

6A-1.0998271 Schools of Hope.

(1) Definitions: For the purpose of this rule, the following definitions apply.

(a) through (e) No change.

(f) "Excess seats" means the difference between a facility's total student stations and the facility's total capital outlay full-time equivalent (COFTE) student enrollment according to the most recent student survey data. For purposes of determining whether a facility is an underused, vacant or surplus facility, Projected SOH Enrollment for a School of Hope that has submitted an approved SOH Notice of Intent for that facility shall not be deemed to be excess seats.

(g) "Projected SOH Enrollment" means the number of students that a Hope Operator projects for enrollment at a School of Hope following the first five years of its operations in a particular facility.

(h) "Underused, vacant or surplus facility" means an entire facility or portion thereof that is not fully used or is used irregularly or intermittently by the district for instructional or program use.

(i) "Fully used" means a facility that does not have unused student stations.

(j) "Vacant and Underused Facilities Report" means the report described in paragraph (5)(a).

(k) "Sponsor" means the district, Florida College System institution or state university that is the sponsor or authorizer of a School of Hope.

(l) "Florida Opportunity Zone" means a population census tract that has been designated by the United States Department of the Treasury as a Qualified Opportunity Zone pursuant to s. 1400Z-1(b)(1)(B) of the Internal Revenue Code.

(2) No change.

(3) Establishing a School of Hope. An entity that has been designated as a Hope Operator pursuant to Section 1002.333(2), F.S., and subsection (2) of this rule, may establish a School of Hope in a Florida Opportunity Zone or in the attendance zone or within a five (5) mile radius of a school identified as a persistently low-performing public school pursuant to Section 1002.333, F.S. A School of Hope may be located outside of a Florida Opportunity Zone or persistently low-performing school attendance zone in the nearest suitable underused, vacant or surplus facility if the district does not have such a facility available for the Hope Operator to use within a Florida Opportunity Zone or persistently low-performing school attendance zone. Students from persistently low-performing schools and students residing in a Florida Opportunity Zone shall be exempt from any enrollment lottery to the extent permitted by

federal grant requirements. The School of Hope must be located in the same school district as the Notice of Intent is filed. To establish a School of Hope, the Hope Operator must:

(a) through (b) No change.

(c) Submit the completed Notice of Intent and School of Hope Performance-based Agreement forms to the Sponsor and, if the Sponsor is a Florida College System institution or state university, a Notice of Intent to the Superintendent of the school district in which the persistently low-performing school has been identified by the Department. The forms shall be either hand delivered or sent certified mail with a return receipt requested. The entity shall provide a copy of the completed forms to the Department at the same time they are submitted to the Sponsor. The forms may be provided to the Department electronically or via regular mail at the address in subsection (11)(8) of this rule.

(d) through (e) No change.

(4) No change.

(5) Underused, vacant or surplus facility reports and facility access.

(a) Vacant and Underused Facilities Report. By February 1 of each year, school districts must provide the Department with the following information pertaining to their underused, vacant or surplus facilities:

1. The number of classrooms, student stations and administrative spaces;

2. The number of full-time equivalent students;

3. Information such as size and capacity for shared spaces such as gym, cafeteria, auditorium; and

4. Any other available information regarding school building usage.

(b) In accordance with Section 1002.333(7)(d), F.S., the Department shall publish a final, corrected list of underused, vacant or surplus facilities by April 1 of each year.

(c) Floor Plans. The district shall provide floor plans via secure method for any underused, vacant or surplus facility to a Hope Operator that makes a request for such within ten days of receipt of the request.

(d) Facility Access. Each district must permit a Hope Operator access to any underused, vacant or surplus facility before or after regular school hours within five calendar days from receipt of a Hope Operator's written request for purposes including:

1. To tour the facility in order to evaluate the facility's suitability for a School of Hope; and

2. For planning repairs, maintenance, renovations and other purposes on an ongoing basis associated with opening and maintaining a School of Hope. All personnel responsible for the repairs, maintenance, and renovations of the school building must undergo a Level 2 background screening pursuant to s. 435.04, F.S.

~~(5) Dispute resolution between school districts and hope operators. Either of the parties may petition the Commissioner for referral of the dispute to the special magistrate, pursuant to Section 1002.333(11), F.S.~~

~~(a) A petition under this subsection shall specifically identify the parties involved in the dispute and describe the issues that remain to be resolved in relation to the performance based agreement required by Section 1002.333(5), F.S., and the position of the petitioning party on the disputed issues. The Commissioner shall refer the matter to a special magistrate and advise the school district and the hope operator of the special magistrate's contact information by overnight mail. A non petitioning party may submit a response to the petition to the special magistrate which must be received by the special magistrate within five (5) days of referral. The special magistrate shall enter an initial order detailing applicable procedures for conduct of the proceeding and the final hearing.~~

~~(b) The final hearing in a proceeding under this subsection shall be held in a location determined by the special magistrate. The Department shall record the meeting but, if any party desires that the proceedings be transcribed, that party will be responsible for making the necessary arrangements at its own expense.~~

~~(c) Within fifteen (15) days after the close of the final hearing, the special magistrate shall provide his or her recommended decision to the State Board of Education.~~

~~(d) The special magistrate shall submit the entire record from the final hearing to the State Board of Education which shall include the recording of the final hearing and any exhibits or evidence admitted during the final hearing.~~

~~(e) The State Board of Education must approve or reject the recommended decision at its next regular meeting that is more than seven (7) days from the transmission of the recommended order.~~

(6) Facility selection, space allocation, and use.

(a) Facility Use and Support Services. A district must permit a School of Hope to use underused, vacant or surplus district facilities and to receive facility-related services.

1. A Hope Operator that intends to submit a School of Hope Notice of Intent and locate a School of Hope in an underused, vacant or surplus facility shall submit a letter (the "School of Hope Building Notice") to the Superintendent of the district where the facility is located at least one year and no more than two years prior to the planned opening of the School of Hope. The letter shall include:

- a. The underused, vacant or surplus facility (along with proposed alternatives, at the Hope Operator's discretion) at which the Hope Operator wishes to locate the school;
- b. Projected SOH Enrollment for such facility; and
- c. At the election of the Hope Operator, a preliminary proposal for space allocation within the building, taking into consideration the Projected SOH Seats.

The Building Notice may be submitted prior to the submission of a Notice of Intent, beginning on the date fourteen days after the effective date of revisions to this rule that were adopted at the September 24, 2025, meeting of the State Board of Education.

2. The district has twenty (20) calendar days from the date of submission to provide a written objection to a School of Hope Building Notice. Such written objection may propose an alternate facility for consideration by the Hope Operator, taking into consideration the Projected SOH Enrollment and proximity to the student population the Hope Provider seeks to serve. The Hope Operator is not required to accept the alternate facility. Without objection during twenty (20) calendar days from the date of submission, the choice is final.

3. A district may only object to a School of Hope Building Notice due to material impracticability. Should two Hope Operators submit SOH Building Notices for the same space, the Department shall award the space to the first Hope Operator to submit their Building Notice.

4. A School of Hope Building Notice must not request a facility in which the Projected SOH enrollment exceeds the excess seats set forth in the most recent public reporting published by the Department.

5. Pursuant to s. 1002.333(9)(c)-(d), F.S., the school district must permit a School of Hope to have the practical and effective use of all or part of an educational facility at no cost, which includes both the ability to occupy space and operate within the facility and to receive facilities-related services, except as expressly provided in this rule. Further, students enrolled in the School of Hope shall be included in the district's total capital outlay full-time equivalent membership and for calculating any other maintenance funds for the facility.

a. At the request of a co-located School of Hope, the school district must provide the School of Hope with the same facilities-related services it provides to district-operated schools, including, without limitation, custodial services, maintenance services, school safety services, food services, nursing services, and student transportation services, on all days the School of Hope is open.

b. If a School of Hope elects to receive school safety services or student transportation services from the school district, the School of Hope shall remit to the school district the full amount of any state allocations specifically designated for such services, including, but not limited to, funds distributed pursuant to the Florida Safe Schools Allocation and the Student Transportation Allocation, or any successor program providing funding for those purposes.

(b) Shared Facility Plan. Thirty (30) calendar days after the choice of underused, vacant or surplus facility is final, the Hope Operator and district must agree on a Shared Facility Plan, renewable annually, subject to amendment no later than sixty (60) calendar days before expiration of the annual term. The Shared Facility Plan must address the following:

1. Classroom Space and Administrative Space Allocation.

a. Proportionate Allocation. Classroom space, administrative space and storage space (including student lockers) in the facility must be allocated proportionately based on Projected SOH enrollment and taking room size into consideration.

b. Contiguous Allocation. The district must ensure that all schools in a building can operate in contiguous space. To the extent this requires that an existing school consolidate its operations, it must do so within seven (7) days of the end of the prior school year.

2. Shared Common Space Usage. All common indoor and outdoor space at a facility such as cafeterias, gymnasiums, recreation areas, parking lots, storage spaces and auditoriums, without limitation, must be shared proportionately based on total full-time equivalent student enrollment. When it is necessary to schedule use of a space, space shall be scheduled proportionately such as by allowing each school to have proportional access to a cafeteria during traditional lunch hours.

(c) Mutual Management Plan. Thirty (30) calendar days after the choice of underused, vacant or surplus facility is final, the Hope Operator and district must agree on a Mutual Management Plan renewable annually, subject to amendment no later than sixty (60) calendar days before expiration of the annual term. The Mutual Management Plan shall ensure that the space to be used by the School of Hope complies with all safety and other requirements and is maintained as other facilities in the district and as necessary to meet the electrical needs of the School of Hope. District maintenance of space used by the School of Hope must be performed as timely and with as much care

as other district space. If the district fails to provide space in this condition, it will reimburse the Hope Operator for fees incurred for such maintenance and ensure building access for any workers providing such services.

(6) The State Board shall not contract directly with a Hope Operator under Section 1002.333(11)(d), F.S., until receiving a recommendation from the special magistrate.

(7) Dispute resolution between districts and Hope Operators relating to an SOH Building Notice, Shared Facility Plan, or Annual Building Report.

(a) Either a district or Hope Operator may request that the Commissioner appoint a special magistrate to resolve a dispute relating to an SOH Building Notice, Shared Facility Plan, or a contract between the district and Hope Operator under s. 1008.33, F.S. Such request shall be copied to the other party to the dispute and shall include an evidentiary submission. The Commissioner will appoint the special magistrate within twenty (20) days of the date of request.

(b) The non-initiating party may submit a response within twenty (20) calendar days of the special magistrate's appointment.

(c) The initiating party may then submit a reply within twenty (20) calendar days of the non-initiating party's filing or waive the right to do so.

(d) The special magistrate may hold an evidentiary hearing if necessary or decline to do so, within forty-five (45) calendar days of the special magistrate's appointment, and will submit its recommended order to the Commissioner within fifteen (15) calendar days of the date of the hearing or its decision not to hold one.

(e) The Commissioner shall provide a recommended order to the State Board of Education within fifteen (15) calendar days after receipt of the special magistrate's recommended order.

(f) The State Board of Education must approve or reject the recommended order at its next regular meeting that is more than eight (8) calendar days from the transmission of the recommended order.

(8)(7) No change.

(9) School of Hope Funds. A School of Hope may only receive School of Hope funds after its first five (5) years of operation if the School of Hope meets the performance metrics outlined below. Funds received based upon performance may be used for any operational expenditures.

(a) The Department shall calculate School Grades pursuant to s. 1008.34, F.S., and Rule 6A-1.09981, F.A.C. This data shall be used for determining eligibility for School of Hope funds beginning in the school's sixth year of operation and thereafter.

(b) A School of Hope shall initially qualify to receive School of Hope funds in its sixth year of operation or in a subsequent year of operation if, at any time during its most recent two years of operation:

1. It would have been in the top 7 percent of Title I-eligible district schools statewide of the same school type (i.e., elementary, middle, high, or combination) on the English Language Arts (ELA) Achievement component of School Grades, as defined in Rule 6A-1.09981, F.A.C., in at least one school year; and

2. It would have been in the top 7 percent of Title I-eligible district schools statewide of the same school type (i.e., elementary, middle, high, or combination) on the Mathematics Achievement component of School Grades, as defined in Rule 6A-1.09981, F.A.C., in at least one school year.

(c) The thresholds may be met in different school years within the two-year window.

(d) Continuation of Eligibility and Provisional Status.

1. Once a School of Hope meets the standard as described in paragraphs (b) and (c), it shall continue to receive School of Hope funds each subsequent school year unless it falls below the top 7 percent in either of the components listed in paragraph (b) in the most recent school year.

2. If the school falls below the top 7 percent in either of the components listed in paragraph (b) in the most recent school year, it shall be placed in provisional status for that component for the subsequent school year. A School of Hope in provisional status in a component remains eligible to receive School of Hope funds during the provisional status year.

3. Provisional status is tracked separately for each component and does not affect funding eligibility based on the other components.

(e) Loss and Reinstatement of Eligibility.

1. If the School of Hope fails to meet the top 7 percent standard in a component by the end of its provisional status school year for that component, it shall be ineligible to receive School of Hope funds for the following school year until it meets the standard in both components again in the same school year.

2. Regaining the standard in a component during a school year restores eligibility for that component for the subsequent school year, but funding will resume only when both components meet the standard in the same school year.

(f) Applicable Assessments. The applicable assessments are:

1. The grade 4 statewide standardized ELA reading and mathematics assessments for elementary schools.
2. The grade 7 statewide standardized ELA reading and mathematics assessments for middle schools.
3. The grade 10 statewide standardized ELA reading and the Algebra 1 end-of-course (EOC) assessment for high schools.

If the students of a high school generally take the Algebra 1 EOC assessment while enrolled in a middle school operated by the same Hope Operator, student performance on such exam at the middle school shall be used in place of high-school-level results on such exam for purposes of the high school's eligibility under this section.

(10) A Hope Operator shall have access to the student information system in the school district in which a School of Hope is located.

(11)(8) No change.

*Rulemaking Authority 1002.333(12) FS. Law Implemented 1002.333 FS. History—New 2-20-18.*