

By the Committee on Education; and Senator Montford

581-03373-13

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1 A bill to be entitled
2 An act relating to school district innovation;
3 providing a short title; amending s. 196.1983, F.S.;
4 granting school districts the ad valorem tax exemption
5 given to charter schools; requiring a landlord to
6 certify compliance by affidavit; amending s. 1002.31,
7 F.S.; providing a calculation for compliance with
8 class size maximums for a public school of choice;
9 creating s. 1003.622, F.S.; creating innovation
10 schools to allow school districts to earn flexibility
11 for high academic achievement; specifying school and
12 student eligibility requirements; limiting the number
13 of innovation schools that may be operated and
14 established in a school district; providing guiding
15 principles for innovation schools; requiring
16 innovation schools to personalize education for each
17 student; establishing an application process;
18 specifying requirements of a performance contract
19 between the State Board of Education and a school
20 district; establishing the term of the performance
21 contract; providing for a Region of Innovation in
22 which three or more school districts enter into a
23 joint performance contract; requiring the State Board
24 of Education to monitor innovation schools for
25 compliance with the act and performance contracts;
26 requiring the State Board of Education to adopt rules;
27 providing that a participating school district has
28 autonomy in certain areas; exempting innovation
29 schools from ch. 1000-1013, F.S., subject to certain

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30 exceptions; exempting such districts from certain ad
31 valorem taxes and other requirements; providing for
32 funding; requiring a school district with an
33 innovation school to submit an annual report to the
34 State Board of Education and the Legislature;
35 specifying requirements for such report; providing an
36 effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. SHORT TITLE.—This act may be cited as the
41 “Florida Innovation Schools Act.”

42 Section 2. Section 196.1983, Florida Statutes, is amended
43 to read:

44 196.1983 Charter school and school district exemption from
45 ad valorem taxes.—Any facility, or portion thereof, used to
46 house a school district or a charter school whose charter has
47 been approved by the sponsor and the governing board pursuant to
48 s. 1002.33(7) is ~~shall be~~ exempt from ad valorem taxes. For
49 leasehold properties, the landlord must certify by affidavit to
50 the district or the charter school sponsor that the lease
51 payments shall be reduced to the extent of the exemption
52 received. The owner of the property shall disclose ~~to a charter~~
53 ~~school~~ the full amount of the benefit derived from the exemption
54 and the method for ensuring that the district or charter school
55 receives such benefit. The charter school shall receive the full
56 benefit derived from the exemption through either an annual or
57 monthly credit to the district’s or charter school’s lease
58 payments.

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59 Section 3. Subsection (9) is added to section 1002.31,
60 Florida Statutes, to read:

61 1002.31 Public school parental choice.—

62 (9) For a school or program that is a public school of
63 choice under this section, the calculation for compliance with
64 maximum class size pursuant to s. 1003.03 is the average number
65 of students at the school level.

66 Section 4. Section 1003.622, Florida Statutes, is created
67 to read:

68 1003.622 District innovation schools.—

69 (1) PURPOSE AND ELIGIBILITY.—

70 (a) The purpose of an innovation school is to utilize
71 innovation and enhance high academic achievement and
72 accountability in exchange for flexibility and exemptions from
73 specific statutes.

74 (b) An innovation school is a school that:

75 1. Operates as a public school of parental choice pursuant
76 to s. 1002.31;

77 2. Focuses on teaching and learning infused with current
78 technology;

79 3. Prepares students for a career or postsecondary
80 education;

81 4. Utilizes innovation and enhances high student academic
82 achievement and accountability;

83 5. Enhances academic success and financial efficiency by
84 aligning responsibility with accountability;

85 6. Provides a parent with sufficient information for each
86 year spent in the innovation school regarding the educational
87 progress of his or her child, the child's reading grade level,

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88 and the child's performance toward achieving common core
89 standards appropriate for the student's grade level;

90 7. Has a theme or academic focus that is based on
91 innovation and is unique in the district; and

92 8. Offers specialized programs and creates innovative
93 learning approaches in a diverse environment.

94 (c) A district school board may apply to the State Board of
95 Education for an innovation school if the district:

96 1. Has at least 20 percent of its total enrollment in
97 public choice programs or at least 5 percent of its total
98 enrollment in charter schools;

99 2. Has no material weaknesses or instances of material
100 noncompliance noted in the annual financial audit conducted
101 pursuant to s. 218.39; and

102 3. Has not received a district grade below B in the past 3
103 years.

104 (d) A district school board may operate one innovation
105 school upon an application being approved by the State Board of
106 Education.

107 1. A district school board may apply to the State Board of
108 Education to establish additional innovation schools if each
109 existing innovation school in the district:

110 a. Meets all requirements in this section and in the
111 performance contract;

112 b. Has a grade of "A" or "B"; and

113 c. Has at least 50 percent of its students exceed the state
114 average on the statewide assessment program pursuant to s.
115 1008.22. This comparison may take student subgroups, as defined
116 in the federal Elementary and Secondary Education Act (ESEA), 20

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117 U.S.C. s. 6311(b)(2)(C)(v)(II), into specific consideration so
118 that at least 50 percent of students in each student subgroup
119 meet or exceed the statewide average performance, rounded to the
120 nearest whole number, of that particular subgroup.

121 2. Notwithstanding subparagraph 1., the number of
122 innovation schools in a school district may not exceed:

123 a. Seven in a school district that has 100,000 or more
124 students.

125 b. Five in a school district that has 50,000 to 99,999
126 students.

127 c. Three in a school district that has fewer than 50,000
128 students.

129 (e) An innovation school must be open to any student
130 covered in an interdistrict agreement or residing in the school
131 district in which the innovation school is located. An
132 innovation school shall enroll an eligible student who submits a
133 timely application if the number of applications does not exceed
134 the capacity of a program, class, grade level, or building. If
135 the number of applications exceeds capacity, all applicants
136 shall have an equal chance of being admitted through a public
137 random selection process. However, a district may give
138 enrollment preference to students who identify the innovation
139 school as the student's preferred choice pursuant to the
140 district's controlled open enrollment plan.

141 (2) GUIDING PRINCIPLES.—

142 (a) An innovation school shall be guided by the following
143 principles:

144 1. Student learning is aligned with the Next Generation
145 Sunshine State Standards.

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146 2. Students advance by demonstrating skills, abilities, and
147 knowledge necessary to ensure a successful career.

148 3. Teachers, advisors, students, and parents manage a
149 personalized learning plan that accounts for each student's
150 preferred pace and learning style.

151 4. Each student learns in the way he or she learns best,
152 such as independently, one-on-one with a coach, collaboratively
153 in small groups, online, through internships or early college
154 courses, or in other real-world contexts.

155 5. Instructional personnel take on roles as learning
156 coaches, advisors, and content and assessment experts.

157 (b) An innovation school shall:

158 1. Meet high standards of student achievement.

159 2. Implement innovative learning methods, including blended
160 learning, and assessment tools to implement a schoolwide
161 transformation to improve student learning and academic
162 achievement.

163 3. Measure student performance based on student learning
164 growth, or based on student achievement if student learning
165 growth cannot be measured.

166 4. Incorporate industry certifications and similar
167 recognitions into performance expectations.

168 5. Tailor the program to students at the school,
169 personalize education for each student, and empower students to
170 plan and manage their own studies in a variety of ways.

171 (c) Classroom teachers, as defined in s. 1012.01(2)(a),
172 shall be evaluated based on performance pursuant to s. 1012.34.
173 However, an innovation school may use an equally appropriate
174 formula pursuant to s. 1012.34(7)(b) to make such evaluation.

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175 (d) An innovation school may operate as a virtual school.

176 (3) APPLICATION PROCESS AND PERFORMANCE CONTRACT.—A school
177 district that meets the eligibility requirements of subsection
178 (1) may apply to the State Board of Education at any time to
179 enter into a performance contract to operate an innovation
180 school.

181 (a) The application must, at a minimum:

182 1. Demonstrate how the school district meets and will
183 continue to meet the requirements of this section;

184 2. Identify how the school will accomplish the purposes and
185 guiding principles of this section;

186 3. Identify the statutes or rules from which the district
187 is seeking a waiver for the school;

188 4. Identify and provide supporting documentation for the
189 purpose and impact of each waiver, how each waiver would enable
190 the school to achieve the purpose and guiding principles of this
191 section, and how the school would not be able to achieve the
192 purpose and guiding principles of this section without each
193 waiver; and

194 5. Confirm that the school board remains responsible for
195 the operation, control, and supervision of the school in
196 accordance with all applicable laws, rules, and district
197 procedures not waived pursuant to this section or waived
198 pursuant to other applicable law.

199 (b) The State Board of Education shall approve or deny the
200 application within 90 days or, with the agreement of the school
201 district, at a later date.

202 (c) The performance contract must address the terms under
203 which the State Board of Education may cancel the contract and,

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204 at a minimum, the methods by which:

205 1. Upon execution of the performance contract, the school
206 district will plan the program during the first year, begin at
207 least partial implementation of the program during the second
208 year, and fully implement the program by the third year. A
209 district may implement the program sooner than specified in this
210 paragraph if authorized in the performance contract.

211 2. The school will integrate technology into instruction,
212 assessment, and professional development. The school may also
213 restructure the school day or school year in a way that allows
214 it to best accomplish its goals.

215 3. The school and district will monitor performance
216 progress based on skills that help students succeed in college
217 and careers, including problem solving, research,
218 interpretation, and communication.

219 4. The school will allow students to advance based on
220 student competency and understanding of the content.

221 5. The learning environment will allow for innovation.

222 6. The resources will enable personalization and increase
223 student achievement and college and career readiness.

224 7. The school will incorporate industry certifications and
225 similar recognitions into performance expectations.

226 (d) Three or more contiguous school districts may apply to
227 enter into a joint performance contract as a Region of
228 Innovation, subject to terms and conditions contained in this
229 section for a single school district.

230 (e) The State Board of Education shall monitor innovation
231 schools to ensure that the respective school district is in
232 compliance with this section and the performance contract.

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233 (f) The State Board of Education shall adopt rules pursuant
234 to ss. 120.536(1) and 120.54 to implement this section,
235 including, but not limited to, an application, evaluation
236 instrument, and renewal evaluation instrument.

237 (g) This section does not supersede the provisions of s.
238 768.28.

239 (4) TERM OF PERFORMANCE CONTRACT.—An innovation school may
240 operate pursuant to a performance contract with the State Board
241 of Education for a period of 5 years.

242 (a) Before expiration of the performance contract, the
243 school's performance shall be evaluated against the eligibility
244 criteria, purpose, guiding principles, and compliance with the
245 contract to determine whether the contract may be renewed. The
246 contract may be renewed every 5 years.

247 (b) The performance contract shall be terminated by the
248 State Board of Education if:

249 1. The school receives a school grade as an innovation
250 school of "F" for 2 consecutive years;

251 2. The school or district fails to comply with the criteria
252 in this section;

253 3. The school or district does not comply with terms of the
254 contract which specify that a violation results in termination;

255 or

256 4. Other good cause is shown.

257 (5) EXEMPTION FROM STATUTES.—

258 (a) An innovation school is generally exempt from chapters
259 1000-1013, and shall have autonomy in the budget, staffing,
260 governance, curriculum, assessment, and school calendar.

261 However, an innovation school shall comply with the following

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262 provisions of those chapters:

263 1. Laws pertaining to the following:

264 a. Innovation schools, including this section.

265 b. Student assessment program and school grading system.

266 c. Services to students who have disabilities.

267 d. Civil rights, including s. 1000.05, relating to

268 discrimination.

269 e. Student health, safety, and welfare.

270 2. Laws governing the election and compensation of district

271 school board members and election or appointment and

272 compensation of district school superintendents.

273 3. Section 1003.03, governing maximum class size, except
274 that the calculation for compliance pursuant to s. 1003.03 is
275 the average at the school level.

276 4. Sections 1012.22(1)(c) and 1012.27(2), relating to
277 compensation and salary schedules.

278 5. Section 1012.33(5), relating to workforce reductions.

279 6. Section 1012.335, relating to contracts with
280 instructional personnel hired on or after July 1, 2011.

281 (b) An innovation school shall also comply with chapter 119
282 and section 286.011, relating to public meetings and records,
283 public inspection, and criminal and civil penalties.

284 (c) An innovation school is exempt from ad valorem taxes
285 and the State Requirements for Educational Facilities when
286 leasing facilities.

287 (6) FUNDING.—A district school board operating an
288 innovation school shall report full-time equivalent students to
289 the department in a manner prescribed by the department. As with
290 other schools in the district, funding shall be provided through

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291 the Florida Education Finance Program described in ss. 1011.61
292 and 1011.62. An innovation school may seek and receive
293 additional funding through incentive grants or public or private
294 partnerships.

295 (7) REPORTS.—The school district of an innovation school
296 shall submit to the State Board of Education, the President of
297 the Senate, and the Speaker of the House of Representatives an
298 annual report by December 1 of each year which delineates the
299 performance of the innovation school as it relates to the
300 academic performance of students. The annual report shall be
301 submitted in a format prescribed by the Department of Education
302 and must include, but need not be limited to, the following:

303 (a) Evidence of compliance with this section.

304 (b) Efforts to close the achievement gap.

305 (c) Longitudinal performance of students, by grade level
306 and subgroup, in mathematics, reading, writing, science, and any
307 other subject that is included as a part of the statewide
308 assessment program in s. 1008.22.

309 (d) Longitudinal performance for students who take an
310 Advanced Placement Examination, organized by age, gender, and
311 race, and for students who participate in the National School
312 Lunch Program.

313 (e) Number and percentage of students who take an Advanced
314 Placement Examination.

315 Section 5. This act shall take effect July 1, 2013.