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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
05/09/2017	.	
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The Committee on Appropriations (Bean) recommended the following:

- 1 **Senate Amendment (with title amendment)**
- 2
- 3 Delete everything after the enacting clause
- 4 and insert:
- 5 Section 1. Section 1002.333, Florida Statutes, is created
- 6 to read:
- 7 1002.333 High-impact school; high-impact school operator.-
- 8 (1) DEFINITIONS.-As used in this section, the term:



406464

9 (a) "High-impact school operator" means an entity
10 identified by the department pursuant to subsection (2). The
11 term does not include a for-profit entity.

12 (b) "Persistently low-performing school" means a school
13 defined pursuant to s. 1008.33(3)(c).

14 (c) "High-impact school" means a full-time public school
15 operated by a high-impact school operator which primarily serves
16 students who were attending, or were assigned to attend, a
17 persistently low-performing school and who comprise at least 60
18 percent of its total enrollment; which is located in the
19 attendance zone of a persistently low-performing school; and
20 which is a Title I eligible school. The term does not include a
21 part-time school or a virtual charter school.

22 (2) HIGH-IMPACT SCHOOL OPERATOR.—A high-impact school
23 operator is a nonprofit organization with tax exempt status
24 under s. 501(c)(3) of the Internal Revenue Code which operates
25 three or more charter schools that serve students in grades K-12
26 in Florida or other states has a record of serving students from
27 low-income families, and is designated by the State Board of
28 Education as a high-impact school operator based on a
29 determination that it meets at least one of the following
30 requirements:

31 (a) The past performance of the high-impact school operator
32 meets or exceeds the following criteria:

33 1. The achievement of enrolled students exceeds the
34 district and state averages of the states in which the
35 operator's schools operate;

36 2. The average college attendance rate at all schools
37 currently operated by the operator exceeds 80 percent, if such



38 data is available;

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

43 4. The operator is in good standing with the authorizer in
44 each state in which it operates;

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

47 6. Other outcome measures as determined by the State Board
48 of Education.

49 (b) The operator was awarded a United States Department of
50 Education Charter School Program grant for Replication and
51 Expansion of High-Quality Charter Schools within the preceding 3
52 years before applying to be a high-impact school operator.

53 (c) The operator receives funding through the National Fund
54 or a Regional Fund of the Charter School Growth Fund to
55 accelerate the growth of the nation's best charter schools.

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

58
59 An entity that meets the requirements of paragraph (b),
60 paragraph (c), or paragraph (d) before the adoption by the state
61 board of measurable criteria pursuant to paragraph (a) shall be
62 designated as a high-impact school operator. After the adoption
63 of the measurable criteria, an entity shall be designated as a
64 high-impact school operator if it meets the criteria or is
65 selected by a district school board in accordance with s.
66 1008.33.



406464

67 (3) DESIGNATION OF HIGH-IMPACT SCHOOL OPERATOR.—Initial
68 status as a high-impact school operator is valid for 5 years
69 after the opening of a high-impact school. If a high-impact
70 school operator seeks the renewal of its status, such renewal
71 shall solely be based upon the academic and financial
72 performance of all schools established by the operator in the
73 state since its initial designation and the operator’s material
74 compliance with the terms of its performance-based agreement
75 established pursuant to subsection (5).

76 (4) ESTABLISHMENT OF HIGH-IMPACT SCHOOLS.—A high-impact
77 school operator may submit a notice of intent to open a high-
78 impact school to the school district in which a persistently
79 low-performing school has been identified by the State Board of
80 Education pursuant to subsection (9).

81 (a) The notice of intent must include:

82 1. An academic focus and plan;

83 2. A financial plan;

84 3. Goals and objectives for increasing student achievement
85 for the students from any persistently low-performing school and
86 students from low-income families;

87 4. A completed or planned community outreach plan;

88 5. The organizational history of success in working with
89 students with similar demographics;

90 6. The grade levels to be served and enrollment
91 projections;

92 7. The proposed location or geographic area proposed for
93 the school and its proximity to the persistently low-performing
94 school; and

95 8. A staffing plan.



406464

96 (b) A school district with a school that is designated, or
97 is likely to be designated, as a persistently low-performing
98 school during the 2017-2018 school year may, with the approval
99 of the State Board of Education contingent on its determination
100 that the school will likely improve to a grade of "C" or higher
101 during the 2018-2019 school year, implement a new turnaround
102 option specified under s. 1008.33(4). Absent the approval of the
103 state board, a school district must enter into a performance-
104 based agreement with a high-impact operator, or may relinquish
105 authority to the state board to enter into a performance-based
106 agreement with a high-impact school operator, to open one or
107 more high-impact schools.

108 (5) PERFORMANCE-BASED AGREEMENT.—The performance-based
109 agreement must include all of the following components:

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

112 (b) The location or geographic area proposed for the high-
113 impact school and its proximity to the persistently low-
114 performing school.

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

118 (d) A plan of action and specific milestones for student
119 recruitment and the enrollment of students from persistently
120 low-performing schools, including enrollment preferences and
121 procedures for conducting transparent admissions lotteries that
122 are open to the public; however, enrollment preference must be
123 given to students who are attending, or are assigned to attend,
124 a persistently low-performing school. If the high-impact



406464

125 school's total enrollment consists of at least 60 percent of
126 students who were attending, or were assigned to attend, a
127 persistently low-performing school, students attending the high-
128 impact school are exempt, to the extent permitted by federal
129 grant requirements, from any enrollment lottery.

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

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

135 (g) The grounds for termination, including failure to meet
136 the requirements for student performance established pursuant to
137 paragraph (e), generally accepted standards of fiscal
138 management, or material violation of terms of the agreement. The
139 nonrenewal or termination of a performance-based agreement must
140 comply with the requirements of s. 1002.33(8).

141 (h) A provision allowing the high-impact school operator to
142 open additional schools to serve students enrolled in or zoned
143 for a persistently low-performing school if the high-impact
144 school operator maintains its status under subsection (3).

145 (i) A provision establishing the initial term as 5 years.
146 The agreement shall be renewed, upon the request of the high-
147 impact school operator, unless the school fails to meet the
148 requirements for student performance established pursuant to
149 paragraph (e) or generally accepted standards of fiscal
150 management, or the high-impact school operator or its high-
151 impact school materially violates the law or the terms of the
152 agreement.

153 (j) A requirement to provide transportation consistent with



406464

154 the requirements of ss. 1006.21-1006.27 and s. 1012.45. The
155 governing body of the high-impact school may provide
156 transportation through an agreement or contract with the
157 district school board, a private provider, or parents of
158 enrolled students. Transportation may not be a barrier to equal
159 access for all students residing within a reasonable distance of
160 the school.

161 (k) A requirement that any arrangement entered into to
162 borrow or otherwise secure funds for the high-impact school from
163 a source other than the state or a school district shall
164 indemnify the state and the school district from any and all
165 liability, including, but not limited to, financial
166 responsibility for the payment of the principal or interest.

167 (l) A provision that any loans, bonds, or other financial
168 agreements are not obligations of the state or the school
169 district but are obligations of the high-impact school and are
170 payable solely from the sources of funds pledged by such
171 agreement.

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

174 (6) AUTHORIZED FLEXIBILITIES.—

175 (a) A high-impact school may be designated by the State
176 Board of Education as a local education agency, if requested,
177 for the purposes of receiving federal funds and, in doing so,
178 accepts the full responsibility for all local education agency
179 requirements and the schools for which it will perform local
180 education agency responsibilities. Students enrolled in a school
181 established by a high-impact school operator designated as a
182 local educational agency are not eligible students for purposes



406464

183 of calculating the district grade pursuant to s. 1008.34(5).

184 (b) For the purposes of tort liability, the high-impact
185 school operator, the high-impact school, and its employees or
186 agents shall be governed by s. 768.28. The school district
187 sponsor is not liable for civil damages under state law for the
188 employment actions or personal injury, property damage, or death
189 resulting from an act or omission of a high-impact school
190 operator, the high-impact school, or its employees or agents.

191 (c) A high-impact school may be either a private or a
192 public employer. As a public employer, the high-impact school
193 may participate in the Florida Retirement System upon
194 application and approval as a covered group under s.
195 121.021(34). If a high-impact school participates in the Florida
196 Retirement System, the high-impact school's employees shall be
197 compulsory members of the Florida Retirement System.

198 (d) A high-impact school operator may employ school
199 administrators and instructional personnel who do not meet the
200 requirements of s. 1012.56 if the school administrators and
201 instructional personnel are not ineligible for such employment
202 under s. 1012.315.

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

205 (f) High-impact schools operated by a high-impact school
206 operator shall be exempt from chapters 1000-1013 and all school
207 board policies. However, a high-impact school operator shall be
208 in compliance with the laws in chapters 1000-1013 relating to:

209 1. The student assessment program and school grading
210 system;

211 2. Student progression and graduation;



406464

212 3. The provision of services to students with disabilities;
213 4. Civil rights, including s. 1000.05, relating to
214 discrimination;
215 5. Student health, safety, and welfare;
216 6. Public meetings and records, public inspection, and
217 criminal and civil penalties pursuant to s. 286.011. The
218 governing board of a high-impact school must hold at least two
219 public meetings per school year in the school district in which
220 the high-impact school is located. Any other meetings of the
221 governing board may be held in accordance with s.
222 120.54(2)(b)2.;
223 7. Public records pursuant to chapter 119; and
224 8. The code of ethics for public officers and employees
225 pursuant to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).
226 (7) FACILITIES.—
227 (a) A high-impact school shall use facilities that comply
228 with the Florida Building Code, except for the State
229 Requirements for Educational Facilities. A high-impact school
230 that uses school district facilities must comply with the State
231 Requirements for Educational Facilities only if the school
232 district and the high-impact school operator have entered into a
233 mutual management plan for the reasonable maintenance of such
234 facilities. The mutual management plan shall contain a provision
235 by which the district school board agrees to maintain the school
236 facilities in the same manner as its other public schools within
237 the district. The local governing authority shall not adopt or
238 impose any local building requirements or site-development
239 restrictions, such as parking and site-size criteria, which are
240 addressed by and more stringent than those found in the State



241 Requirements for Educational Facilities of the Florida Building
242 Code. A local governing authority must treat high-impact schools
243 equitably in comparison to similar requirements, restrictions,
244 and site planning processes imposed upon public schools. The
245 agency having jurisdiction for inspection of a facility and
246 issuance of a certificate of occupancy or use shall be the local
247 municipality or, if in an unincorporated area, the county
248 governing authority. If an official or employee of the local
249 governing authority refuses to comply with this paragraph, the
250 aggrieved school or entity has an immediate right to bring an
251 action in circuit court to enforce its rights by injunction. An
252 aggrieved party that receives injunctive relief may be awarded
253 reasonable attorney fees and court costs.

254 (b) Any facility, or portion thereof, used to house a high-
255 impact school shall be exempt from ad valorem taxes pursuant to
256 s. 196.1983. Library, community service, museum, performing
257 arts, theatre, cinema, church, Florida College System
258 institution, college, and university facilities may provide
259 space to high-impact schools within their facilities under their
260 preexisting zoning and land use designations.

261 (c) High-impact school facilities are exempt from
262 assessments of fees for building permits, except as provided in
263 s. 553.80; fees for building and occupational licenses; impact
264 fees or exactions; service availability fees; and assessments
265 for special benefits.

266 (d) No later than October 1, each school district shall
267 annually provide to the department a list of all underused,
268 vacant, or surplus facilities owned or operated by the school
269 district. A high-impact school operator establishing a high-



406464

270 impact school may use an educational facility identified in this
271 paragraph at no cost or at a mutually agreeable cost not to
272 exceed fair market value rates. A high-impact school operator
273 using a facility pursuant to this paragraph may not sell or
274 dispose of such facility without the written permission of the
275 school district. For purposes of this paragraph, "underused,
276 vacant, or surplus facility" means an entire facility or portion
277 thereof which is not fully used or is used irregularly or
278 intermittently by the school district for instructional or
279 program use.

280 (8) FUNDING.—

281 (a) High-impact schools shall be funded in accordance with
282 s. 1002.33(17).

283 (b) High-impact schools shall receive priority in the
284 department's Public Charter School Grant Program competitions.

285 (c) High-impact schools shall be considered charter schools
286 for purposes of s. 1013.62, except charter capital outlay may
287 not be used to purchase real property or for the construction of
288 school facilities.

289 (d) Funding for high-impact schools may be provided in the
290 General Appropriations Act to support the following eligible
291 expenditures:

292 1. Preparing teachers, school leaders, and specialized
293 instructional support personnel, including costs associated
294 with:

295 a. Providing professional development; and

296 b. Hiring and compensating teachers, school leaders, and
297 specialized instructional support personnel for services beyond
298 the school day and year.



406464

299 2. Acquiring supplies, training, equipment, and educational
300 materials, including developing and acquiring instructional
301 materials.

302 3. Providing one-time startup costs associated with
303 providing transportation to students to and from the high-impact
304 school.

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

307 5. Providing funds to cover the nonvoted ad valorem millage
308 that would otherwise be required for schools and the required
309 local effort funds calculated pursuant to s. 1011.62 when the
310 State Board of Education enters into an agreement with a high-
311 impact school operator pursuant to subsection (5).

312 (e) If a high-impact school is not renewed or is
313 terminated, any unencumbered funds and all equipment and
314 property purchased with the funds shall revert to the ownership
315 of the state. The reversion of such equipment, property, and
316 furnishings shall focus on tangible or irrecoverable costs such
317 as rental or leasing fees, normal maintenance, and limited
318 renovations. The reversion of all property secured with grant
319 funds is subject to the complete satisfaction of all lawful
320 liens or encumbrances.

321 (9) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS.—
322 Pursuant to Art. IX of the State Constitution, which prescribes
323 the duty of the State Board of Education to supervise the public
324 school system, the State Board of Education shall:

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

327 (b) Adopt a standard notice of intent and performance-based



328 agreement that must be used by high-impact school operators and
329 district school boards to eliminate regulatory and bureaucratic
330 barriers that delay access to high-quality schools for students
331 in persistently low-performing schools.

332 (c) Resolve disputes between a high-impact school operator
333 and a school district arising from a performance-based agreement
334 or a contract between a charter operator and a school district
335 under the board's oversight and enforcement authority and the
336 requirements of s. 1008.33.

337 (d) Provide students in persistently low-performing schools
338 with a public school that meets accountability standards.

339 Subject to the authorities and approvals specified under
340 paragraph (4) (b), the State Board of Education may enter into a
341 performance-based agreement with a high-impact school operator
342 to establish a high-impact school. Upon the State Board of
343 Education entering into a performance-based agreement with a
344 high-impact school operator, the school district shall transfer
345 to the high-impact school the proportionate share of state funds
346 allocated from the Florida Education Finance Program.

347 (10) RULES.—The State Board of Education shall adopt rules
348 pursuant to ss. 120.536(1) and 120.54 to implement this section.

349 Section 2. Section 1001.292, Florida Statutes, is created
350 to read:

351 1001.292 High-impact Schools Revolving Loan Program.—

352 (1) The High-impact Schools Revolving Loan Program is
353 established within the Department of Education to provide
354 assistance to a high-impact school operator, as defined in s.
355 1002.333, to meet school building construction needs and pay for
356 expenses related to the startup of a new high-impact school. The



406464

357 program shall consist of funds appropriated by the Legislature,
358 money received from the repayment of loans made from the
359 program, and interest earned.

360 (2) Funds provided pursuant to this section may not exceed
361 25 percent of the total cost of the project, which shall be
362 calculated based on 80 percent of the cost per student station
363 established by s. 1013.64(6)(b) multiplied by the capacity of
364 the facility.

365 (3) The department may contract with a third-party
366 administrator to administer the program. If the department
367 contracts with a third-party administrator, funds shall be
368 granted to the third-party administrator to create a revolving
369 loan fund for the purpose of financing projects that meet the
370 requirements of subsection (4). The third-party administrator
371 shall report to the department annually. The department shall
372 continue to administer the program until a third-party
373 administrator is selected.

374 (4) High-impact school operators that have been designated
375 by the State Board of Education and have executed a performance-
376 based agreement pursuant to s. 1002.333 shall be provided a loan
377 up to the amount provided in subsection (2) to support the
378 performance-based contract components of high-impact schools, as
379 defined in s. 1002.333(1).

380 (5) The department shall post on its website the projects
381 that have received loans, the geographic distribution of the
382 projects, the status of the projects, the costs of the program,
383 and student outcomes for students enrolled in the high-impact
384 school receiving funds.

385 (6) All repayments of principal and interest shall be



406464

386 returned to the loan fund and made available for loans to other
387 applicants.

388 (7) Interest on loans provided under this program may be
389 used to defray the costs of administration and shall be the
390 lower of:

391 (a) The rate paid on moneys held in the fund; or

392 (b) A rate equal to 50 percent of the rate authorized under
393 s. 215.84.

394 Section 3. This act shall take effect July 1, 2017.

395
396 ===== T I T L E A M E N D M E N T =====

397 And the title is amended as follows:

398 Delete everything before the enacting clause
399 and insert:

400 A bill to be entitled
401 An act relating to K-12 public schools; creating s.
402 1002.333, F.S., relating to high-impact schools and
403 high-impact school operators; defining terms;
404 providing eligibility criteria for high-impact school
405 operators; providing for the designation and
406 redesignation of a high-impact school operator;
407 authorizing high-impact school operators to establish
408 high-impact schools in specified areas; providing the
409 process for the establishment of a high-impact school;
410 providing the requirements for a performance-based
411 agreement; authorizing the State Board of Education to
412 designate a high-impact school as a local education
413 agency; providing that a school district sponsor is
414 not liable for specified damages; providing that a



406464

415 high-impact school may be a private or public
416 employer; authorizing a high-impact school to
417 participate in the Florida Retirement System;
418 authorizing a high-impact school operator to employ
419 certain staff; providing specific statutory exemptions
420 for high-impact schools; providing requirements for
421 facilities used by high-impact schools; requiring
422 districts to annually provide a list of specified
423 property to the Department of Education; requiring
424 that high-impact schools be funded through the Florida
425 Education Finance Program; establishing additional
426 funding sources and guidelines for eligible
427 expenditures; providing authority and obligations of
428 the State Board of Education; providing a mechanism
429 for the resolution of disputes; providing for
430 rulemaking; creating s. 1001.292, F.S.; establishing
431 the High-impact Schools Revolving Loan Program;
432 providing criteria for administration of the program;
433 providing an effective date.