

1 A bill to be entitled
2 An act relating to schools of innovation; creating s.
3 1002.452, F.S.; providing that a district school board
4 may operate a school of innovation for certain
5 purposes; providing requirements for such schools;
6 providing that such schools may operate pursuant to a
7 performance contract; providing conditions for such
8 contract; providing that such contracts may be
9 terminated under certain circumstances; providing how
10 certain students will be reported for funding;
11 providing that schools of innovation may request
12 exemptions from statutes, rules, and policies under
13 certain circumstances; providing certain assessments
14 may not be waived; providing alternatives to waiver
15 for such assessments; requiring the State Board of
16 Education to establish process to request further
17 waivers; specifying how long such waivers remain
18 applicable; providing school districts may apply to
19 the State Board of Education to enter into a
20 performance contract; requiring the application
21 include certain information; requiring the
22 Commissioner of Education to submit a recommendation
23 on the application within a certain time period;
24 providing a certain recommendation must include a
25 written explanation; requiring the State Board of

26 Education to take certain actions within a specified
27 time period; requiring a performance contract include
28 certain information; requiring the State Board of
29 Education to monitor schools of innovation for
30 compliance; providing that the State Board of
31 Education may adopt rules; requiring such rules
32 address certain issues; providing certain schools may
33 use an alternative application process; requiring
34 schools of innovation be supported by an innovation
35 network; providing goals of such network; requiring
36 the Commissioner of Education to present a certain
37 plan; providing for the contracting of a third-party
38 provider; requiring the Department of Education to
39 develop a certain plan by rule; providing requirements
40 for such plan; providing students transferring from a
41 school of innovation shall have certain protections;
42 requiring the State Board of Education and the Florida
43 Board of Governors to adopt certain policies
44 concerning students who have attended a school of
45 innovation; requiring an annual report; providing
46 requirements for such report; amending s. 1003.437,
47 F.S.; providing a school of innovation may use an
48 alternate grading system; providing for calculation of
49 GPA in such schools; amending s. 1011.61, F.S.;

50 providing that the commissioner may use certain

51 alternatives for instructional hours; amending s.
 52 1011.62, F.S.; providing funding formula for certain
 53 students; providing an effective date.
 54

55 Be It Enacted by the Legislature of the State of Florida:
 56

57 Section 1. Section 1002.451, Florida Statutes, is created
 58 to read:

59 1002.452 Schools of innovation.-

60 (1) SCHOOLS OF INNOVATION.-

61 (a) A district school board may operate a school of
 62 innovation for the purposes of encouraging innovation and
 63 creativity, improving academic achievement, and enhancing
 64 academic opportunities.

65 (b) A school of innovation is a school that has, on a
 66 schoolwide basis, adopted and implemented a learner-validated
 67 program in which the instruction includes an element of student-
 68 centered learning over time, place, path, or pace. The school
 69 may use any of the following learner-validated programs:

70 1. Online learning in which students receive educational
 71 services primarily over the Internet.

72 2. Blended learning in which a student learns through an
 73 integrated experience that is in part through online learning.

74 3. Competence-based learning designed to accomplish a
 75 predetermined curricular objective, set of objectives, or set of

76 competencies.

77 (c) A school of innovation must be open to any student
78 covered in an interdistrict agreement or residing in the school
79 district in which the school of innovation is located. A school
80 of innovation shall enroll an eligible student who submits a
81 timely application if the number of applications does not exceed
82 the capacity of a program, class, grade level, or building. If
83 the number of applications exceeds capacity, all applicants
84 shall have an equal chance of being admitted through a public
85 random selection process.

86 (2) TERM OF PERFORMANCE CONTRACT.—A school of innovation
87 may operate pursuant to a performance contract with the State
88 Board of Education for a period of 5 years.

89 (a) Before expiration of the performance contract, the
90 school's performance shall be evaluated against the rules
91 determined by the State Board of Education for renewal
92 consideration, including performance evaluations. The contract
93 may be renewed every 5 years.

94 (b) The performance contract may be terminated by the
95 State Board of Education if goals, performance indicators, or
96 implementation milestones are not met.

97 (3) FUNDING.—A district school board operating a school of
98 innovation shall report full-time equivalent students to the
99 department in a manner prescribed by the department, and funding
100 shall be provided through the Florida Education Finance Program

101 as provided in ss. 1011.61 and 1011.62. A school of innovation
102 may seek and receive additional funding through incentive grants
103 or public or private partnerships.

104 (4) EXEMPTIONS FROM GENERAL LAW, RULES, AND POLICIES.—

105 (a) A school of innovation may, in its application,
106 request exemption from general law, rules, and policies that may
107 hinder full implementation of the school's innovation plan. A
108 school requesting such exemption shall include alternative
109 solutions and an explanation of how each requested exemption
110 will support implementation. Under s. 1001.10, the Commissioner
111 of Education may grant a waiver from rules or policies and shall
112 present requests for statutory waiver to the legislature at the
113 next regular legislative session after approval of the
114 application. However, participation in the statewide,
115 standardized assessments as well as state and federal
116 accountability systems may not be waived, although applicants
117 may request flexibility for the scheduling of state required
118 assessments.

119 (b) The State Board of Education shall determine a process
120 for schools of innovation to submit amendments to approved
121 applications to request further waivers.

122 (c) A waiver that is granted under this section shall
123 continue to apply so long as the school continues to be
124 designated as a school of innovation.

125 (5) APPLICATION PROCESS AND PERFORMANCE CONTRACT.—

- 126 (a) A school district may apply to the State Board of
127 Education at any time to enter into a performance contract to
128 operate a school of innovation. The application must, at a
129 minimum, include:
- 130 1. A statement of the school's mission and a description
131 of how designation as a school of innovation would enhance the
132 school's ability to achieve its mission.
- 133 2. A description of the innovative practices and learner-
134 validated programs the school will implement along with a plan
135 for implementation.
- 136 3. The programs, policies, or operations within the school
137 that will change to successfully implement the innovative
138 practice.
- 139 4. A detailed implementation timeline not to exceed 5
140 years.
- 141 5. A detailed description of the learner-validated
142 measures to be used for substitution of required net
143 instructional hours under s. 1011.61(1). A learner-validated-
144 measure may be any of the following:
- 145 a. Full-credit course completion.
- 146 b. A percentage of competencies, standards, or assignments
147 in a course that a student has successfully completed.
- 148 c. An objective and verifiable measure of student
149 learning.
- 150 6. A resolution adopted by the school board supporting the

151 innovation plan, anticipated timeline for implementation, and
152 the resources and support the school will be provided including
153 the waivers given from local policies and procedures to support
154 implementation.

155 7. Documentation demonstrating meaningful parental,
156 educator, and community engagement and capacity for the changes
157 identified in the innovation plan.

158 8. The formative, benchmark, and summative assessments
159 that will be used to monitor progress and outcomes.

160 9. A description of the goals, performance indicators,
161 implementation milestones, and expected outcomes.

162 10. The resources and support the district will provide
163 throughout implementation, including any waivers from local
164 policies and procedures to support implementation.

165 11. Long-term community outreach and stakeholder
166 communication plans.

167 (b) Within 60 days of receiving an application, the
168 Commissioner of Education shall submit a recommendation to the
169 board for approval or resubmission. For applications recommended
170 for resubmission, a written explanation shall accompany the
171 recommendation. The State Board of Education shall approve or
172 deny the application within 90 days after receiving the
173 recommendation.

174 (c) The performance contract must address the terms under
175 which the State Board of Education may cancel the contract and,

176 | at a minimum, the methods by which:

177 | 1. The school and district will monitor performance
 178 | progress.

179 | 2. The school and district will comply with this section
 180 | and the performance contract.

181 | (d) The State Board of Education shall monitor schools of
 182 | innovation to ensure that the respective school district is in
 183 | compliance with this section and the performance contract.

184 | (e) The State Board of Education shall adopt rules
 185 | pursuant to ss. 120.536(1) and 120.54 to implement this section,
 186 | including, but not limited to, an application, an evaluation
 187 | instrument, and a renewal evaluation instrument.

188 | (f) A school that participated in the Competency-Based
 189 | Education Pilot Program during the 2020-2021 school year shall
 190 | update and resubmit its pilot program application for review by
 191 | the Commissioner of Education in order to be designated as a
 192 | school of innovation for the 2021-2022 school year.

193 | (6) INNOVATION NETWORK.—

194 | (a) All approved schools of innovation shall be supported
 195 | and convened through a state innovation network.

196 | (b) The goals of the network are to:

197 | 1. Increase statewide knowledge and understanding of
 198 | schools of innovation.

199 | 2. Provide opportunities for schools of innovation to
 200 | collaborate and share resources and lessons learned.

201 3. Develop information, materials, and other applicable
202 resources.

203 4. Identify data and metrics to be used to evaluate
204 success, progress, and growth for recommendation to the
205 Commissioner of Education.

206 5. Meet any other goals adopted by the State Board of
207 Education.

208 (c) The Commissioner of Education shall present a plan to
209 the board to provide technical assistance and support to the
210 network, which may include a contract with a third-party
211 provider.

212 (d) The department shall, by rule, develop a plan for
213 evaluating the status of the innovation network that will
214 include the successes, challenges, and progress made toward the
215 goals provided in paragraph (b). The plan shall include all of
216 the following:

217 1. Performance indicators to be used in the evaluation,
218 including, but not limited to, student engagement, instructional
219 practices, performance on assessments, and secondary and
220 postsecondary success of former students.

221 2. A timeline of when evaluations will be conducted.

222 3. Identification of the entities that may conduct the
223 evaluations.

224 4. Identification of the data that will be required from a
225 school of innovation.

226 5. Communication strategy for parents, teachers, and the
 227 community.

228 (7) STUDENT PROTECTIONS.—

229 (a) A student attending a school of innovation who
 230 transfers to another school within the state shall not be
 231 penalized by being required to repeat course work or content
 232 that the student has already demonstrated mastery of, by
 233 changing the student's grade, or by any other penalty related to
 234 the student's previous attendance in a school of innovation.

235 (b) The State Board of Education and the Board of
 236 Governors shall establish policies that ensure fair and
 237 equitable access for admission to institutions of higher
 238 education as well as scholarships and financial aid for
 239 graduates of schools implementing innovative school models or
 240 using nontraditional diplomas and transcripts.

241 (8) REPORTS.—The department shall submit to the State
 242 Board of Education, the President of the Senate, and the Speaker
 243 of the House of Representatives an annual report by December 1
 244 of each year which includes a list of waivers requested under
 245 subsection (4) and if the waivers have been granted,
 246 recommendations for statutory modifications, and a copy of the
 247 evaluation provided under paragraph (6) (d).

248 Section 2. Section 1003.437, Florida Statutes, is amended
 249 to read:

250 1003.437 Middle and high school grading system.—

251 (1) The grading system and interpretation of letter grades
252 used to measure student success in grade 6 through grade 12
253 courses for students in public schools shall be as follows:

254 (a)~~(1)~~ Grade "A" equals 90 percent through 100 percent,
255 has a grade point average value of 4, and is defined as
256 "outstanding progress."

257 (b)~~(2)~~ Grade "B" equals 80 percent through 89 percent, has
258 a grade point average value of 3, and is defined as "above
259 average progress."

260 (c)~~(3)~~ Grade "C" equals 70 percent through 79 percent, has
261 a grade point average value of 2, and is defined as "average
262 progress."

263 (d)~~(4)~~ Grade "D" equals 60 percent through 69 percent, has
264 a grade point average value of 1, and is defined as "lowest
265 acceptable progress."

266 (e)~~(5)~~ Grade "F" equals zero percent through 59 percent,
267 has a grade point average value of zero, and is defined as
268 "failure."

269 (f)~~(6)~~ Grade "I" equals zero percent, has a grade point
270 average value of zero, and is defined as "incomplete."

271 (2) A school approved as a schools of innovation pursuant
272 to s. 1002.452 may use an alternative interpretation of letter
273 grades to measure student success in kindergarten through grade
274 12, however, the student's grade point average must be
275 calculated using the 4-point scale established in subsection

276 (1).

277

278 For the purposes of class ranking, district school boards may
 279 exercise a weighted grading system pursuant to s. 1007.271.

280 Section 3. Paragraph (a) of subsection (1) of section
 281 1011.61, Florida Statutes, is amended to read:

282 1011.61 Definitions.—Notwithstanding the provisions of s.
 283 1000.21, the following terms are defined as follows for the
 284 purposes of the Florida Education Finance Program:

285 (1) A "full-time equivalent student" in each program of
 286 the district is defined in terms of full-time students and part-
 287 time students as follows:

288 (a) A "full-time student" is one student on the membership
 289 roll of one school program or a combination of school programs
 290 listed in s. 1011.62(1)(c) for the school year or the equivalent
 291 for:

292 1. Instruction in a standard school, comprising not less
 293 than 900 net hours for a student in or at the grade level of 4
 294 through 12, or not less than 720 net hours for a student in or
 295 at the grade level of kindergarten through grade 3 or in an
 296 authorized prekindergarten exceptional program. For students
 297 enrolled in a school of innovation pursuant to s. 1002.452, the
 298 commissioner must use an alternative learner-validated measure
 299 for at least 15 percent of the net instructional hours, with the
 300 remainder determined in accordance with general law; or

301 2. Instruction comprising the appropriate number of net
302 hours set forth in subparagraph 1. for students who, within the
303 past year, have moved with their parents for the purpose of
304 engaging in the farm labor or fish industries, if a plan
305 furnishing such an extended school day or week, or a combination
306 thereof, has been approved by the commissioner. Such plan may be
307 approved to accommodate the needs of migrant students only or
308 may serve all students in schools having a high percentage of
309 migrant students. The plan described in this subparagraph is
310 optional for any school district and is not mandated by the
311 state.

312
313 The department shall determine and implement an equitable method
314 of equivalent funding for schools operating under emergency
315 conditions, which schools have been approved by the department
316 to operate for less than the minimum term as provided in s.
317 1011.60(2).

318 Section 4. Paragraphs (q), (r), (s), and (t) of subsection
319 (1) of section 1011.62, Florida Statutes, are redesignated as
320 paragraphs (r), (s), (t), and (u), respectively, and a new
321 paragraph (q) is added to that subsection, to read:

322 1011.62 Funds for operation of schools.—If the annual
323 allocation from the Florida Education Finance Program to each
324 district for operation of schools is not determined in the
325 annual appropriations act or the substantive bill implementing

326 the annual appropriations act, it shall be determined as
327 follows:

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

332 (q) Calculation of additional full-time equivalent
333 membership for low-income students enrolled at a school of
334 innovation.—Each school district may receive funding for each
335 low income student course using a learner-validated measure
336 pursuant to s. 1002.452. A district may earn an additional FTE
337 calculated by 0.2 multiplied by each low-income student's
338 percentage of the learner-validated measure earned multiplied by
339 the fraction of an FTE represented by the course. For purposes
340 of this paragraph, a low-income student is a student eligible
341 for a free and reduced-price school lunch.

342 Section 5. This act shall take effect July 1, 2021.