

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Education Administration
2 Subcommittee

3 Representative Valdés offered the following:

Amendment (with directory and title amendments)

6 Remove lines 305-596 and insert:

7 (e) "Sponsoring entity" has the same meaning as in s.
8 1002.33(5), provided that a state university and Florida College
9 System institution has been approved by the Department of
10 Education and has solicited applications and accepted a notice
11 of intent for a school of hope.

12 (4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator
13 seeking to open a school of hope must submit a notice of intent
14 to the sponsoring entity to operate a school of hope in a ~~the~~
15 ~~school~~ district in which a persistently low-performing school
16 has been identified by the State Board of Education pursuant to

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17 subsection (10) or in which a Florida Opportunity Zone is
18 located.

19 (a) The notice of intent must include:

20 1. An academic focus and plan.

21 2. A financial plan.

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

24 4. A completed or planned community outreach plan.

25 5. The organizational history of success in working with
26 students with similar demographics.

27 6. The grade levels to be served and enrollment
28 projections.

29 7. The proposed location or geographic area proposed for
30 the school consistent with the requirements of sub-subparagraphs
31 (1) (d) 1.a. and b.

32 8. A staffing plan.

33 (b) Notwithstanding the requirements of s. 1002.33, a
34 sponsoring entity ~~school district~~ shall enter into a
35 performance-based agreement with a hope operator to open schools
36 to serve students from persistently low-performing schools and
37 students residing in a Florida Opportunity Zone.

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

40 (k) A requirement that any arrangement entered into to
41 borrow or otherwise secure funds for the school of hope from a

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42 source other than the state or a sponsoring entity ~~school~~
43 ~~district~~ shall indemnify the state and the sponsoring entity
44 ~~school-district~~ from any and all liability, including, but not
45 limited to, financial responsibility for the payment of the
46 principal or interest.

47 (1) A provision that any loans, bonds, or other financial
48 agreements are not obligations of the state or the sponsoring
49 entity ~~school-district~~ but are obligations of the school of hope
50 and are payable solely from the sources of funds pledged by such
51 agreement.

52 (m) A prohibition on the pledge of credit or taxing power
53 of the state or the sponsoring entity ~~school-district~~.

54 (6) STATUTORY AUTHORITY.—

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

63 1. A nonprofit entity designated as a local education
64 agency may report its students to the department in accordance
65 with the definitions in s. 1011.61 and pursuant to the
66 department's procedures and timelines.

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

71 (h)1. A school of hope shall provide the sponsoring entity
72 ~~school district~~ with a concise, uniform, quarterly financial
73 statement summary sheet that contains a balance sheet and a
74 statement of revenue, expenditures, and changes in fund balance.
75 The balance sheet and the statement of revenue, expenditures,
76 and changes in fund balance shall be in the governmental fund
77 format prescribed by the Governmental Accounting Standards
78 Board. Additionally, a school of hope shall comply with the
79 annual audit requirement for charter schools in s. 218.39.

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

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

89 b. An annual financial audit of the nonprofit which
90 includes all schools of hope it operates within this state and

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91 | which complies with s. 218.39 regarding audits of a school
92 | board.

93 | (11) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS.—
94 | Pursuant to Art. IX of the State Constitution, which prescribes
95 | the duty of the State Board of Education to supervise the public
96 | school system, the State Board of Education shall:

97 | (b) Adopt a standard notice of intent and performance-
98 | based agreement that must be used by hope operators and
99 | sponsoring entities ~~district school boards~~ to eliminate
100 | regulatory and bureaucratic barriers that delay access to high
101 | quality schools for students in persistently low-performing
102 | schools and students residing in Florida Opportunity Zones.

103 | (c) Resolve disputes between a hope operator and a
104 | sponsoring entity ~~school district~~ arising from a performance-
105 | based agreement or a contract between a charter operator and a
106 | school district under the requirements of s. 1008.33. The
107 | Commissioner of Education shall appoint a special magistrate who
108 | is a member of The Florida Bar in good standing and who has at
109 | least 5 years' experience in administrative law. The special
110 | magistrate shall hold hearings to determine facts relating to
111 | the dispute and to render a recommended decision for resolution
112 | to the State Board of Education. The recommendation may not
113 | alter in any way the provisions of the performance-based
114 | agreement under subsection (5). The special magistrate may
115 | administer oaths and issue subpoenas on behalf of the parties to

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116 the dispute or on his or her own behalf. Within 15 calendar days
 117 after the close of the final hearing, the special magistrate
 118 shall transmit a recommended decision to the State Board of
 119 Education and to the representatives of both parties by
 120 registered mail, return receipt requested. The State Board of
 121 Education must approve or reject the recommended decision at its
 122 next regularly scheduled meeting that is more than 7 calendar
 123 days and no more than 30 days after the date the recommended
 124 decision is transmitted. The decision by the State Board of
 125 Education is a final agency action that may be appealed to the
 126 District Court of Appeal, First District in accordance with s.
 127 120.68. A charter school may recover attorney fees and costs if
 128 the State Board of Education determines that the sponsoring
 129 entity ~~school district~~ unlawfully implemented or otherwise
 130 impeded implementation of the performance-based agreement
 131 pursuant to this paragraph.

132
 133 -----
 134 **D I R E C T O R Y A M E N D M E N T**

135 Remove lines 298-300 and insert:

136 **Section 3. Subsection (4), paragraphs (k), (l), and (m) of**
 137 **subsection (5), paragraphs (a) and (h) of subsection (6), and**
 138 **paragraphs (b) and (c) of subsection (11) of section 1002.333,**
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T I T L E A M E N D M E N T

Remove lines 7-25 and insert:

charter school; amending s. 1002.333, F.S.; defining the term "sponsoring entity"; providing that a hope operator must submit a notice of intent to open a school of hope to the sponsoring entity, rather than the school district; requiring the sponsoring entity, rather than the school district, to enter into a performance-based agreement with a hope operator; requiring a school of hope to provide the sponsoring entity, rather than the school district, with a financial statement summary sheet; providing that specified provisions relating to performance-based agreements and disputes apply to sponsoring entities, rather than to district school boards and school districts; providing an effective date.