

THE FLORIDA SENATE  
2013 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**CS/CS/HB 7009 — K-12 Education**

by Education Committee; Appropriations Committee; Rep. Moraitis and others (CS/SB 1630 by Appropriations Committee and Senators Legg and Bean)

The bill strengthens accountability and increases flexibility for charter schools; creates a District Innovation Schools of Technology; provides flexibility for maximum class size compliance calculations for district schools of choice; prohibits a student from having teachers in consecutive years that have a rating of “unsatisfactory” or “needs improvement;” and requires successful load testing of technology and online assessments before implementation.

***Charter Schools***

The bill provides various measures to strengthen the financial and performance accountability of charter schools. These accountability provisions:

- Prohibit a governing board member (or spouse) from being an employee of a charter school or an employee of a charter school’s management organization;
- Require a uniform monthly financial statement summary sheet based upon two forms from the Governmental Accounting Standard Board;
- Require charter schools to maintain a website that contains certain information relating to decision makers and financial stability; and
- Prohibit expenditures above \$10,000 upon a school receiving a notice of termination or closing. Additionally, the provisions:
  - Prohibit acceleration clauses in contracts; and
  - Grant a sponsor clawback authority to recoup improperly expended funds.

The bill also expands charter school flexibility. These provisions:

- Prohibit a sponsor from requiring a charter school to comply with updated policies until incorporated in the charter agreement;
- Authorize a school district to enter into nonexclusive interlocal agreements to issue permits to a charter school on behalf of governmental permitting entities. This is a voluntary option for all parties;
- Place certain district school board and superintendent duties on the charter school governing board and administrative personnel in order to enable a charter school to create its own:
  - Compensation and salary schedules; and
  - Employee evaluation system, procedures and criteria;
- Authorize a charter school to have at-will employees and to release at-will and annual contract employees without cause; and
- Authorize charter schools to pay a \$500 fee to have a sponsor review a draft application for material deficiencies.

The bill authorizes high-performing charter schools to increase enrollment once per school year up to facility capacity. When a high-performing charter school requests to consolidate charters,

the bill creates deadlines for a sponsor to provide a high-performing charter school a draft charter agreement and for the parties to negotiate the charter agreement.

The bill creates an undesignated section of law that requires the Department of Education to develop a proposed statewide, standard charter contract and a proposed definition of “management company.” Additionally, the bill requires the Department of Education to consult and negotiate with school districts and charter schools, and provide the proposed standard charter contract to the Governor, the President of the Senate, and the Speaker of the House of Representative by November 1, 2013.

### ***District Innovation School of Technology***

The bill creates s. 1002.451, F.S., authorizing a District Innovation School of Technology for the purpose of developing the innovative use of industry-leading technology while requiring high student academic achievement and accountability, in exchange for flexibility and exemption from certain provisions of ch. 1000-1013, F.S. (i.e., the Education Code). The exemption from the Education Code is similar to that provided to charter schools.

A district school board is eligible to apply to the State Board of Education for a performance contract to operate an Innovation School of Technology if the district meets certain student enrollment, financial, and performance accountability requirements. A district school board may apply to the State Board of Education to establish additional Innovation Schools of Technology if other requirements are subsequently met. Three or more contiguous school districts may apply to enter into a joint performance contract as a Region of Technology.

The bill requires an Innovation School of Technology to adopt and implement a blended learning program, and be open to any student covered in an interdistrict agreement or residing in the school district. The bill permits enrollment preferences for students who identify the Innovation School of Technology as the student’s preferred choice pursuant to the district’s controlled open enrollment plan.

The school district of an Innovation School of Technology must submit an annual report to the State Board of Education, President of the Senate, and Speaker of the House of Representatives by December 1 of each year. The report must delineate the performance of the Innovation School of Technology as it relates to the academic performance of students.

### ***School District Maximum Class Size Compliance Calculation***

The bill requires the calculation for compliance with maximum class size pursuant to be the average number of students at the school level for a school or program that is a public school of choice (i.e., virtual instruction program, magnet school, alternative school, special program, advanced placement, and dual enrollment).

***Prohibit Consecutive Unsatisfactory Teachers***

The bill prohibits a high school or middle school student from being assigned a classroom teacher that has received a performance evaluation rating of “needs improvement” or “unsatisfactory” if that child was taught by a classroom teacher that had received either of these evaluation ratings in the same subject area the previous school year.

The bill prohibits an elementary school student from being assigned a classroom teacher that has received a performance evaluation rating of “needs improvement” or “unsatisfactory” if that child was taught by a classroom teacher that had received either of these evaluation ratings in the previous school year.

The bill provides an exception for extracurricular courses, subject to parental written consent.

***Successful Load Testing of Technology Infrastructure and Online Assessments***

The bill creates an undesignated section of law that prohibits the Department of Education from fully implementing online common core assessments for Next Generation Sunshine State Standards in English/language arts and mathematics for all K-12 public school students until the technology infrastructure, connectivity, and capacity of all public schools and school districts has been load tested and independently verified as ready for successful deployment and implementation.

The bill also requires the technology infrastructure, connectivity, and capacity of all public schools and school districts that administer statewide standardized assessments, including online assessments, to be load tested and independently verified as appropriate, adequate, efficient, and sustainable.

If approved by the Governor, these provisions take effect July 1, 2013.

*Vote: Senate 31-7; House 76-42*