

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.