

1 A bill to be entitled
2 An act relating to school improvement; amending s.
3 1001.42, F.S.; revising provisions relating to school
4 improvements plans; requiring only specified schools
5 to submit a school improvement plan; deleting a
6 requirement that certain information be included in
7 the improvement plans of certain schools; revising the
8 grade levels required to implement an early warning
9 system; revising the required content of an early
10 warning system; requiring a specified team to monitor
11 specified data; authorizing a psychologist to be a
12 member of the team; revising what constitutes an
13 educational emergency and establishing duties of
14 district school boards relating to such emergency;
15 amending s. 1008.33, F.S.; providing that intervention
16 and support services apply consistently to any school
17 meeting specified criteria; revising the required
18 timeline for the implementation of a district-managed
19 turnaround plan; providing turnaround options
20 available to school districts meeting specified
21 criteria; amending s. 1008.345, F.S.; revising the
22 criteria a school must meet to have a community
23 assessment team; revising the duties of a community
24 assessment team; amending 1002.33, F.S.; revising the
25 criteria a charter school must meet to require

26 | corrective action; revising requirements for
27 | corrective action by charter schools; revising
28 | criteria for waiver of automatic charter termination;
29 | creating s. 1002.333, F.S., relating to persistently
30 | low-performing schools; providing definitions;
31 | providing eligibility criteria for hope operators;
32 | providing for the designation and redesignation of a
33 | hope operator; authorizing hope operators to establish
34 | schools of hope in specified areas; providing the
35 | process for the establishment of a school of hope;
36 | providing the requirements for a performance-based
37 | agreement; authorizing a school of hope to be
38 | designated as a local education agency; providing that
39 | a sponsor is not liable for specified damages;
40 | providing that a school of hope may be a private or
41 | public employer; authorizing a school of hope to
42 | participate in the Florida Retirement System;
43 | authorizing a hope operator to employ certain staff;
44 | providing specific statutory exemptions for schools of
45 | hope; providing requirements for facilities used by
46 | schools of hope; requiring districts to annually
47 | provide a list of specified property to the Department
48 | of Education; providing that schools of hope shall be
49 | funded through the Florida Education Finance Program;
50 | establishing additional funding sources and guidelines

51 for eligible expenditures; providing a mechanism to
 52 address school district noncompliance; providing
 53 authority and obligations of the State Board of
 54 Education; providing a mechanism for the resolution of
 55 disputes; providing for rulemaking; creating s.
 56 1001.291, F.S.; establishing the Schools of Hope
 57 Revolving Loan Program; providing criteria for
 58 administration of the program; providing for
 59 severability; providing effective dates.

60

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

62

63 Section 1. Subsections (18) and (21) of section 1001.42,
 64 Florida Statutes, are amended to read:

65 1001.42 Powers and duties of district school board.—The
 66 district school board, acting as a board, shall exercise all
 67 powers and perform all duties listed below:

68 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 69 Maintain a system of school improvement and education
 70 accountability as provided by statute and State Board of
 71 Education rule. This system of school improvement and education
 72 accountability shall be consistent with, and implemented
 73 through, the district's continuing system of planning and
 74 budgeting required by this section and ss. 1008.385, 1010.01,
 75 and 1011.01. This system of school improvement and education

76 | accountability shall comply with the provisions of ss. 1008.33,
77 | 1008.34, 1008.345, and 1008.385 and include the following:

78 | (a) School improvement plans.—

79 | ~~1.~~ The district school board shall annually approve and
80 | require implementation of a new, amended, or continuation school
81 | improvement plan for each school in the district which has a
82 | school grade of "D" or "F"; ~~If a school~~ has a significant gap
83 | in achievement on statewide, standardized assessments
84 | administered pursuant to s. 1008.22 by one or more student
85 | subgroups, as defined in the federal Elementary and Secondary
86 | Education Act (ESEA), 20 U.S.C. s. 6311(b) (2) (C) (v) (II); has not
87 | significantly increased the percentage of students passing
88 | statewide, standardized assessments; has not significantly
89 | increased the percentage of students demonstrating Learning
90 | Gains, as defined in s. 1008.34 and as calculated under s.
91 | 1008.34(3) (b), who passed statewide, standardized assessments;
92 | or has significantly lower graduation rates for a subgroup when
93 | compared to the state's graduation rate. The, ~~that school's~~
94 | improvement plan of a school that meets the requirements of this
95 | paragraph shall include strategies for improving these results.
96 | The state board shall adopt rules establishing thresholds and
97 | for determining compliance with this subparagraph.

98 | ~~2. A school that includes any of grades 6, 7, or 8 shall~~
99 | ~~include annually in its school improvement plan information and~~
100 | ~~data on the school's early warning system required under~~

101 ~~paragraph (b), including a list of the early warning indicators~~
102 ~~used in the system, the number of students identified by the~~
103 ~~system as exhibiting two or more early warning indicators, the~~
104 ~~number of students by grade level that exhibit each early~~
105 ~~warning indicator, and a description of all intervention~~
106 ~~strategies employed by the school to improve the academic~~
107 ~~performance of students identified by the early warning system.~~
108 ~~In addition, a school that includes any of grades 6, 7, or 8~~
109 ~~shall describe in its school improvement plan the strategies~~
110 ~~used by the school to implement the instructional practices for~~
111 ~~middle grades emphasized by the district's professional~~
112 ~~development system pursuant to s. 1012.98(4)(b)9.~~

113 (b) Early warning system.—

114 1. A school that serves any students in kindergarten
115 through grade ~~includes any of grades 6, 7, or 8~~ shall implement
116 an early warning system to identify students in such grades ~~6,~~
117 ~~7,~~ and ~~8~~ who need additional support to improve academic
118 performance and stay engaged in school. The early warning system
119 must include the following early warning indicators:

120 a. Attendance below 90 percent, regardless of whether
121 absence is excused or a result of out-of-school suspension.

122 b. One or more suspensions, whether in school or out of
123 school.

124 c. Course failure in English Language Arts or mathematics
125 during any grading period.

126 d. A Level 1 score on the statewide, standardized
127 assessments in English Language Arts or mathematics or, for
128 students in kindergarten through grade 3, a substantial reading
129 deficiency under s. 1008.25(5)(a).

130

131 A school district may identify additional early warning
132 indicators for use in a school's early warning system. The
133 system must include data on the number of students identified by
134 the system as exhibiting two or more early warning indicators,
135 the number of students by grade level who exhibit each early
136 warning indicator, and a description of all intervention
137 strategies employed by the school to improve the academic
138 performance of students identified by the early warning system.

139 2. A school-based team responsible for implementing the
140 requirements of this paragraph shall monitor the data from the
141 early warning system. The team may include a school
142 psychologist. When a student exhibits two or more early warning
143 indicators, the team, in consultation with the student's parent,
144 shall school's child study team under s. 1003.02 or a school-
145 based team formed for the purpose of implementing the
146 requirements of this paragraph shall convene to determine
147 appropriate intervention strategies for the student unless the
148 student is already being served by an intervention program at
149 the direction of a school-based, multidisciplinary team. Data
150 and information relating to a student's early warning indicators

151 must be used to inform any intervention strategies provided to
152 the student ~~The school shall provide at least 10 days' written~~
153 ~~notice of the meeting to the student's parent, indicating the~~
154 ~~meeting's purpose, time, and location, and provide the parent~~
155 ~~the opportunity to participate.~~

156 (21) EDUCATIONAL AUTHORITY TO DECLARE AN EMERGENCY. ~~May~~
157 ~~declare an emergency in cases in which one or more schools in~~
158 ~~the district are failing or are in danger of failing and~~
159 Negotiate special provisions of its contract with the
160 appropriate bargaining units to free ~~these~~ schools with a school
161 grade of "D" or "F" from contract restrictions that limit the
162 school's ability to implement programs and strategies needed to
163 improve student performance. The negotiations shall result in a
164 memorandum of understanding that addresses the selection,
165 placement, and expectations of instructional personnel and
166 school administrators. For purposes of this subsection, an
167 educational emergency exists in a school district if one or more
168 schools in the district have a school grade of "D" or "F."

169 Section 2. Subsections (3), (4), and (5) of section
170 1008.33, Florida Statutes, are amended to read:

171 1008.33 Authority to enforce public school improvement.—

172 (3) (a) The academic performance of all students has a
173 significant effect on the state school system. Pursuant to Art.
174 IX of the State Constitution, which prescribes the duty of the
175 State Board of Education to supervise Florida's public school

176 system, the state board shall equitably enforce the
177 accountability requirements of the state school system and may
178 impose state requirements on school districts in order to
179 improve the academic performance of all districts, schools, and
180 students based upon the provisions of the Florida K-20 Education
181 Code, chapters 1000-1013; the federal ESEA and its implementing
182 regulations; and the ESEA flexibility waiver approved for
183 Florida by the United States Secretary of Education.

184 (b) ~~Beginning with the 2011-2012 school year,~~ The
185 Department of Education shall annually identify each public
186 school in need of intervention and support to improve student
187 academic performance. All schools earning a grade of "D" or "F"
188 pursuant to s. 1008.34 are schools in need of intervention and
189 support.

190 (c) The state board shall adopt by rule a differentiated
191 matrix of intervention and support strategies for assisting
192 traditional public schools identified under this section and
193 rules for implementing s. 1002.33(9)(n), relating to charter
194 schools. The intervention and support strategies must address
195 student performance and may include improvement planning,
196 leadership quality improvement, educator quality improvement,
197 professional development, curriculum alignment and pacing, and
198 the use of continuous improvement and monitoring plans and
199 processes. In addition, the state board may prescribe reporting
200 requirements to review and monitor the progress of the schools.

201 The rule must define the intervention and support strategies for
202 school improvement for schools earning a grade of "D" or "F" and
203 the roles for the district and department. ~~The rule shall~~
204 ~~differentiate among schools earning consecutive grades of "D" or~~
205 ~~"F," or a combination thereof, and provide for more intense~~
206 ~~monitoring, intervention, and support strategies for these~~
207 ~~schools.~~

208 (4) (a) The state board shall apply intensive ~~the most~~
209 ~~intense~~ intervention and support strategies to schools earning a
210 grade of "D" or "F." In the first full school year after a
211 school initially earns a grade of "D" or "F," the school
212 district must immediately implement intervention and support
213 strategies prescribed in rule under paragraph (3) (c) and, by
214 September 1, provide, ~~select a turnaround option from those~~
215 ~~provided in subparagraphs (b)1.-5., and submit a plan for~~
216 ~~implementing the turnaround option to the department~~ with the
217 memorandum of understanding negotiated pursuant to s.
218 1001.42(21) and a district-managed turnaround plan for approval
219 by the state board. Upon approval by the state board, the school
220 district must implement the plan for the remainder of the school
221 year and continue the plan for 1 full school year. The state
222 board may allow a school an additional year of implementation
223 before the school must implement a turnaround option required
224 under paragraph (b) if it determines that the school is likely
225 to improve to a grade of "C" or higher after the first full

226 school year of implementation. ~~for approval by the state board.~~
227 ~~Upon approval by the state board, the turnaround option must be~~
228 ~~implemented in the following school year.~~

229 (b) Unless an additional year of implementation is
230 provided pursuant to paragraph (a), ~~The turnaround options~~
231 ~~available to a school district to address a school that earns~~
232 three consecutive grades below a "C" must implement one of the
233 following a grade of "F" are:

234 ~~1. Convert the school to a district-managed turnaround~~
235 ~~school;~~

236 ~~1.2.~~ Reassign students to another school and monitor the
237 progress of each reassigned student;

238 ~~2.4.~~ Contract with an outside entity that has a
239 demonstrated record of effectiveness to operate the school; or

240 3. Close the school and reopen the school as one or more
241 charter schools, each with a governing board that has a
242 demonstrated record of effectiveness.~~.~~

243 ~~5. Implement a hybrid of turnaround options set forth in~~
244 ~~subparagraphs 1.-4. or other turnaround models that have a~~
245 ~~demonstrated record of effectiveness.~~

246 (c) ~~A school earning a grade of "F" shall have a planning~~
247 ~~year followed by 2 full school years to implement the initial~~
248 ~~turnaround option selected by the school district and approved~~
249 ~~by the state board.~~ Implementation of the turnaround option is
250 no longer required if the school improves to a grade of "C" or

251 higher ~~by at least one letter grade.~~

252 ~~(d) A school earning a grade of "F" that improves its~~
253 ~~letter grade must continue to implement strategies identified in~~
254 ~~its school improvement plan pursuant to s. 1001.42(18)(a). The~~
255 ~~department must annually review implementation of the school~~
256 ~~improvement plan for 3 years to monitor the school's continued~~
257 ~~improvement.~~

258 ~~(d)(e)~~ (e) If a school earning a grade of "D" or "F" does not
259 improve to a grade of "C" or higher ~~by at least one letter grade~~
260 after 2 full school years of implementing the turnaround option
261 selected by the school district under paragraph (b), the school
262 district must implement ~~select a different option and submit~~
263 another turnaround option implementation plan to the department
264 ~~for approval by the state board.~~ Implementation of the
265 turnaround option approved plan must begin the school year
266 following the implementation period of the existing turnaround
267 option, unless the state board determines that the school is
268 likely to improve to a "C" or higher ~~a letter grade~~ if
269 additional time is provided to implement the existing turnaround
270 option.

271 ~~(5) A school that earns a grade of "D" for 3 consecutive~~
272 ~~years must implement the district-managed turnaround option~~
273 ~~pursuant to subparagraph (4)(b)1. The school district must~~
274 ~~submit an implementation plan to the department for approval by~~
275 ~~the state board.~~

276 Section 3. Paragraph (d) of subsection (6) of section
277 1008.345, Florida Statutes, is amended to read:

278 1008.345 Implementation of state system of school
279 improvement and education accountability.—

280 (6)

281 (d) The commissioner shall assign a community assessment
282 team to each school district or governing board with a school
283 that earned a grade of "D" or "F" ~~or three consecutive grades of~~
284 "D" pursuant to s. 1008.34 to review the school performance data
285 and determine causes for the low performance, including the role
286 of school, area, and district administrative personnel. The
287 community assessment team shall review a high school's
288 graduation rate calculated without high school equivalency
289 diploma recipients for the past 3 years, disaggregated by
290 student ethnicity. The team shall make recommendations to the
291 school board or the governing board and to the State Board of
292 Education based on the interventions and support strategies
293 identified pursuant to subsection (5) to ~~which~~ address the
294 causes of the school's low performance and to incorporate the
295 strategies ~~and may be incorporated~~ into the school improvement
296 plan. The assessment team shall include, but not be limited to,
297 a department representative, parents, business representatives,
298 educators, representatives of local governments, and community
299 activists, and shall represent the demographics of the community
300 from which they are appointed.

301 Section 4. Paragraph (n) of subsection (9) of section
 302 1002.33, Florida Statutes, is amended to read:

303 1002.33 Charter schools.—

304 (9) CHARTER SCHOOL REQUIREMENTS.—

305 (n)1. The director and a representative of the governing
 306 board of a charter school that has earned a grade of "D" or "F"
 307 pursuant to s. 1008.34 shall appear before the sponsor to
 308 present information concerning each contract component having
 309 noted deficiencies. The director and a representative of the
 310 governing board shall submit to the sponsor for approval a
 311 school improvement plan to raise student performance. Upon
 312 approval by the sponsor, the charter school shall begin
 313 implementation of the school improvement plan. The department
 314 shall offer technical assistance and training to the charter
 315 school and its governing board and establish guidelines for
 316 developing, submitting, and approving such plans.

317 2.a. If a charter school earns three consecutive grades
 318 below a "C" ~~of "D," two consecutive grades of "D" followed by a~~
 319 ~~grade of "F," or two nonconsecutive grades of "F" within a 3-~~
 320 ~~year period,~~ the charter school governing board shall choose one
 321 of the following corrective actions:

322 (I) Contract for educational services to be provided
 323 directly to students, instructional personnel, and school
 324 administrators, as prescribed in state board rule;

325 (II) Contract with an outside entity that has a

326 demonstrated record of effectiveness to operate the school;

327 (III) Reorganize the school under a new director or
328 principal who is authorized to hire new staff; or

329 (IV) Voluntarily close the charter school.

330 b. The charter school must implement the corrective action
331 in the school year following receipt of a third consecutive
332 grade below a "C" of ~~"D,"~~ a grade of ~~"F"~~ following two
333 consecutive grades of ~~"D,"~~ or a second nonconsecutive grade of
334 ~~"F"~~ within a 3-year period.

335 c. The sponsor may annually waive a corrective action if
336 it determines that the charter school is likely to improve a
337 letter grade if additional time is provided to implement the
338 intervention and support strategies prescribed by the school
339 improvement plan. Notwithstanding this sub-subparagraph, a
340 charter school that earns a second consecutive grade of "F" is
341 subject to subparagraph 3. 4.

342 d. A charter school is no longer required to implement a
343 corrective action if it improves to a "C" or higher by ~~at least~~
344 ~~one letter grade~~. However, the charter school must continue to
345 implement strategies identified in the school improvement plan.
346 The sponsor must annually review implementation of the school
347 improvement plan to monitor the school's continued improvement
348 pursuant to subparagraph 4. 5.

349 e. A charter school implementing a corrective action that
350 does not improve to a "C" or higher by ~~at least one letter grade~~

351 after 2 full school years of implementing the corrective action
352 must select a different corrective action. Implementation of the
353 new corrective action must begin in the school year following
354 the implementation period of the existing corrective action,
355 unless the sponsor determines that the charter school is likely
356 to improve to a "C" or higher ~~a letter grade~~ if additional time
357 is provided to implement the existing corrective action.
358 Notwithstanding this sub-subparagraph, a charter school that
359 earns a second consecutive grade of "F" while implementing a
360 corrective action is subject to subparagraph 3. ~~4.~~

361 ~~3. A charter school with a grade of "D" or "F" that~~
362 ~~improves by at least one letter grade must continue to implement~~
363 ~~the strategies identified in the school improvement plan. The~~
364 ~~sponsor must annually review implementation of the school~~
365 ~~improvement plan to monitor the school's continued improvement~~
366 ~~pursuant to subparagraph 5.~~

367 3.4. A charter school's charter contract is automatically
368 terminated if the school earns two consecutive grades of "F"
369 after all school grade appeals are final unless:

370 a. The charter school is established to turn around the
371 performance of a district public school pursuant to s.
372 1008.33(4)(b)3. Such charter schools shall be governed by s.
373 1008.33;

374 b. The charter school serves a student population the
375 majority of which resides in a school zone served by a district

376 public school subject to s. 1008.33(4) ~~that earned a grade of~~
377 ~~"F" in the year before the charter school opened~~ and the charter
378 school earns at least a grade of "D" in its third year of
379 operation. The exception provided under this sub-subparagraph
380 does not apply to a charter school in its fourth year of
381 operation and thereafter; or

382 c. The state board grants the charter school a waiver of
383 termination. The charter school must request the waiver within
384 15 days after the department's official release of school
385 grades. The state board may waive termination if the charter
386 school demonstrates that the Learning Gains of its students on
387 statewide assessments are comparable to or better than the
388 Learning Gains of similarly situated students enrolled in nearby
389 district public schools. The waiver is valid for 1 year and may
390 only be granted once. Charter schools that have been in
391 operation for more than 5 years are not eligible for a waiver
392 under this sub-subparagraph.

393
394 The sponsor shall notify the charter school's governing board,
395 the charter school principal, and the department in writing when
396 a charter contract is terminated under this subparagraph. The
397 letter of termination must meet the requirements of paragraph
398 (8)(c). A charter terminated under this subparagraph must follow
399 the procedures for dissolution and reversion of public funds
400 pursuant to paragraphs (8)(e)-(g) and (9)(o).

401 ~~4.5.~~ The director and a representative of the governing
402 board of a graded charter school that has implemented a school
403 improvement plan under this paragraph shall appear before the
404 sponsor at least once a year to present information regarding
405 the progress of intervention and support strategies implemented
406 by the school pursuant to the school improvement plan and
407 corrective actions, if applicable. The sponsor shall communicate
408 at the meeting, and in writing to the director, the services
409 provided to the school to help the school address its
410 deficiencies.

411 ~~5.6.~~ Notwithstanding any provision of this paragraph
412 except sub-subparagraphs ~~3.a.-c. 4.a.-e.~~, the sponsor may
413 terminate the charter at any time pursuant to subsection (8).

414 Section 5. Effective upon this act becoming a law, section
415 1002.333, Florida Statutes, is created to read:

416 1002.333 Persistently low-performing schools.-

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

418 (a) "Hope operator" means an entity identified by the
419 department pursuant to subsection (2).

420 (b) "Persistently low-performing school" means a school
421 that has been subject to a differentiated matrix of intervention
422 and support strategies for more than 3 years and a school that
423 was closed pursuant to s. 1008.33(4) within 2 years after the
424 submission of a notice of intent.

425 (c) "School of hope" means a charter school operated by a

426 hope operator which serves students from one or more
427 persistently low-performing schools; is located in the
428 attendance zone of a persistently low-performing school or
429 within a 5-mile radius of such school, whichever is greater; and
430 is a Title I eligible school.

431 (2) HOPE OPERATOR.—A hope operator is a nonprofit
432 organization with tax exempt status under s. 501(c)(3) of the
433 Internal Revenue Code that operates three or more charter
434 schools that serve students in grades K-12 in Florida or other
435 states with a record of serving students from low-income
436 families and is designated by the State Board of Education as a
437 hope operator based on a determination that:

438 (a) The past performance of the hope operator meets or
439 exceeds the following criteria:

440 1. The achievement of enrolled students exceeds the
441 district and state averages of the states in which the
442 operator's schools operate;

443 2. The average college attendance rate at all schools
444 currently operated by the operator exceeds 80 percent, if such
445 data is available;

446 3. The percentage of students eligible for a free or
447 reduced price lunch under the National School Lunch Act enrolled
448 at all schools currently operated by the operator exceeds 70
449 percent;

450 4. The operator is in good standing with the authorizer in

451 each state in which it operates;

452 5. The audited financial statements of the operator are
453 free of material exceptions and going concern issues; and

454 6. Other outcome measures as determined by the State Board
455 of Education;

456 (b) The operator was awarded a United States Department of
457 Education Charter School Program grant for Replication and
458 Expansion of High-Quality Charter Schools within the preceding 3
459 years before applying to be a hope operator;

460 (c) The operator receives funding through the National
461 Fund or a Regional Fund of the Charter School Growth Fund to
462 accelerate the growth of the nation's best charter schools; or

463 (d) The operator is selected by a district school board in
464 accordance with s. 1008.33.

465
466 An entity that meets the requirements of paragraph (b),
467 paragraph (c), or paragraph (d) before the adoption by the state
468 board of measurable criteria pursuant to paragraph (a) shall be
469 designated as a hope operator. After the adoption of the
470 measurable criteria, an entity shall be designated as a hope
471 operator if it meets the criteria or is selected by a district
472 school board in accordance with s. 1008.33.

473 (3) DESIGNATION OF HOPE OPERATOR.—Initial status as a hope
474 operator is valid for 5 years from the opening of a school of
475 hope. If a hope operator seeks the renewal of its status, such

476 renewal shall solely be based upon the academic and financial
477 performance of all schools established by the operator in the
478 state since its initial designation.

479 (4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator may
480 submit a notice of intent to open a school of hope to the school
481 district in which a persistently low-performing school has been
482 identified by the State Board of Education pursuant to
483 subsection (10).

484 (a) The notice of intent must include:

485 1. An academic focus and plan.

486 2. A financial plan.

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

489 4. A completed or planned community outreach plan.

490 5. The organizational history of success in working with
491 students with similar demographics.

492 6. The grade levels to be served and enrollment
493 projections.

494 7. The proposed location or geographic area proposed for
495 the school and its proximity to the persistently low-performing
496 school.

497 8. A staffing plan.

498 (b) Notwithstanding the requirements of s. 1002.33, a
499 school district shall enter into a performance-based agreement
500 with a hope operator to open schools to serve students from

501 persistently low-performing schools.

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

504 (a) The notice of intent, which is incorporated by
505 reference and attached to the agreement.

506 (b) The location or geographic area proposed for the
507 school of hope and its proximity to the persistently low-
508 performing school.

509 (c) An enumeration of the grades to be served in each year
510 of the agreement and whether the school will serve children in
511 the school readiness or prekindergarten programs.

512 (d) A plan of action and specific milestones for student
513 recruitment and the enrollment of students from persistently
514 low-performing schools, including enrollment preferences and
515 procedures for conducting transparent admissions lotteries that
516 are open to the public. Students from persistently low-
517 performing schools shall be exempt from any enrollment lottery
518 to the extent permitted by federal grant requirements.

519 (e) A delineation of the current incoming baseline
520 standard of student academic achievement, the outcomes to be
521 achieved, and the method of measurement that will be used.

522 (f) A description of the methods of involving parents and
523 expected levels for such involvement.

524 (g) The grounds for termination, including failure to meet
525 the requirements for student performance established pursuant to

526 paragraph (e), generally accepted standards of fiscal
527 management, or material violation of terms of the agreement. The
528 nonrenewal or termination of a performance-based agreement must
529 comply with the requirements of s. 1002.33(8).

530 (h) A provision allowing the hope operator to open
531 additional schools to serve students enrolled in or zoned for a
532 persistently low-performing school if the hope operator
533 maintains its status under subsection (3).

534 (i) A provision establishing the initial term as 5 years.
535 The agreement shall be renewed, upon the request of the hope
536 operator, unless the school fails to meet the requirements for
537 student performance established pursuant to paragraph (e) or
538 generally accepted standards of fiscal management or the school
539 of hope materially violates the law or the terms of the
540 agreement.

541 (j) A requirement to provide transportation consistent
542 with the requirements of ss. 1006.21-1006.27 and s. 1012.45. The
543 governing body of the school of hope may provide transportation
544 through an agreement or contract with the district school board,
545 a private provider, or parents of enrolled students.
546 Transportation may not be a barrier to equal access for all
547 students residing within reasonable distance of the school.

548 (k) A requirement that any arrangement entered into to
549 borrow or otherwise secure funds for the school of hope from a
550 source other than the state or a school district shall indemnify

551 the state and the school district from any and all liability,
552 including, but not limited to, financial responsibility for the
553 payment of the principal or interest.

554 (l) A provision that any loans, bonds, or other financial
555 agreements are not obligations of the state or the school
556 district but are obligations of the school of hope and are
557 payable solely from the sources of funds pledged by such
558 agreement.

559 (m) A prohibition on the pledge of credit or taxing power
560 of the state or the school district.

561 (6) STATUTORY AUTHORITY.—

562 (a) A school of hope may be designated as a local
563 education agency, if requested, for the purposes of receiving
564 federal funds and, in doing so, accepts the full responsibility
565 for all local education agency requirements and the schools for
566 which it will perform local education agency responsibilities.
567 Students enrolled in a school established by a hope operator
568 designated as a local educational agency are not eligible
569 students for purposes of calculating the district grade pursuant
570 to s. 1008.34(5).

571 (b) For the purposes of tort liability, the hope operator,
572 the school of hope, and its employees or agents shall be
573 governed by s. 768.28. The sponsor shall not be liable for civil
574 damages under state law for the employment actions or personal
575 injury, property damage, or death resulting from an act or

576 omission of a hope operator, the school of hope, or its
577 employees or agents.

578 (c) A school of hope may be either a private or a public
579 employer. As a public employer, the school of hope may
580 participate in the Florida Retirement System upon application
581 and approval as a covered group under s. 121.021(34). If a
582 school of hope participates in the Florida Retirement System,
583 the school of hope's employees shall be compulsory members of
584 the Florida Retirement System.

585 (d) A hope operator may employ school administrators and
586 instructional personnel who do not meet the requirements of s.
587 1012.56 if the school administrators and instructional personnel
588 are not ineligible for such employment under s. 1012.315.

589 (e) Compliance with s. 1003.03 shall be calculated as the
590 average at the school level.

591 (f) Schools of hope operated by a hope operator shall be
592 exempt from chapters 1000-1013 and all school board policies.
593 However, a hope operator shall be in compliance with the laws in
594 chapters 1000-1013 relating to:

595 1. The student assessment program and school grading
596 system.

597 2. Student progression and graduation.

598 3. The provision of services to students with
599 disabilities.

600 4. Civil rights, including s. 1000.05, relating to

601 discrimination.

602 5. Student health, safety, and welfare.

603 6. Public meetings and records, public inspection, and
604 criminal and civil penalties pursuant to s. 286.011. The
605 governing board of a school of hope must hold at least two
606 public meetings per school year in the school district in which
607 the school of hope is located. Any other meetings of the
608 governing board may be held in accordance with s. 120.54(2)(b)2.

609 7. Public records pursuant to chapter 119.

610 8. The code of ethics for public officers and employees
611 pursuant to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

612 (7) FACILITIES.—

613 (a) A school of hope shall use facilities that comply with
614 the Florida Building Code, except for the State Requirements for
615 Educational Facilities. A school of hope that uses school
616 district facilities must comply with the State Requirements for
617 Educational Facilities only if the school district and the hope
618 operator have entered into a mutual management plan for the
619 reasonable maintenance of such facilities. The mutual management
620 plan shall contain a provision by which the district school
621 board agrees to maintain the school facilities in the same
622 manner as its other public schools within the district. The
623 local governing authority shall not adopt or impose any local
624 building requirements or site-development restrictions, such as
625 parking and site-size criteria, which are addressed by and more

626 stringent than those found in the State Requirements for
627 Educational Facilities of the Florida Building Code. A local
628 governing authority must treat schools of hope equitably in
629 comparison to similar requirements, restrictions, and site
630 planning processes imposed upon public schools. The agency
631 having jurisdiction for inspection of a facility and issuance of
632 a certificate of occupancy or use shall be the local
633 municipality or, if in an unincorporated area, the county
634 governing authority. If an official or employee of the local
635 governing authority refuses to comply with this paragraph, the
636 aggrieved school or entity has an immediate right to bring an
637 action in circuit court to enforce its rights by injunction. An
638 aggrieved party that receives injunctive relief may be awarded
639 reasonable attorney fees and court costs.

640 (b) Any facility, or portion thereof, used to house a
641 school of hope shall be exempt from ad valorem taxes pursuant to
642 s. 196.1983. Library, community service, museum, performing
643 arts, theatre, cinema, church, Florida College System
644 institution, college, and university facilities may provide
645 space to schools of hope within their facilities under their
646 preexisting zoning and land use designations without obtaining a
647 special exception, rezoning, land use charter, or other form of
648 approval.

649 (c) School of hope facilities are exempt from assessments
650 of fees for building permits, except as provided in s. 553.80;

651 fees for building and occupational licenses; impact fees or
652 exactions; service availability fees; and assessments for
653 special benefits.

654 (d) No later than October 1, each school district shall
655 annually provide to the Department of Education a list of all
656 underused, vacant, or surplus facilities owned or operated by
657 the school district. A hope operator establishing a school of
658 hope may use an educational facility identified in this
659 paragraph at no cost or at a mutually agreeable cost not to
660 exceed \$600 per student. A hope operator using a facility
661 pursuant to this paragraph may not sell or dispose of such
662 facility without the written permission of the school district.
663 For purposes of this paragraph, "underused, vacant, or surplus
664 facility" means an entire facility or portion thereof which is
665 not fully used or is used irregularly or intermittently by the
666 school district for instructional or program use.

667 (8) NONCOMPLIANCE.—A school district that does not enter
668 into a performance-based agreement within 60 days after receipt
669 of a notice of intent shall reduce the administrative fees
670 withheld pursuant to s. 1002.33(20) to 1 percent for all charter
671 schools operating in the school district. Upon execution of the
672 performance-based agreement, the school district may resume
673 withholding the full amount of administrative fees, but may not
674 recover any fees that would have otherwise accrued during the
675 period of noncompliance. Any charter school that had

676 administrative fees withheld in violation of this subsection may
 677 recover attorney fees and costs to enforce the requirements of
 678 this subsection. A school district subject to the requirements
 679 of this section shall file a monthly report detailing the
 680 reduction in the amount of administrative fees withheld.

681 (9) FUNDING.—

682 (a) Schools of hope shall be funded in accordance with s.
 683 1002.33(17).

684 (b) Schools of hope shall receive priority in the
 685 department's Public Charter School Grant Program competitions.

686 (c) Schools of hope shall be considered charter schools
 687 for purposes of s. 1013.62, except charter capital outlay may
 688 not be used to purchase real property or for the construction of
 689 school facilities.

690 (d) Schools of hope shall receive funds from the "Special
 691 Categories: Grants and Aids-Schools of Hope" which is created in
 692 addition to the categories enumerated in s. 216.011(1)(c).

693 Eligible expenditures from an appropriation in the "Special
 694 Categories: Grants and Aids-Schools of Hope" shall include:

695 1. Preparing teachers, school leaders, and specialized
 696 instructional support personnel, including costs associated
 697 with:

698 a. Providing professional development.

699 b. Hiring and compensating teachers, school leaders, and
 700 specialized instructional support personnel for services beyond

701 the school day and year.

702 2. Acquiring supplies, training, equipment, and
703 educational materials, including developing and acquiring
704 instructional materials.

705 3. Providing one-time startup costs associated with
706 providing transportation to students to and from the charter
707 school.

708 4. Carrying out community engagement activities, which may
709 include paying the cost of student and staff recruitment.

710 5. Providing funds to cover the nonvoted ad valorem
711 millage that would otherwise be required for schools and the
712 required local effort funds calculated pursuant to s. 1011.62
713 when the State Board of Education enters into an agreement with
714 a hope operator pursuant to subsection (5).

715 (e) If a school of hope is not renewed or is terminated,
716 any unencumbered funds and all equipment and property purchased
717 with the funds shall revert to the ownership of the state. The
718 reversion of such equipment, property, and furnishings shall
719 focus on tangible or irrecoverable costs such as rental or
720 leasing fees, normal maintenance, and limited renovations. The
721 reversion of all property secured with grant funds is subject to
722 the complete satisfaction of all lawful liens or encumbrances.

723 (f) Notwithstanding s. 216.301 and pursuant to s. 216.351,
724 the balance of any appropriation from the Grants and Aids-
725 Schools of hope funding appropriation category which is not

726 disbursed by June 30 of the fiscal year in which the funds are
727 appropriated may be carried forward for up to 5 years after the
728 effective date of the original appropriation.

729 (10) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS.—
730 Pursuant to Art. IX of the State Constitution, which prescribes
731 the duty of the State Board of Education to supervise the public
732 school system, the State Board of Education shall:

733 (a) Publish an annual list of persistently low-performing
734 schools after the release of preliminary school grades.

735 (b) Adopt a standard notice of intent and performance-
736 based agreement that must be used by hope operators and district
737 school boards to eliminate regulatory and bureaucratic barriers
738 that delay access to high quality schools for students in
739 persistently low-performing schools.

740 (c) Resolve disputes between a hope operator and a school
741 district arising from a performance-based agreement or a
742 contract between a charter operator and a school district under
743 the requirements of s. 1008.33. The Commissioner of Education
744 shall appoint a special magistrate who is a member of The
745 Florida Bar in good standing and who has at least 5 years'
746 experience in administrative law. The special magistrate shall
747 hold hearings to determine facts relating to the dispute and to
748 render a recommended decision for resolution to the State Board
749 of Education. The recommendation may not alter in any way the
750 provisions of the performance agreement under subsection (5).

751 The special magistrate may administer oaths and issue subpoenas
752 on behalf of the parties to the dispute or on his or her own
753 behalf. Within 15 calendar days after the close of the final
754 hearing, the special magistrate shall transmit a recommended
755 decision to the State Board of Education and to the
756 representatives of both parties by registered mail, return
757 receipt requested. The State Board of Education must approve or
758 reject the recommended decision at its next regularly scheduled
759 meeting that is more than 7 calendar days and no more than 30
760 days after the date the recommended decision is transmitted. The
761 decision by the State Board of Education is a final agency
762 action that may be appealed to the District Court of Appeal,
763 First District in accordance with s. 120.68. A charter school
764 may recover attorney fees and costs if the State Board of
765 Education determines that the school district unlawfully
766 implemented or otherwise impeded implementation of the
767 performance-based agreement pursuant to this paragraph.

768 (d) Provide students in persistently low-performing
769 schools with a public school that meets accountability
770 standards. The State Board of Education may enter into a
771 performance-based agreement with a hope operator when a school
772 district has not improved the school through the interventions
773 and support provided under s. 1008.33 or has not complied with
774 the requirements of subsection (4). Upon the State Board of
775 Education entering into a performance-based agreement with a

776 hope operator, the school district shall transfer to the school
777 of hope the proportionate share of state funds allocated from
778 the Florida Education Finance Program.

779 (11) RULES.—The State Board of Education shall adopt rules
780 pursuant to ss. 120.536(1) and 120.54 to implement this section.

781 Section 6. Section 1001.292, Florida Statutes, is created
782 to read:

783 1001.292 Schools of Hope Revolving Loan Program.—

784 (1) The Schools of Hope Revolving Loan Program is
785 established within the Department of Education to provide
786 assistance to hope operators, as defined in s. 1002.333, to meet
787 school building construction needs and pay for expenses related
788 to the startup of a new charter school. The program shall
789 consist of funds appropriated by the Legislature, money received
790 from the repayment of loans made from the program, and interest
791 earned.

792 (2) Funds provided pursuant to this section may not exceed
793 25 percent of the total cost of the project, which shall be
794 calculated based on 80 percent of the cost per student station
795 established by s. 1013.64(6)(b) multiplied by the capacity of
796 the facility.

797 (3) The department may contract with a third-party
798 administrator to administer the program. If the department
799 contracts with a third-party administrator, funds shall be
800 granted to the third-party administrator to create a revolving

801 loan fund for the purpose of financing projects that meet the
802 requirements of subsection (4). The third-party administrator
803 shall report to the department annually. The department shall
804 continue to administer the program until a third-party
805 administrator is selected.

806 (4) Hope operators that have been designated by the State
807 Board of Education and have executed a performance-based
808 agreement pursuant to s. 1002.333 shall be provided a loan up to
809 the amount provided in subsection (2) for projects that are
810 located in the attendance area of a persistently low-performing
811 school or within a 5-mile radius of such school and primarily
812 serve students from the persistently low-performing school.

813 (5) The department shall post on its website the projects
814 that have received loans, the geographic distribution of the
815 projects, the status of the projects, the costs of the program,
816 and student outcomes for students enrolled in the school of hope
817 receiving funds.

818 (6) All repayments of principal and interest shall be
819 returned to the loan fund and made available for loans to other
820 applicants.

821 (7) Interest on loans provided under this program may be
822 used to defray the costs of administration and shall be the
823 lower of:

- 824 (a) The rate paid on moneys held in the fund; or
825 (b) A rate equal to 50 percent of the rate authorized

826 | under the provisions of s. 215.84.

827 | (8) Notwithstanding s. 216.301 and pursuant to s. 216.351,
828 | funds appropriated for this purpose which are not disbursed by
829 | June 30 of the fiscal year in which the funds are appropriated
830 | may be carried forward for up to 5 years after the effective
831 | date of the original appropriation.

832 | Section 7. If any provision of this act or its application
833 | to any person or circumstance is held invalid, the invalidity
834 | does not affect the remaining provisions or applications of the
835 | act which can be given effect without the invalid provision or
836 | application, and to this end the provisions of this act are
837 | severable.

838 | Section 8. Except as otherwise expressly provided in this
839 | act and except for this section, which shall take effect upon
840 | this act becoming a law, this act shall take effect July 1,
841 | 2017.