

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/CS/SB 1028 — Education

by Appropriations Committee and Senators Hutson and Diaz

The bill modifies policies related to, among others, charter schools, schools of hope, high-performing charter schools, student retention, and transgender student athletes.

Florida College System and State University Charter Schools

The bill authorizes state universities and Florida College System (FCS) institutions to solicit applications and sponsor charter schools, upon approval by the Department of Education (DOE).

The bill specifies funding for such charter schools through the Florida Education Finance Program (FEFP) similar to other charter schools, but requires the DOE to develop a tool to calculate the funding amount for each eligible charter school student.

The bill specifies that the limitation of one developmental research (laboratory) school per university does not apply to a university that establishes a lab school to serve families of a military installation within same county.

Charter School Operations

The bill provides additional requirements relating to charter school sponsors, applications, contracts, enrollment, and termination of a charter. Specifically, the bill:

- Relating to charter school sponsors:
 - Requires the DOE to develop a sponsor evaluation framework with specified components, with results of the evaluation included the annual charter school report.
 - Specifies a sponsor’s administrative fee for an exceptional student education center.
- Relating to charter school applications:
 - Removes the February 1 deadline for the submission of charter school applications, and specifies that the applicant determines when the charter school will open.
 - Authorizes reasonable attorney fees related to application disputes, and establishes a financial penalty for school districts that fail to implement a court decision.
- Relating to charter school contracts:
 - Authorizes a charter school to forgo DOE mediation and immediately appeal to an administrative law judge in a dispute regarding a charter contract.
 - Specifies that changes to a charter school’s curriculum consistent with state standards are deemed approved, unless the sponsor and the DOE determines in writing that the curriculum is inconsistent with state standards.
- Relating to charter school enrollment:
 - Provides an enrollment preference for students who complete a VPK program at a provider with which the charter school has a written agreement
 - Expands the criteria by which a charter school may limit enrollment to include students living in a development in which a developer or charitable foundation contributes to a charter school with a specified value.

- Relating to termination of a charter, provides requirements for a sponsor to immediately terminate a charter; authorizes a sponsor to seek an injunction in circuit court to prohibit continued operation of a charter school for health, safety, or welfare of the students; and authorizes reasonable attorney fees and costs in specified circumstances.

High-Performing Charter Schools

The bill replaces the annual limit on the establishment of high-performing charter schools to specify that a high-performing charter school may have open two applications at a time. Additionally, the bill provides that a charter school may be designated as high performing if it receives funding through the National Fund of the Charter School Growth Fund, and has received no school grade lower than a “C,” during each of the previous 3 school years for the years that the school received a grade.

Schools of Hope

The bill specifies a school of hope or a nonprofit entity that operates more than one school of hope can be designated as an LEA by the DOE and authorizes the nonprofit to report its students to the DOE, rather than the school district, and:

- Specifies that a school of hope operated by a nonprofit entity designated as an LEA may comply with financial reporting requirements by submitting specified financial statements to the school district regarding all schools of hope in that district.
- Authorizes a not for profit entity designated by the DOE as an LEA to use unrestricted current and capital assets at any of its schools of hope within the same district.
- Authorizes a charter school operated as a school of hope to be eligible to receive charter school capital outlay funding

Additionally, the bill authorizes personnel at a school of hope to complete background screening requirements by filing a set of fingerprints with the school of hope, rather than the school district.

Other Charter School Provisions

The bill provides additional charter school provisions, which:

- Specify that an interlocal agreement between a school district and a governmental entity which prohibits or limits the creation of a charter school within the geographic borders of the school district is void and unenforceable.
- Authorize a charter school that is an exceptional student education center and receives two consecutive ratings of “maintaining” or higher to replicate its educational program, subject to verification by the Commissioner of Education.
- Authorize a virtual charter school to provide part-time instruction.
- Authorize career and professional academies to be offered by charter schools.

Student Retention

The bill authorizes, effective upon becoming a law, a parent or guardian to submit a written request, by June 30, 2021, that his or her K-5 public school student be retained, for academic reasons, for the 2021-2022 school year in the grade level to which the student was assigned at the beginning of the 2020-2021 school year.

The bill requires the principal to collaboratively discuss the request with the parent or guardian any basis for agreement or disagreement with the request. However, the bill specifies that the parent or guardian has the final decision whether to retain the student.

Fairness in Women's Sports Act

The bill creates the Fairness in Women's Sports Act to provide female athletes opportunities to demonstrate their skill, strength, and athletic abilities and also provide other opportunities that result from participating in athletic endeavors.

The bill requires interscholastic, intercollegiate, intramural, or club athletic teams or sports sponsored by a public secondary school or public postsecondary institution to be designated as male, female, or coed based on the biological sex at birth of team members:

The bill specifies athletic teams or sports designated for females, women, or girls may not be open to students of the male sex. A statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex if the statement was filed at or near the time of the student's birth.

Other Provisions

The bill modifies other educational provisions, which:

- Authorize high-performing school districts to provide up to two days of virtual instruction as a part of the 180 days, under specified circumstances.
- Authorize district school board special and advisory committees to meet remotely.
- Authorize that students at aviation maintenance schools that are certified by the Federal Aviation Administration (FAA) and are licensed by the Commission on Independent Education may receive Florida Student Assistance Grant (FSAG) awards.
- Require, beginning in 2022-2023 academic year, public schools to provide information on the important role water safety education courses and swimming lessons play in saving lives.

If approved by the Governor, these provisions take effect July 1, 2021, unless otherwise provided.

Vote: Senate 23-16; House 79-37