

By Senator Brodeur

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1 A bill to be entitled
2 An act relating to Schools of Innovation; creating s.
3 1002.355, F.S.; establishing Schools of Innovation;
4 providing a purpose; defining terms; authorizing a
5 school district to apply to the Commissioner of
6 Education to designate a public school as a School of
7 Innovation; specifying information the application
8 must contain; requiring the commissioner to recommend
9 approval, rejection, or resubmission of the
10 application to the State Board of Education within a
11 certain timeframe; requiring the state board to
12 accept, reject, or request resubmission of the
13 application within a certain timeframe; requiring the
14 state board's decision to be in writing and, if
15 rejecting or requesting resubmission, to state the
16 reasons for such decision; providing that the state
17 board's decision is final action and subject to
18 judicial review; requiring a school participating in
19 the Competency-Based Education Pilot Program during a
20 certain year to resubmit its pilot program application
21 to be designated a School of Innovation; requiring the
22 state board to adopt rules; providing the initial term
23 of duration for Schools of Innovation; authorizing
24 district school boards to approve subsequent terms for
25 schools that meet certain requirements; requiring
26 district school boards to evaluate Schools of
27 Innovation using an evaluation plan developed by the
28 department; providing for revocation of a school's
29 designation as a School of Innovation; requiring a

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30 district school board to accept or reject within a
31 certain timeframe a recommendation to revoke a
32 school's designation from the department; providing
33 that a district school board's rejection of the
34 department's recommendation is final action subject to
35 judicial review; authorizing a School of Innovation to
36 request the state board to waive rules or the district
37 school board to waive policies; requiring the state
38 board or district school board to accept or deny such
39 request within a certain timeframe; prohibiting a
40 School of Innovation from requesting a waiver of
41 participation in statewide assessments or state or
42 federal accountability requirements; specifying the
43 duration of a granted waiver; requiring the department
44 to establish a statewide innovation network; providing
45 the purposes of the network; requiring the department
46 to provide technical assistance and support to the
47 network; prohibiting a student who transfers from a
48 School of Innovation to another school in this state
49 which is not designated as such from being penalized
50 in specified manners; requiring the state board and
51 the Board of Governors to establish certain policies;
52 specifying duties of the department; requiring the
53 department to deliver an annual report containing
54 certain information to the Governor and the
55 Legislature by a specified date; requiring the
56 department to adopt rules; amending s. 1003.437, F.S.;
57 authorizing a School of Innovation to use an
58 alternative to letter grades; requiring a School of

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59 Innovation that adopts an alternative to letter grades
60 to continue to calculate a student's grade point
61 average on a 4-point scale; amending s. 1011.61, F.S.;
62 requiring the department to determine and implement an
63 equitable method of equivalent funding for Schools of
64 Innovation; amending s. 1011.62, F.S.; requiring a
65 school district to earn additional FTE for specified
66 students; providing for the calculation of the
67 additional FTE; providing an effective date.

68

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

70

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

73 1002.355 Schools of Innovation.-

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

79 (2) DEFINITIONS.-As used in this section, the term:

80 (a) "Innovation" means a new or creative alternative to
81 existing instructional and administrative practices which is
82 intended to improve learning and enhance academic opportunities
83 for all students.

84 (b) "Learner-validated measure" means full-credit course
85 completion, the percentage of competencies, standards, or
86 assignments in a course which a student has successfully
87 completed, or any other objective and verifiable measure of

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88 student learning.

89 (c) "Learner-validated program" means a program in which
90 instruction includes an element of student-centered learning
91 over time, place, path, or pace through:

92 1. Online learning in which students receive educational
93 services primarily over the Internet;

94 2. Blended learning in which a student learns through an
95 integrated experience that is in part through online learning;
96 or

97 3. Competency-based learning designed to accomplish a
98 predetermined curricular objective, set of objectives, or set of
99 competencies.

100 (3) APPLICATION PROCESS.—

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

104 1. A statement of the school's mission and a description of
105 how designation as a School of Innovation would enhance the
106 school's ability to achieve its mission.

107 2. An innovation plan describing the practices and learner-
108 validated programs the school will implement along with a plan
109 for implementation.

110 3. The school district program, policies, or operations
111 that the school will change to successfully implement innovative
112 practices.

113 4. A detailed implementation timeline that may not exceed 5
114 years.

115 5. A detailed description of the learner-validated measures
116 to be used for substitution of net instructional hours under s.

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117 1011.61.

118 6. A resolution adopted by the district school board
119 showing approval of the innovation plan, the anticipated
120 timeline for implementation, and the resources and support that
121 the district school board will provide, including any
122 flexibility given from local policies and procedures.

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

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

128 9. A description of goals, performance indicators,
129 implementation milestones, and expected outcomes.

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

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

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

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

144 (c) A school that participated in the Competency-Based
145 Education Pilot Program during the 2020-2021 school year shall

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146 update and resubmit its pilot program application for review by
147 the commissioner to be designated as a School of Innovation for
148 the 2021-2022 school year.

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

152 (4) TERMS.—

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

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

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

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

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

173 (5) POLICY FLEXIBILITY.—

174 (a) A School of Innovation may request the state board to

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175 use its authority to waive rules pursuant to s. 1001.10(3) or
176 the district school board to waive policies pursuant to s.
177 1001.42(19)(b). The state board or district school board shall
178 accept or deny any such request within 30 days after receipt of
179 the request.

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

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

186 (6) INNOVATION NETWORK.—

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

189 (b) The purposes of the network are to:

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

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

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

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

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

201 (7) STUDENT PROTECTIONS.—

202 (a) A student who transfers from a School of Innovation to
203 another school in this state not designated as a School of

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204 Innovation may not be penalized by being required to repeat
205 course work or content that the student has already demonstrated
206 mastery of, by changing the student's grades, or in any other
207 manner relating to the student's previous attendance in a School
208 of Innovation.

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

213 (8) DUTIES OF THE DEPARTMENT.—

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

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

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

222 3. Persons or entities who may conduct evaluations.

223 4. Data required from schools.

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

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

229 (d) The department shall deliver an annual report to the
230 Governor, the President of the Senate, and the Speaker of the
231 House of Representatives beginning July 1, 2022, and each
232 subsequent July 1 each year which summarizes progress towards

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233 implementing Schools of Innovation. The annual report must
234 include any waiver requests granted by a district school board
235 or the department as well as any department policy
236 recommendations.

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

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

241 1003.437 Middle and high school grading system.—

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

245 (a)~~(1)~~ Grade "A" equals 90 percent through 100 percent, has
246 a grade point average value of 4, and is defined as "outstanding
247 progress."

248 (b)~~(2)~~ Grade "B" equals 80 percent through 89 percent, has
249 a grade point average value of 3, and is defined as "above
250 average progress."

251 (c)~~(3)~~ Grade "C" equals 70 percent through 79 percent, has
252 a grade point average value of 2, and is defined as "average
253 progress."

254 (d)~~(4)~~ Grade "D" equals 60 percent through 69 percent, has
255 a grade point average value of 1, and is defined as "lowest
256 acceptable progress."

257 (e)~~(5)~~ Grade "F" equals zero percent through 59 percent,
258 has a grade point average value of zero, and is defined as
259 "failure."

260 (f)~~(6)~~ Grade "I" equals zero percent, has a grade point
261 average value of zero, and is defined as "incomplete."

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263 For the purposes of class ranking, district school boards may
264 exercise a weighted grading system pursuant to s. 1007.271.

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

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

273 1011.61 Definitions.—Notwithstanding the provisions of s.
274 1000.21, the following terms are defined as follows for the
275 purposes of the Florida Education Finance Program:

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

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

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

288 2. Instruction comprising the appropriate number of net
289 hours set forth in subparagraph 1. for students who, within the
290 past year, have moved with their parents for the purpose of

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291 engaging in the farm labor or fish industries, if a plan
292 furnishing such an extended school day or week, or a combination
293 thereof, has been approved by the commissioner. Such plan may be
294 approved to accommodate the needs of migrant students only or
295 may serve all students in schools having a high percentage of
296 migrant students. The plan described in this subparagraph is
297 optional for any school district and is not mandated by the
298 state.

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

307 (c)1. A "full-time equivalent student" is:

308 a. A full-time student in any one of the programs listed in
309 s. 1011.62(1)(c); or

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

314 (I) A full-time student in a combination of programs listed
315 in s. 1011.62(1)(c) shall be a fraction of a full-time
316 equivalent membership in each special program equal to the
317 number of net hours per school year for which he or she is a
318 member, divided by the appropriate number of hours set forth in
319 subparagraph (a)1. The difference between that fraction or sum

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320 of fractions and the maximum value as set forth in subsection
321 (4) for each full-time student is presumed to be the balance of
322 the student's time not spent in a special program and shall be
323 recorded as time in the appropriate basic program.

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

326 (III) A full-time equivalent student for students in
327 kindergarten through grade 12 in a full-time virtual instruction
328 program under s. 1002.45 or a virtual charter school under s.
329 1002.33 shall consist of six full-credit completions or the
330 prescribed level of content that counts toward promotion to the
331 next grade in programs listed in s. 1011.62(1)(c). Credit
332 completions may be a combination of full-credit courses or half-
333 credit courses.

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

340 (V) A Florida Virtual School full-time equivalent student
341 shall consist of six full-credit completions or the prescribed
342 level of content that counts toward promotion to the next grade
343 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
344 participating in kindergarten through grade 12 part-time virtual
345 instruction and the programs listed in s. 1011.62(1)(c) for
346 students participating in kindergarten through grade 12 full-
347 time virtual instruction. Credit completions may be a
348 combination of full-credit courses or half-credit courses.

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349 (VI) Each successfully completed full-credit course earned
350 through an online course delivered by a district other than the
351 one in which the student resides shall be calculated as 1/6 FTE.

352 (VII) A full-time equivalent student for courses requiring
353 passage of a statewide, standardized end-of-course assessment
354 under s. 1003.4282 to earn a standard high school diploma shall
355 be defined and reported based on the number of instructional
356 hours as provided in this subsection.

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

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

370 a. Juvenile justice education programs.

371 b. The Florida Virtual School.

372 c. Virtual instruction programs and virtual charter schools
373 for the purpose of course completion and credit recovery
374 pursuant to ss. 1002.45 and 1003.498. Course completion applies
375 only to a student who is reported during the second or third
376 membership surveys and who does not complete a virtual education
377 course by the end of the regular school year. The course must be

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378 completed no later than the deadline for amending the final
379 student enrollment survey for that year. Credit recovery applies
380 only to a student who has unsuccessfully completed a traditional
381 or virtual education course during the regular school year and
382 must retake the course in order to be eligible to graduate with
383 the student's class.

384
385 The full-time equivalent student enrollment calculated under
386 this subsection is subject to the requirements in subsection
387 (4).

388
389 The department shall determine and implement an equitable method
390 of equivalent funding for schools operating under emergency
391 conditions, which schools have been approved by the department
392 to operate for less than the minimum term as provided in s.
393 1011.60(2), and for Schools of Innovation under s. 1002.355.

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

398 1011.62 Funds for operation of schools.—If the annual
399 allocation from the Florida Education Finance Program to each
400 district for operation of schools is not determined in the
401 annual appropriations act or the substantive bill implementing
402 the annual appropriations act, it shall be determined as
403 follows:

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

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407 operation:

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

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