. 2020-EO-1, the spring administration of K-12 statewide, standardized assessments for the 2019-2020 school year was canceled and accountability measures reliant on the assessment data, such as school grades, were not calculated for the 2019-2020 school year. See Florida Department of Education, *Emergency Order No. 2020-EO-1*, at 3-4, available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/DOEORDERNO2020-EO-01.pdf>.

⁸⁹ Charter School Growth Fund, *Apply for Funding*, <https://chartergrowthfund.org/apply-for-funding/> (last visited April 12, 2021).

As with traditional public schools, charter school operations are funded through the Florida Education Finance Program (FEFP) based on student enrollment.⁹⁰ Each charter school reports student enrollment to its sponsor⁹¹ for inclusion in the district's report of student enrollment.⁹² A charter school is also entitled to receive its proportionate share of categorical program funds included in the FEFP, for eligible students and programs.⁹³

Operating funds from the FEFP are distributed by the sponsor to the charter school. Payments must be made monthly or bi-monthly, beginning with the start of a school board's fiscal year.⁹⁴ A sponsor is prohibited from delaying payment of any portion of a charter school's funding based upon the timing of receipt of local funds by the school board.⁹⁵

Charter schools, like traditional public schools, receive federal education funding through such programs as the Individuals with Disabilities Education Act (IDEA),⁹⁶ Title I programs for disadvantaged students,⁹⁷ and Title II programs for improving teacher quality based on student eligibility.⁹⁸

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 a special program in the school district.

The bill establishes funding for these students as the sum of the total operating funds from the FEFP for the school district in which the school is located and the General Appropriations Act (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 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 from state funds in the GAA to the charter school.

The bill establishes a capital outlay funding formula for charter schools sponsored by a state university or FCS institution.

Schools of Hope

Present Situation

In 2017, the Legislature established the Schools of Hope Program to provide students in areas of persistently low-performing schools the opportunity to access a high-quality education designed to close the opportunity gap and increase student achievement.⁹⁹ A school of hope is defined as a charter

⁹⁰ See Florida Department of Education, Charter Schools, *Frequently Asked Questions*, <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.shtml> (last visited April 13, 2021).

⁹¹ A sponsor can be a district school board that approves the charter and holds the contract. Section 1002.33(5)(a)1., F.S.

⁹² Section 1002.33(17)(a) and (b), F.S. To reflect any changes in enrollment, the charter school's funding is recalculated during the school year based upon the October and February FTE enrollment surveys. See s. 1002.33(17)(b), F.S.

⁹³ Section 1002.33(17)(b), F.S.; see also Florida Department of Education, Office of Funding and Financial Reporting, *Florida Education Finance Program 2020-21 Second Calculation* (July 17, 2020), at 3, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/2021FEFPSecondCalc.pdf>.

⁹⁴ Section 1002.33(17)(e), F.S.

⁹⁵ *Id.*

⁹⁶ Section 1002.33(17)(c), F.S.; 20 U.S.C. s. 1411(e).

⁹⁷ 20 U.S.C. s. 6301 et. seq.

⁹⁸ 20 U.S.C. ss. 6601-6641; s. 1002.33(17)(c), F.S.

⁹⁹ Section 43, ch. 2017-116, L.O.F., codified at s.1002.333, F.S.

school operated by a hope operator to serve students from one or more persistently low-performing schools; is located within the attendance zone of the persistently low-performing school or within a five mile radius of the school, whichever is greater; and is a Title I eligible school.¹⁰⁰

A hope operator may also open a school of hope in a “Florida Opportunity Zone,” which is a population census tract that has been designated by the Treasury as a Qualified Opportunity Zone pursuant to the federal Tax Cuts and Jobs Act of 2017.¹⁰¹ In 2018, Governor Rick Scott nominated Florida’s 427 opportunity zone sites located throughout Florida’s 67 counties.¹⁰² The zones were certified by the Treasury and will retain the designation for 10 years.¹⁰³

Under the Schools of Hope Program administered by the Florida Department of Education (DOE), a school of hope may receive additional funding for certain expenses such as funds for initial school facility leasing, hiring instructional support personnel, or acquiring supplies and educational materials, along with other expenses specified in law.¹⁰⁴ 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 5 years.¹⁰⁵

A school of hope may request that the State Board of Education (SBE) designate the school as a local education agency (LEA) for the purposes of receiving federal funds. As a LEA, the school accepts the full responsibility for all LEA requirements and the schools for which it will perform local education agency responsibilities.¹⁰⁶ Students enrolled in a school established by a hope operator designated as a LEA are not eligible students for purposes of calculating a district’s school grade.¹⁰⁷

A school of hope must report its students to the school district for purposes of determining the school district’s full-time equivalent FTE membership in calculating the Florida Education Finance Program FEFP.¹⁰⁸

Persistently Low Performing Schools

A persistently low-performing school is a school that has earned three grades lower than a “C” in at least 3 of the previous 5 school years and has not earned a grade of “B” or higher in the most recent 2 school years. A school is also a persistently low-performing school if it was closed pursuant to the school’s turnaround option plan within 2 years after the submission of a notice of intent.¹⁰⁹ The State Board of Education (SBE) must publish annually a list of persistently low-performing schools and must provide students in persistently low-performing schools with a public school that meets accountability standards.¹¹⁰ For school year 2018-2019, the SBE’s published list include 183 persistently low-performing schools.¹¹¹

Pursuant to the DOE Emergency Order No. 2020-EO-1, the spring administration of K-12 statewide, standardized assessments for the 2019-2020 school year was canceled and accountability measures

¹⁰⁰ Section 1002.333(1)(c)1., F.S.

¹⁰¹ Tax Cuts and Jobs Act of 2017, Pub. L. No.115-97, H.R. 1, 115th Cong. (Dec. 22, 2017)

¹⁰² Florida Department of Economic Opportunity, Florida’s Certified Opportunity Zones (2018), *available at* <http://www.floridajobs.org/docs/default-source/communicationsfiles/fl-opportunity-zones-county-summary.pdf>; *See also* Florida Department of Economic Opportunity, Bureau of Workforce Statistics and Economic Research, *Opportunity Zones by Media Markets*, *available at* <https://deolmsgis.maps.arcgis.com/apps/webappviewer/index.html?id=4e768ad410c84a32ac9aa91035cc2375> (providing a map of each identified opportunity zone (FOZ)).

¹⁰³ U.S. Department of Treasury, Press Releases: Treasury, *IRS Announce Final Round of Opportunity Zone Designations* (June 14, 2018), <https://home.treasury.gov/news/press-releases/sm0414> (last visited April 12, 2021).

¹⁰⁴ Section 1002.333(10), F.S.

¹⁰⁵ Section 1002.333(10)(b), F.S.

¹⁰⁶ Section 1002.333(6)(a), F.S.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.* at (6)(g).

¹⁰⁹ Section 1002.333(1)(c), F.S.

¹¹⁰ Section 1002.333(11)(d), F.S.

¹¹¹ Florida Department of Education, Florida School Accountability Reports, *Persistently Low-Performing Schools* (2019), *available at* <http://fldoe.org/core/fileparse.php/18534/urlt/PLPSchools19.xls>.

reliant on the assessment data, such as school grades, were not calculated for the 2019-2020 school year.¹¹²

Hope Operators

A hope operator is a tax-exempt, nonprofit organization that operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families and is designated by the SBE as a hope operator.¹¹³ State board rule designates an entity as a hope operator if it submits a complete application and meets at least one of the following criteria:

- the entity was awarded a United States Department of Education Charter School Program grant for the Replication and Expansion of High-Quality Charter Schools pursuant to Title IV, Part C of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act (20 U.S.C. 7221-7221j) within the preceding 3 years from the date the entity submits an application to the Department;
- the entity has a current and active grant award for funding through the National Fund of the Charter School Growth Fund; or
- the entity is a non-profit charter school that is selected by a district school board to turnaround the performance of a low-performing public school.¹¹⁴

Designation as a hope operator is valid for 5 years from the opening of a school of hope.¹¹⁵ Presently, Florida has designated five hope operators: Democracy Prep Public Schools, Inc., Individuals Dedicated to Excellence and Achievement (IDEA) Public Schools, the Knowledge is Power Program (KIPP) New Jersey, Mater Academy, and Somerset Academy, Inc.¹¹⁶ Somerset Academy, Inc. currently operates the K-12 school in Jefferson County, KIPP New Jersey currently operates KIPP Miami Liberty Academy, and IDEA Public Schools will open two K-12 schools in the Fall of 2021 in Hillsborough County.¹¹⁷

Facilities

A school of hope must use facilities that comply with the Florida Building Code, except for the State Requirements for Educational Facilities (SREF).¹¹⁸ 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.¹¹⁹

Each school district must provide to the DOE, no later than October 1, a list of all underused, vacant, or surplus facilities owned or operated by the school district.¹²⁰ A hope operator establishing a school of hope may use an educational facility identified by a school district at no cost or at a mutually agreeable cost not to exceed \$600 per student.¹²¹ A hope operator that uses a facility owned or operated by a school district may not sell or dispose of the facility without the written permission of the school district.¹²²

Financial Accountability

¹¹² Florida Department of Education, *Emergency Order No. 2020-EO-1*, at 3-4, available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/DOEORDERNO2020-EO-01.pdf>.

¹¹³ Section 1002.333(2), F.S.

¹¹⁴ Rule 6A-1.0998271(2)(b), F.A.C.

¹¹⁵ Section 1002.333(3), F.S.

¹¹⁶ Florida Department of Education, *Schools of Hope*, <http://www.fldoe.org/schools/school-choice/other-school-choice-options/schools-of-hope/> (last visited April 12, 2021).

¹¹⁷ Email from Alexis Calatayud, Legislative Affairs, Florida Department of Education, RE: Hope Operators (March 15, 2021).

¹¹⁸ Section 1002.333(7)(a), F.S.

¹¹⁹ *Id.*

¹²⁰ Section 1002.333(7)(d), F.S.

¹²¹ *Id.*

¹²² *Id.*

Like other charter schools, a school of hope must provide for an annual audit.¹²³ The Auditor General may choose to conduct the audit. If not, the school must arrange for an audit by an independent certified public accountant.¹²⁴ The audit must:

- examine the school's financial statements to determine if its financial position and any changes in financial position comply with generally accepted accounting principles;
- examine the school's operations to determine compliance with legal and regulatory requirements; and
- examine any additional financial information necessary to comply with generally accepted accounting principles.¹²⁵

Each school of hope must file a copy of its audit report with the sponsor, the district school board, if not the sponsor, the Auditor General and the DOE.¹²⁶

Generally, each charter school must also submit a monthly financial statement summary sheet to the charter's sponsor.¹²⁷ The monthly summary sheet must include a balance sheet and a statement of revenue, expenditures, and changes in fund balance in a governmental funds format prescribed by the Governmental Accounting Standards Board.¹²⁸ The sponsor must review the financial statement summary to determine if the school exhibits a deteriorating financial condition.¹²⁹ The law allows a school of hope to submit its financial statement summary sheet on a quarterly basis, rather than monthly.¹³⁰

Effect of Proposed Changes

The bill revises the definition of a persistently low-performing school to be a school that has earned three grades lower than a "C" in at least 3 of the previous 5 years in which the school received a grade. This change would allow a school to be designated as persistently low performing even if it does not receive a school grade for one or more of the school years during a 5-year period.

The bill authorizes a nonprofit entity that operates more than one school of hope through a performance-based agreement with a school district to be designated as a LEA by the DOE. A nonprofit entity designated as a LEA is authorized to report its students to the DOE according to procedures and timelines established by the DOE. A school of hope which has not been designated as a LEA must continue to report its students to the school district.

A school of hope operated by a nonprofit entity designated as a LEA may meet the requirements of an annual financial audit by having the school's operator submit to each school district in which the operator operates a school of hope the following:

- a concise, uniform, quarterly financial statement summary sheet that contains a balance sheet summarizing the revenue, expenditures, and changes in fund balances for the entity and for its schools of hope within the school district; and
- an annual financial audit of the nonprofit that includes all schools of hope the LEA operates within the state and complies with the requirements provided in law regarding audits of a school board.

¹²³ Sections 218.39(1)(e) & (f) and 1002.33(9)(j)1. & 2., F.S.

¹²⁴ Sections 11.45(3)(c) and 218.39(1)(e) & (f), F.S.

¹²⁵ Chapter 10.850 Audits of Charter Schools and Charter Technical Career Centers, *The Florida Virtual Schools, and Virtual Instruction Program Providers* (effective June 30, 2020), Rule 10.855(2), Rules of the Auditor General, available at https://flauditor.gov/pages/pdf_files/10_850.pdf.

¹²⁶ Section 218.39(10), F.S.

¹²⁷ Section 1002.33(9)(g)3., F.S. A high-performing charter school may submit quarterly rather than monthly financial statements. Section 1002.331(2)(c), F.S. Pursuant to Rule 6A-1.0081, F.A.C., DOE adopted two monthly financial statement forms for use by charter schools. Florida Department of Education, *Government Accountability and Standards Board (GASB) Monthly Financial Form (Form IEPC-F1) and Non-Profit Monthly Financial Form (Form IEPC-F2)*, available at <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-reference> (last visited April 12, 2021)

¹²⁸ *Id.*

¹²⁹ Section 1002.33(9)(g)3., F.S.

¹³⁰ Section 1002.333(6)(h), F.S.

The bill authorizes a school of hope operated by a nonprofit entity designated by the DOE as an LEA to use unrestricted current and capital assets identified in the required annual financial audit at any school of hope operated by the LEA within the same district.

The bill revises 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 by January 1 each year. A school district may provide evidence of any errors or omissions to the DOE within 30 days after the list is provided. 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 the authorization for undispersed Schools of Hope Program funds to be carried forward from 5 years to 7 years.

Charter School Capital Outlay Funding

Present Situation

Capital outlay funds may be used by a charter school's governing board for the:

- purchase of real property;
- construction of school facilities;
- purchase, lease-purchase or lease of permanent or relocatable school facilities;
- purchase of vehicles to transport students to and from the charter school;
- renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of five years or longer;
- purchase, lease-purchase, or lease of computer and device hardware and operating system software necessary for gaining access to or enhancing the use of electronic and digital instructional content and resources;
- payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities;
- purchase, lease-purchase or lease of driver's education vehicles, motor vehicles used for the maintenance or operation of plants and equipment, security vehicles, or vehicles used in storing or distributing materials and equipment; and
- payment of the cost of the opening day collection for the library media center of a new school.

To be eligible for charter school capital outlay funding, a charter school must:

- be in operation for at least 2 years;
- be governed by a governing board established in Florida for 2 or more years which operates both charter schools and conversion charter schools within the state;
- be part of an expanded feeder chain¹³¹ with an existing charter school in the district that is currently receiving charter school capital outlay funds;
- be accredited by a regional accrediting association as defined by state board rule; or
- serve students in facilities that are provided by a business partner for a charter school-in-the-workplace.¹³²

In addition, a charter school must:

¹³¹ A charter school may be considered a part of an expanded feeder chain under s. 1013.62, F.S., if it either sends or receives a majority of its students directly to or from a charter school that is currently receiving capital outlay funding pursuant to s. 1013.62, F.S. Rule 6A-2.0020 (1), F.A.C.

¹³² Section 1013.62(1)(a).1.a.-e., F.S.

- have an annual audit that does not reveal a financial emergency for the most recent fiscal year for which such audit results are available;¹³³
- have satisfactory student achievement based upon the state accountability standards applicable to charter schools;¹³⁴
- have received final approval from its sponsor for operation during that fiscal year; and
- serve students in facilities that are not provided by the charter school sponsor.¹³⁵

Capital outlay funds appropriated by the Legislature in the General Appropriations Act are allocated to eligible charter schools by the DOE based on a methodology specified in law.¹³⁶ For fiscal year 2020-2021, the Legislature appropriated \$169.6 million for charter school capital outlay funding.¹³⁷ As of March 2021, 610 charter schools received capital outlay disbursements from the DOE.¹³⁸

Effect of Proposed Changes

The bill authorizes a charter school operated as a school of hope to be eligible to receive charter school state capital outlay funding.

Personnel Background Screening

Each person who seeks educator certification in Florida must be fingerprinted and undergo a state and national criminal history background screening by a district school board or the DOE.¹³⁹ If a background screening reveals a criminal history, or if an applicant for certification acknowledges a criminal history, the applicant's records must be assigned to DOE's Office of Professional Practices Services (OPPS) for review and determination of eligibility for certification.¹⁴⁰

Instructional and non-instructional personnel hired or contracted to fill positions that require direct contact with students in any charter school are required to undergo background screening¹⁴¹ by filing with the district school board for the school district in which the charter school is located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.¹⁴² Current law provides a list of disqualifying criminal offenses for educator certification or employment in any position that requires direct contact with students in a charter school.¹⁴³ Instructional and non-instructional personnel who are hired must be rescreened every 5 years.¹⁴⁴

Effect of Proposed Changes

¹³³ The definition of financial emergency is provided in s. 218.503(1), F.S.

¹³⁴ Section 1013.62(1)(a)3., F.S.; rule 6A-2.0020, F.A.C. A charter school that receives a grade of "F," two consecutive grades lower than a "C" or a school improvement rating of "Unsatisfactory" is not eligible for capital outlay funding. *See also, Florida Assoc. of Independent Charter Schools vs. Florida Dept. of Education, Case No. 17-1986RP, available at <https://www.doah.state.fl.us/ROS/2017/17001986.pdf>.*

¹³⁵ Section 1013.62(1)(a), F.S. A conversion charter school, i.e., a charter school created by the conversion of an existing public school to charter status, is not eligible for capital outlay funding if it operates in facilities provided by its sponsor at no charge or for a nominal fee or if it is directly or indirectly operated by the school district. Section 1013.62(1)(b), F.S.

¹³⁶ Section 1013.62(2)(a)-(e), F.S.

¹³⁷ Specific appropriation 21, s. 2, ch. 2020-21, L.O.F.

¹³⁸ Florida Department of Education, *Charter School Capital Outlay 2020-21, available at <http://www.fldoe.org/finance/fco/charter-school-capital-outlay/index.stml>* (last visited April 12, 2021).

¹³⁹ Section 1012.56(10)(a), F.S.

¹⁴⁰ Section 1012.56(2)(d), F.S. The OPPS administers a state-level grievance process. The OPPS investigates alleged misconduct by educators in Florida who hold an educator's certificate and pursues disciplinary actions against the certificates of educators found to have committed acts of misconduct. *See Florida Department of Education, Professional Practices, <http://www.fldoe.org/teaching/professional-practices/>* (last visited April 12, 2021).

¹⁴¹ Section 1002.33(12)(g)1.

¹⁴² Section 1012.32(2)(b), F.S.

¹⁴³ Section 1012.315, F.S.

¹⁴⁴ Section 1012.56(10)(b), F.S.

The bill authorizes instructional personnel and non-instructional personnel who are hired or contracted to fill positions in any school of hope as well as members of the governing board of a school of hope, to complete background screening requirements by filing with the school a set of fingerprints taken by an authorized law enforcement agency, an employee of the charter school or school district who is trained to take fingerprints, or by any other entity recognized by the Florida Department of Law Enforcement.

Exceptional Student Education Centers

Present Situation

Exceptional Student Education (ESE) is specially designed instruction and related services that are provided to students with disabilities and students who are identified as gifted.¹⁴⁵ A student may not be given special instruction or services as an ESE student until after the student has been properly evaluated and found eligible.¹⁴⁶

With regard to students with disabilities, the IDEA requires school districts to make a free appropriate public education (FAPE) available to such students ages three through 21.¹⁴⁷ A FAPE must include special education and related services¹⁴⁸ that are provided by the public school system at no cost to the parent, which meet the standards of the state and which are in conformity with the student's individual educational plan (IEP).¹⁴⁹

An ESE center is a separate public school to which nondisabled students ages six through 21 years of age do not have access to.¹⁵⁰ For school accountability purposes, an ESE center school is one which is specifically designed to meet the needs of students with disabilities and in which all students in attendance in grades K-12 are identified as students with a disability.¹⁵¹ Each ESE center must choose to receive a school grade based on student performance on statewide standardized assessments or to receive a school improvement rating.¹⁵² An ESE center school that does not choose to receive a school grade must be assigned a school improvement rating of Commendable, Maintaining, or Unsatisfactory annually, and the school must assess at least 80 percent of their eligible students to receive a school improvement rating.¹⁵³

The school improvement rating is calculated using student learning gains on statewide, standardized English Language Arts and Mathematics assessments for all eligible students who are enrolled in the school and who have assessment scores, concordant scores, or comparable scores for the preceding school year.¹⁵⁴

The overall school improvement rating is calculated based on the percentage of possible points, 100 points are available for each component, earned by each school.¹⁵⁵ A school's overall improvement rating based, on applicable points earned, are as follows:

¹⁴⁵ Section 1003.57(1)(b), F.S.; Rule 6A-6.03411(1)(m) and (n), F.A.C.

¹⁴⁶ Section 1003.57(1)(c), F.S.; *see also* Rule 6A-6.0331, F.A.C.

¹⁴⁷ 20 U.S.C. s. 1400(d)(1)(A); 34 C.F.R. s. 300.101; Rules 6A-6.03028(1) and 6A-6.03411(1)(p), F.A.C.

¹⁴⁸ "Related services" means "transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes." "Related services" also include school health services and school nurse services, social work services in schools, and parent counseling and training. 34 C.F.R. s. 300.34 (a).

¹⁴⁹ 34 C.F.R. s. 300.17; Rule 6A-6.03411(1)(p), F.A.C.

¹⁵⁰ Section 1003.57(1)(a)1.a., F.S.

¹⁵¹ Rule 6A-1.099828(2)(b), F.A.C.

¹⁵² Section 1008.3415, F.S.; *see also* s. 1008.34(3)(a), F.S.

¹⁵³ Rule 6A-1.099822(3)(c)-(d), F.A.C.

¹⁵⁴ Section 1008.341(3), F.S.

¹⁵⁵ *Id.* at (4)(b)1.

School Improvement Ratings		
Total Points Earned	Rating	Student Performance
50% or higher	Commendable ¹⁵⁶	A significant percentage of the students attending the school are making learning gains. ¹⁵⁷
26-49%	Maintaining ¹⁵⁸	A sufficient percentage of the students attending the school are making learning gains. ¹⁵⁹
25% or less	Unsatisfactory ¹⁶⁰	An insufficient percentage of the students attending the school are making learning gains. ¹⁶¹

A school that tests less than 90 percent of its students may not earn a rating higher than maintaining.¹⁶²

Effect of Proposed Changes

The bill authorizes a charter school that is an ESE center and has two consecutive ratings of “maintaining” or higher to replicate its educational programs in the same manner as a high-performing charter school.¹⁶³ The bill also reduces the administrative fee the sponsor of the charter ESE center may withhold from up to 5 percent to up to 2 percent for enrollment of up to an including 250 students.

Career and Professional Academies

Present Situation

Each school board must operate at least one high school career and professional academy and have as part of its 3-year strategic plan the implementation of an academy or a career-themed course in at least one middle school in the district.¹⁶⁴ Two or more school districts may collaborate in the development of the strategic plan and jointly offer an academy or career-themed courses.¹⁶⁵

The goals of a career and professional academy and career-themed courses are to:

- increase student academic achievement and graduation rates through integrated academic and career curricula;
- prepare graduating high school students to make appropriate choices relative to employment and future educational experiences;
- focus on career preparation through rigorous academics and industry certification;
- raise student aspiration and commitment to academic achievement and work ethics through relevant coursework;
- promote acceleration mechanisms, such as dual enrollment or articulated credit, so that students may earn postsecondary credit while in high school; and
- support the state’s economy by meeting industry needs for skilled employees in high-skill, high-wage, and high-demand occupations.¹⁶⁶

¹⁵⁶ Rule 6A-1.099822(4)(b)2.a., F.A.C.

¹⁵⁷ Section 1008.341(2)(a), F.S.

¹⁵⁸ Rule 6A-1.099822(4)(b)2.b., F.A.C.

¹⁵⁹ Section 1008.341(2)(b), F.S.

¹⁶⁰ Rule 6A-1.099822(4)(b)2.c., F.A.C.

¹⁶¹ Section 1008.341(2)(c), F.S.

¹⁶² *Id.* at (3)(d).

¹⁶³ As of March 15, 2021, there are currently 29 charter school ESE centers in operation across Florida. Email, Florida Department of Education, Bethany Swanson, Legislative Affairs, Re: Charter ESE Centers (March 15, 2021).

¹⁶⁴ Sections 1003.493(3) and 1003.4935(1), F.S.

¹⁶⁵ Section 1003.491(2), F.S.

¹⁶⁶ Section 1003.493(2), F.S.

An academy may be offered as a school-within-a-school or as part of an existing high school that provides courses in one or more occupational clusters. Students attending the school are not required to attend the academy. An academy may also be offered as a total school configuration providing multiple academies, each structured around an occupational cluster. In this case, each student attending the school also attends an academy.¹⁶⁷

Each career course offered in a career and professional academy and each career-themed course offered by a secondary school must lead to industry certification or postsecondary credit. If the passage rate on an industry certification examination that is associated with an academy or a career-themed course falls below 50 percent, the 3-year strategic plan must be amended to include specific strategies to improve the passage rate of the academy or career-themed course.¹⁶⁸

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

Effect of Proposed Changes

The bill authorizes charter schools to provide career and professional academies.

Virtual Instruction Programs

Present Situation

Florida law establishes a variety of options to make virtual instruction accessible to K-12 students. These options include:

- full-time or part-time enrollment in a school district virtual instruction program;¹⁶⁹
- full-time enrollment in a virtual charter school;¹⁷⁰
- enrollment in individual virtual courses offered by school districts and approved by the DOE;¹⁷¹ and
- full-time or part-time enrollment in the Florida Virtual School (FLVS) or school district FLVS franchises.¹⁷²

The DOE is required to annually publish online a list of providers approved to offer virtual instruction programs in the state.¹⁷³ To be approved by the DOE, among other requirements specified in law,¹⁷⁴ a virtual provider must document that the provider makes available to the parents and students in their virtual program specific contact information.¹⁷⁵ The contact information must be posted and accessible online and include, but is not limited to, the following teacher-parent and teacher-student contact information for each virtual course:¹⁷⁶

- How to contact the instructor via phone, e-mail, or online messaging tools.
- How to contact technical support via phone, e-mail, or online messaging tools.
- How to contact the administration office via phone, e-mail, or online messaging tools.
- Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.
- The requirement that the instructor in each course must, at a minimum, conduct one contact via phone with the parent and the student each month.

Effect of Proposed Changes

¹⁶⁷ Section 1003.493(3)(b), F.S.

¹⁶⁸ Section 1003.493(5), F.S.

¹⁶⁹ Section 1002.45, F.S.

¹⁷⁰ Sections 1002.33(1) and 1002.45(1)(d), F.S.

¹⁷¹ Section 1003.498, F.S.

¹⁷² Sections 1002.37 and 1002.45(1)(a)1 and (c)1., F.S.

¹⁷³ Section 1002.45(2)(a), F.S.; see also Florida Department of Education, List of Approved Program and Course Providers, <https://www.fldoe.org/schools/school-choice/virtual-edu/provider-resources/approved-providers/> (last visited April 13, 2021).

¹⁷⁴ Section 1002.45(2)(a)1.-10., F.S.

¹⁷⁵ Section 1002.45(2)(a)4., F.S.

¹⁷⁶ Section 1002.45(a)4.a.-e., F.S.

The bill allows a virtual charter school to offer part-time instruction and removes the requirement for a virtual instructor to conduct one contact specifically via phone with a parent and student each month. The requirement for contact still remains, but the modality of communication is not prescribed.

The bill makes conforming changes to reflect the authorization for a virtual charter school to offer part-time instruction.

District School Board Member Terms

Present Situation

The Florida Constitution provides that “[i]n each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.”¹⁷⁷ This provision has been interpreted to allow qualifications to be established by statute.¹⁷⁸ Current statute requires a district school board member to be elected at the general election in November for a term of 4 years.¹⁷⁹ Each district school board must operate, control, and supervise all free public schools within the school district and determine the rate of school district taxes within constitutional limits.¹⁸⁰

Florida law requires that each district be divided into at least five school board member residence areas of equal population, as nearly as practicable.¹⁸¹ Each member of the school board must:

- be a qualified elector of the district in which they serve;
- be a resident of the district school board member residence area from which they are elected; and
- maintain said residency through the term of office.¹⁸²

Effect of Proposed Changes

The bill revises the terms of office of a district school board member by requiring that a school board member may not appear on the ballot for reelection if, by the end of his or her current term of office, the school board member will have served for 8 consecutive years, including if during his or her term the member resigned. The bill specifies that service by a district school board member which commenced before November 8, 2022, will not count towards the 8 consecutive years limitation.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.35, F.S.; providing district school board member term limits; prohibiting certain service from counting toward the limit.

Section 2. Amends s. 1002.32, F.S.; revising the charter lab schools exempted from a certain limitation; providing that the limitation on lab schools does not apply certain schools serving a military installation; revising a limitation on lab schools receiving specified funds.

¹⁷⁷ Art. IX, s. 4(a), Fla. Const.

¹⁷⁸ *Askew v. Thomas*, 293 So. 2d 40, 42 (Fla. 1974) upholding residency requirements for district school board members and holding that section 4(a) of article IX “does NOT address itself to Qualifications of the school district members” and, therefore, statutes imposing qualifications “remain intact and viable, unaffected by this new constitutional provision.” *See also Telli v. Broward County*, 94 So. 3d 504 (Fla. 2012) receding from prior opinions which held that article VI, section 4(b), Florida Constitution, listing the state elected offices with mandatory term limits, prohibited the imposition of term limits on other officials. The court held that “[i]nterpreting Florida’s Constitution to find implied restrictions on powers otherwise authorized is unsound in principle” and that “express restrictions must be found not implied.” *Id.* at 513.

¹⁷⁹ Section 1001.35, F.S.

¹⁸⁰ Art. IX, s. 4(b), Fla. Const.

¹⁸¹ Section 1001.36(1), F.S.

¹⁸² Section 1001.34(1), F.S.

- Section 3.** Amends s. 1002.321, F.S.; conforming a provision to changes made by the act.
- Section 4.** Amends s. 1002.33, F.S.; authorizing state universities and Florida College System institutions to solicit applications for and sponsor charter schools under certain circumstances; authorizing a state university or Florida College System institution to, at its discretion, deny an application for a charter school; prohibiting certain interlocal agreements; revising the contents of an annual report that charter school sponsors must provide to the Department of Education; revising the date by which the department must post a specified annual report; requiring certain school districts to reduce administrative fees withheld; requiring such school districts to file certain monthly reports; authorizing such school districts to resume withholding full amount of administrative fees under specified circumstance; authorizing certain charter schools to recover attorney fees and costs; authorizing parties to appeal without first mediating in certain circumstances; providing that certain changes to curriculum are deemed approved; providing an exception; revising the circumstances in which a charter may be immediately terminated; providing that certain information must be provided to specified entities upon immediate termination; authorizing the of award specified fees and costs in certain circumstances; authorizing a sponsor to seek an injunction in certain circumstances; revising provisions related to sponsor assumption of operation; revising provisions relating to Florida College System institutions that are operating charter schools; requiring the board of trustees of a state university or Florida College System institution that is sponsoring a charter school to serve as the local educational agency for such school; prohibiting certain charter school students from being included in specified school district grade calculations; requiring the department to develop a sponsor evaluation framework; providing requirements for the framework; deleting obsolete language; revising the student populations for which a charter school is authorized to give enrollment preference and limit the enrollment process; providing a calculation for the operational funding for a charter school sponsored by a state university or Florida College System institution; requiring the department to develop a tool for state universities and Florida College System institutions for specified purposes relating to certain funding calculations; providing that such funding must be appropriated to the charter school; providing for capital outlay funding for such schools; specifying an administrative fee for certain schools; conforming provisions to changes made by the act.
- Section 5.** Amends s. 1002.331, F.S.; revising requirements for a charter school to be a high-performing charter school; revising a limitation on the expansion of high-performing charter schools; revising a limitation on the establishment of charter schools by a high-performing charter school.
- Section 6.** Amends s. 1002.333, F.S.; revising the definition of the term "persistently low-performing school"; authorizing certain entities to be designated as a local education agency by the department; authorizing such entities to report students in a specified manner; providing requirements for nonprofit entities operating schools of hope; revising procedures for the reporting of certain surplus facilities; authorizing certain nonprofit entities to use specified funds within the same school district; providing how such funds may be used; revising the length of time certain funds may be carried forward.
- Section 7.** Amends s. 1002.45, F.S.; authorizing virtual charter schools to provide part-time instruction; revising requirements for contact.
- Section 8.** Amends s. 1002.455, F.S.; conforming a provision to changes made by the act.
- Section 9.** Amends s. 1003.493, F.S.; authorizing a career and professional academy to be offered by a charter school.

- Section 10.** Amends s. 1008.3415, F.S.; authorizing certain exceptional student education centers to replicate their educational programs; requiring the Commissioner of Education to verify certain information and provide a letter to specified entities.
- Section 11.** Amends s. 1012.32, F.S.; specifying that existing background screening requirements do not apply to schools of hope; providing background screening requirements for schools of hope.
- Section 12.** Amends s. 1013.62, F.S.; authorizing certain schools of hope to receive capital outlay funding.
- Section 13.** Provides and effective date of July 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill requires that the funds for eligible university or FCS institution sponsored charter school students must be appropriated from state funds only provided in the GAA to the charter school. Currently full-time equivalent students funded in the Florida Education Finance Program (FEFP) are funded with a combination of state and local funds. Since the eligible university- or FCS institution-sponsored charter school student will only be funded from state funds appropriated in the FEFP, there may need to be additional state funds provided to offset the potential loss of local FEFP 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.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill provides operational funding for a charter school sponsored by a state university or FCS institution based on a calculation of total operating funds appropriated in the FEFP using the total number of weighted FTE students. 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 schools is known; therefore, the fiscal impact is indeterminate.

The bill authorizes a school operated by a statutorily-defined school of hope operator to be eligible to receive state capital outlay funds. This may increase the number of charter schools that are eligible to

receive such funds which may potentially impact the amount of state capital outlay funds received by each eligible charter school.

To the extent that a school district has to reduce the administrative fee withheld from charter schools, school districts will experience a reduction in funds and charter schools will experience an increase in operating funds for a period of time until a resolution has been reached.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On April 15, 2021, the Education & Employment Committee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS adds the following provisions to CS/HB 51:

- exempts a university that establishes a lab school to serve families of a military installation that is within the same county as a branch campus that offers programs from the university's college of education from the limitation of operating one lab school per university;
- aligns school grade offerings for the charter lab school at Florida Atlantic University as a K-12 school to current practice;
- authorizes all lab schools with permanent high school centers to receive a proportionate share of the sparsity supplement;
- requires a school district that fails to implement the decision of the District Court of Appeal, regarding an appealed charter school application, to reduce the administrative fee the sponsor is authorized to withhold to one percent for all charter schools operating in the school district until a charter is executed;
- provides that changes to a charter school's curriculum to implement blended learning are deemed approved unless the sponsor and the DOE determine in writing that the curriculum is inconsistent with state standards;
- provides that notwithstanding any other provision of law, an interlocal agreement which prohibits or limits the creation of a charter school is void and unenforceable;
- revises the criteria for identifying high-performing charter schools;
- allows a high-performing charter school to submit two applications at a time to open a charter school at a time determined by the high-performing charter school;
- revises the definition of a persistently low-performing school;
- authorizes a nonprofit entity that operates more than one school of hope through a performance-based agreement with a school district to be designated as a local education agency by the DOE and as such may report its students directly to the DOE, may use unrestricted current and capital assets at another school of hope operated in the same district, and may meet the requirements of

an annual financial audit by having the school's operator submit required financial information to each school district in which it operates a school of hope;

- revises facility reporting requirements for identifying educational facilities that may be used by a school of hope;
- extends the authorization for undispersed Schools of Hope Program funds to be carried forward from 5 years to 7 years;
- authorizes a charter school operated as a school of hope to be eligible to receive charter school state capital outlay funding;
- authorizes schools of hope to provide for background screening for their employees and governing board members;
- allows a virtual charter school to offer part-time instruction and removes the requirement for a virtual instructor to conduct one contact specifically via phone with a parent and student each month; and
- revises the terms of office of a district school board member.

The bill analysis is drafted to the committee substitute adopted by the Education & Employment Committee.