A bill to be entitled
An act relating to Schools of Innovation; creating s. 1002.355, F.S.; establishing Schools of Innovation; providing a purpose; defining terms; authorizing a school district to apply to the Commissioner of Education to designate a public school as a School of Innovation; specifying information the application must contain; requiring the commissioner to recommend approval, rejection, or resubmission of the application to the State Board of Education within a certain timeframe; requiring the state board to accept, reject, or request resubmission of the application within a certain timeframe; requiring the state board’s decision to be in writing and, if rejecting or requesting resubmission, to state the reasons for such decision; providing that the state board’s decision is final action and subject to judicial review; requiring a school participating in the Competency-Based Education Pilot Program during a certain year to resubmit its pilot program application to be designated a School of Innovation; requiring the state board to adopt rules; providing the initial term of duration for Schools of Innovation; authorizing district school boards to approve subsequent terms for schools that meet certain requirements; requiring district school boards to evaluate Schools of Innovation using an evaluation plan developed by the department; providing for revocation of a school’s designation as a School of Innovation; requiring a
district school board to accept or reject within a
certain timeframe a recommendation to revoke a
school’s designation from the department; providing
that a district school board’s rejection of the
department’s recommendation is final action subject to
judicial review; authorizing a School of Innovation to
request the state board to waive rules or the district
school board to waive policies; requiring the state
board or district school board to accept or deny such
request within a certain timeframe; prohibiting a
School of Innovation from requesting a waiver of
participation in statewide assessments or state or
federal accountability requirements; specifying the
duration of a granted waiver; requiring the department
to establish a statewide innovation network; providing
the purposes of the network; requiring the department
to provide technical assistance and support to the
network; prohibiting a student who transfers from a
School of Innovation to another school in this state
which is not designated as such from being penalized
in specified manners; requiring the state board and
the Board of Governors to establish certain policies;
specifying duties of the department; requiring the
department to deliver an annual report containing
certain information to the Governor and the
Legislature by a specified date; requiring the
department to adopt rules; amending s. 1003.437, F.S.;
authorizing a School of Innovation to use an
alternative to letter grades; requiring a School of
Innovation that adopts an alternative to letter grades to continue to calculate a student’s grade point average on a 4-point scale; amending s. 1011.61, F.S.; requiring the department to determine and implement an equitable method of equivalent funding for Schools of Innovation; amending s. 1011.62, F.S.; requiring a school district to earn additional FTE for specified students; providing for the calculation of the additional FTE; providing an effective date.

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

Section 1. Section 1002.355, Florida Statutes, is created to read:

1002.355 Schools of Innovation.—
(1) PURPOSE.—Schools of Innovation are established to encourage innovation and creativity by providing public schools greater control and flexibility to meet the needs of students and communities, improve student achievement, and enhance academic opportunities.

(2) DEFINITIONS.—As used in this section, the term:
(a) “Innovation” means a new or creative alternative to existing instructional and administrative practices which is intended to improve learning and enhance academic opportunities for all students.
(b) “Learner-validated measure” means full-credit course completion, the percentage of competencies, standards, or assignments in a course which a student has successfully completed, or any other objective and verifiable measure of
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(c) “Learner-valuated program” means a program in which instruction includes an element of student-centered learning over time, place, path, or pace through:

1. Online learning in which students receive educational services primarily over the Internet;
2. Blended learning in which a student learns through an integrated experience that is in part through online learning; or
3. Competency-based learning designed to accomplish a predetermined curricular objective, set of objectives, or set of competencies.

(3) APPLICATION PROCESS.—

(a) A school district may submit to the Commissioner of Education an application to designate a school as a School of Innovation which shall include all of the following information:

1. A statement of the school’s mission and a description of how designation as a School of Innovation would enhance the school’s ability to achieve its mission.
2. An innovation plan describing the practices and learner-valuated programs the school will implement along with a plan for implementation.
3. The school district program, policies, or operations that the school will change to successfully implement innovative practices.
4. A detailed implementation timeline that may not exceed 5 years.
5. A detailed description of the learner-valuated measures to be used for substitution of net instructional hours under s.
6. A resolution adopted by the district school board showing approval of the innovation plan, the anticipated timeline for implementation, and the resources and support that the district school board will provide, including any flexibility given from local policies and procedures.

7. Documentation to show meaningful parental, educator, and community engagement and capacity for the changes identified in the innovation plan.

8. The formative, benchmark, and summative assessments that will be used to monitor student progress and outcomes.


10. Long-term community outreach and stakeholder communication plans.

(b)1. Within 60 days after receiving a School of Innovation application, the commissioner shall submit a written recommendation to the state board to accept, reject, or request resubmission of an application with additional information.

2. Within 30 days after receiving the commissioner’s recommendation, the state board shall by majority vote accept, reject, or request resubmission of an application with additional information. The state board’s decision must be in writing and state the reasons for any application denial or request for resubmission.

3. The state board’s decision is a final action subject to judicial review in the district court of appeal.

(c) A school that participated in the Competency-Based Education Pilot Program during the 2020-2021 school year shall
update and resubmit its pilot program application for review by
the commissioner to be designated as a School of Innovation for
the 2021-2022 school year.

(d) The state board shall adopt rules to implement this
subsection, including creating an evaluation instrument for
evaluating applications.

(4) TERMS.—
(a) The initial term of a School of Innovation shall be 5
years. The district school board may approve additional 5-year
terms if the School of Innovation has complied with procedures
determined by the district school board for renewal, including
satisfying performance evaluations.

(b) District school boards shall evaluate Schools of
Innovation using an evaluation plan developed by the department.

(c) 1. A district school board may revoke a school’s
designation as a School of Innovation if the school fails to
meet goals, performance indicators, evaluations, or
implementation milestones.

2. a. The department may recommend that a district school
board revoke a school’s designation as a School of Innovation if
the school fails to meet goals, performance indicators,
evaluations, or implementation milestones. The district school
board shall accept or reject the recommendation in writing
within 30 days after receiving the recommendation.

b. A district school board’s rejection of the department’s
recommendation is final action subject to judicial review in the
district court of appeal.

(5) POLICY FLEXIBILITY.—
(a) A School of Innovation may request the state board to
use its authority to waive rules pursuant to s. 1001.10(3) or the district school board to waive policies pursuant to s. 1001.42(19)(b). The state board or district school board shall accept or deny any such request within 30 days after receipt of the request.

(b) A School of Innovation may not request waiver of participation in statewide assessments or state or federal accountability requirements.

(c) A waiver granted pursuant to this section shall remain in effect for as long as a school is designated a School of Innovation.

(6) INNOVATION NETWORK.—

(a) The department shall establish a statewide innovation network to provide support for Schools of Innovation.

(b) The purposes of the network are to:

1. Increase statewide knowledge and understanding of Schools of Innovation;

2. Provide opportunities for Schools of Innovation to collaborate and share resources and lessons learned;

3. Develop information, materials, and other applicable resources for use across this state; and

4. Identify data and metrics to be used to evaluate success, progress, and growth.

(c) The department shall provide technical assistance and support to the network, which may include contracts with a third-party provider.

(7) STUDENT PROTECTIONS.—

(a) A student who transfers from a School of Innovation to another school in this state not designated as a School of
Innovation may not be penalized by being required to repeat course work or content that the student has already demonstrated mastery of, by changing the student’s grades, or in any other manner relating to the student’s previous attendance in a School of Innovation.

(b) The state board and the Board of Governors shall establish policies that ensure fair and equitable access for School of Innovation student admission into postsecondary institutions and eligibility for scholarship and financial aid.

(8) DUTIES OF THE DEPARTMENT.—

(a) The department shall develop and publish an evaluation plan to measure the progress of Schools of Innovation. The evaluation plan must include all of the following information:

1. Methods to evaluate student engagement, instructional practices, performance on formative, benchmark, and statewide assessments, and student secondary and postsecondary success.

2. Timelines for when any required reports must be produced.

3. Persons or entities who may conduct evaluations.

4. Data required from schools.

(b) The department shall publish communication guidelines for Schools of Innovation for interacting with parents, teachers, and the community.

(c) The department may assign staff to assist with the statewide innovation network.

(d) The department shall deliver an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives beginning July 1, 2022, and each subsequent July 1 each year which summarizes progress towards
implementing Schools of Innovation. The annual report must include any waiver requests granted by a district school board or the department as well as any department policy recommendations.

(e) The department shall adopt rules to implement this section unless otherwise provided.

Section 2. Section 1003.437, Florida Statutes, is amended to read:

1003.437 Middle and high school grading system.—

(1) The grading system and interpretation of letter grades used to measure student success in grade 6 through grade 12 courses for students in public schools shall be as follows:

(a) Grade “A” equals 90 percent through 100 percent, has a grade point average value of 4, and is defined as “outstanding progress.”

(b) Grade “B” equals 80 percent through 89 percent, has a grade point average value of 3, and is defined as “above average progress.”

(c) Grade “C” equals 70 percent through 79 percent, has a grade point average value of 2, and is defined as “average progress.”

(d) Grade “D” equals 60 percent through 69 percent, has a grade point average value of 1, and is defined as “lowest acceptable progress.”

(e) Grade “F” equals zero percent through 59 percent, has a grade point average value of zero, and is defined as “failure.”

(f) Grade “I” equals zero percent, has a grade point average value of zero, and is defined as “incomplete.”
For the purposes of class ranking, district school boards may exercise a weighted grading system pursuant to s. 1007.271.

(2) Schools of Innovation designated under s. 1002.355 may use an alternative to letter grades to measure student success in grade 6 through grade 12 courses. If a School of Innovation uses an alternative to letter grades, it must continue to calculate a student’s grade point average using the 4-point scale under subsection (1).

Section 3. Subsection (1) of section 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A “full-time equivalent student” in each program of the district is defined in terms of full-time students and part-time students as follows:

(a) A “full-time student” is one student on the membership roll of one school program or a combination of school programs listed in s. 1011.62(1)(c) for the school year or the equivalent for:

1. Instruction in a standard school, comprising not less than 900 net hours for a student in or at the grade level of 4 through 12, or not less than 720 net hours for a student in or at the grade level of kindergarten through grade 3 or in an authorized prekindergarten exceptional program; or

2. Instruction comprising the appropriate number of net hours set forth in subparagraph 1. for students who, within the past year, have moved with their parents for the purpose of
engaging in the farm labor or fish industries, if a plan furnishing such an extended school day or week, or a combination thereof, has been approved by the commissioner. Such plan may be approved to accommodate the needs of migrant students only or may serve all students in schools having a high percentage of migrant students. The plan described in this subparagraph is optional for any school district and is not mandated by the state.

(b) A “part-time student” is a student on the active membership roll of a school program or combination of school programs listed in s. 1011.62(1)(c) who is less than a full-time student. A student who receives instruction in a school that operates for less than the minimum term shall generate full-time equivalent student membership proportional to the amount of instructional hours provided by the school divided by the minimum term requirement as provided in s. 1011.60(2).

(c)1. A “full-time equivalent student” is:
   a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or
   b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

   (I) A full-time student in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. The difference between that fraction or sum
of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student’s time not spent in a special program and shall be recorded as time in the appropriate basic program.

(II) A prekindergarten student with a disability shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in kindergarten through grade 12 in a full-time virtual instruction program under s. 1002.45 or a virtual charter school under s. 1002.33 shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in programs listed in s. 1011.62(1)(c). Credit completions may be a combination of full-credit courses or half-credit courses.

(IV) A full-time equivalent student for students in kindergarten through grade 12 in a part-time virtual instruction program under s. 1002.45 shall consist of six full-credit completions in programs listed in s. 1011.62(1)(c)1. and 3. Credit completions may be a combination of full-credit courses or half-credit courses.

(V) A Florida Virtual School full-time equivalent student shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in the programs listed in s. 1011.62(1)(c)1. and 3. for students participating in kindergarten through grade 12 part-time virtual instruction and the programs listed in s. 1011.62(1)(c) for students participating in kindergarten through grade 12 full-time virtual instruction. Credit completions may be a combination of full-credit courses or half-credit courses.
Each successfully completed full-credit course earned through an online course delivered by a district other than the one in which the student resides shall be calculated as 1/6 FTE. A full-time equivalent student for courses requiring passage of a statewide, standardized end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be defined and reported based on the number of instructional hours as provided in this subsection.

For students enrolled in a school district as a full-time student, the district may report 1/6 FTE for each student who passes a statewide, standardized end-of-course assessment without being enrolled in the corresponding course.

2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis as specified by rules of the State Board of Education is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in:

a. Juvenile justice education programs.
b. The Florida Virtual School.
c. Virtual instruction programs and virtual charter schools for the purpose of course completion and credit recovery pursuant to ss. 1002.45 and 1003.498. Course completion applies only to a student who is reported during the second or third membership surveys and who does not complete a virtual education course by the end of the regular school year. The course must be
completed no later than the deadline for amending the final student enrollment survey for that year. Credit recovery applies only to a student who has unsuccessfully completed a traditional or virtual education course during the regular school year and must retake the course in order to be eligible to graduate with the student’s class.

The full-time equivalent student enrollment calculated under this subsection is subject to the requirements in subsection (4).

The department shall determine and implement an equitable method of equivalent funding for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum term as provided in s. 1011.60(2), and for Schools of Innovation under s. 1002.355.

Section 4. Present paragraphs (q) through (t) of subsection (1) of section 1011.62, Florida Statutes, are redesignated as paragraphs (r) through (u), respectively, and a new paragraph (q) is added to that subsection, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for
operation:

(q) A school district shall earn additional FTE for each student eligible for a free or reduced price lunch from the National School Lunch Program calculated by each eligible student’s percentage of a learner-validated measure earned multiplied by the fraction of a FTE represented by the course.

Section 5. This act shall take effect July 1, 2021.