

6A-1.0998271 Schools of Hope.

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

(a) through (h) No change.

(i) “Fully used” means a facility that is using at least 90 percent or more of its ~~does not have unused~~ student stations.

(j) through (l) No change.

(m) “Business day” means Monday through Friday, excluding legal holidays pursuant to Section 683.01, F.S., and days in which the district is closed due to a natural disaster.

(n) “Facility Utilization Rate” means the total capital outlay full-time equivalent (COFTE) student enrollment divided by the facility’s total student stations pursuant to the most recent Florida Inventory of School Houses (FISH) report. Solely for the purpose of this calculation, students receiving Level IV or Level V supports through an individual educational plan who are educated in a self-contained classroom for exceptional student education at least 50 percent of the instructional day, shall account for 2.0 COFTE student enrollment.

(2) Process for designation as a Hope Operator.

(a) No change.

(b) ~~Until such time as the State Board of Education adopts measurable criteria pursuant to Section 1002.333(2)(a), F.S.,~~ An entity shall be designated as a Hope Operator if it submits a complete application and meets at least one of the following criteria:

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

2. The average college attendance rate at all high schools currently operated by the operator exceeds 80 percent;

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

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

5. The audited financial statements of the operator are free of material misstatements and ongoing concerns.

(c) In addition to meeting the criteria in paragraph (b), an entity must meet at least one of the following criteria:

1. through 3. No change.

(c) through (e) renumbered (d) through (f) 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) At least four (4) months prior to the anticipated opening date, 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 Superintendent. The forms may be provided to the Department electronically or via regular mail at the address in subsection (11) of this rule.

(d) Within ten (10) business days of receipt of the Notice of Intent and School of Hope Performance-based Agreement forms, the school district shall notify the Hope Operator of any errors or omissions in the notice and PBA and afford the Hope Operator ten (10) business days to complete and resubmit the forms. Errors or omission of an element by a Hope Operator shall not provide a school district any relief from its obligation to enter a Performance-based Agreement unless identified as provided in this paragraph.

(e) No change.

(4) Performance-Based Agreement. Upon receipt of a complete Notice of Intent and draft School of Hope Performance-based Agreement form from an entity that has been designated by the State Board of Education as a Hope Operator, the District shall enter into a performance-based agreement with the entity within sixty (60) days to open one or more public Schools of Hope to serve students from persistently low-performing schools.

(a) No change.

(b) Upon execution of the performance-based agreement, the District shall provide a copy of the agreement to the entity and to the Department within ten (10) business days.

(c) No change.

(d) The Hope Operator or school district may petition the State Board of Education for dispute resolution if the parties fail to enter into a PBA at least sixty (60) days after submission of the Notice of Intent pursuant to paragraph ~~(7)(5)~~(a) of this rule.

(e) No change.

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

(a) through (b) No change.

(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 (10) business 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 (5) business calendar days from receipt of a Hope Operator's written request for purposes including:

1. through 2. No change.

(e) For the purpose of identifying facilities for potential use or shared use by a School of Hope, a facility is deemed eligible if, at the time the School of Hope Building Notice is submitted, it meets at least one of the following:

1. A Facility Utilization Rate that is no more than 75 percent; or

2. A surplus of at least 400 student stations.

(f) A School of Hope may not co-locate at a facility that first received occupancy, or was first placed into service, within the previous four (4) years.

(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 and a copy of that letter to the Department 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. No change.

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:-

d. The identification of the applicable low-performing school or opportunity zone; and

e. An attestation from the Hope Operator that the operator intends to open a School of Hope at the identified facility and the notice is not speculative or filed for the purpose of restricting access to available facilities. The attestation must include the following documentation:

(I) A governing board resolution authorizing the proposed site and affirming the intent to open at the facility; and

(II) A draft of the staffing and enrollment plan for the site that includes projected grade levels to be served and anticipated enrollment by grade. This draft must conform to a form prescribed by the Department.

The Building Notice may be submitted prior to the submission of a Notice of Intent. ~~This paragraph shall not be deemed to invalidate any Building Notices that have already been accepted by a district, 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. A Hope Operator may not submit more than five (5) School of Hope Building Notices in a twelve (12) month period statewide. If a Hope Operator wishes to submit an additional notice, the Hope Operator must rescind a notice. If a Hope Operator submits more than five (5) Building Notices within a twelve (12) month period, the Department shall notify the Hope Operator and impacted districts. The Hope Operator shall have ten (10) calendar days from receiving such notice, to designate the five (5) Building Notices the Hope Operator intends to keep. If the Hope Operator does not respond to the Department, the most recent Building Notices that exceed the limit are nullified. Districts that receive a Building Notice may request confirmation from the Department that the Hope Operator has complied with the limitations in this paragraph.

3. The district has twenty (20) business 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 ~~Operator Provider~~ seeks to serve. The Hope Operator is not required to accept the alternate facility.

Without objection during twenty (20) ~~business-calendar~~ days from the date of submission, the choice is final unless later deemed by the Department to violate the limits set forth in subparagraph 2.

~~4.3.~~ 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~~ shall be awarded to the first Hope Operator to submit their Building Notice.

~~5.4.~~ No change.

~~6.5.~~ 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 in a district-owned facility, the school district must provide the School of Hope with the same facilities-related services it provides to district-operated schools, in a manner agreed upon in the Mutual Management Plan, pursuant to paragraph (6)(c). ~~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 and Hope Operator 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 ten (10) business ~~seven (7)~~ days of the end of the prior school year.

2. No change.

(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.

1. The Mutual Management Plan must include an agreement between the Hope Operator and the district for the use of facility-related services requested by the Hope Operator, including but not limited to maintenance services, school safety services, student transportation services, custodial services, nursing services, and food related services. Consistent with subparagraph (6)(a)6., this paragraph outlines the circumstances under which a school district may charge a Hope Operator for facility-related services.

a. Districts may charge a Hope Operator for the additional incremental costs of utilities resulting directly from the use of such utilities by the Hope Operator.

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

c. If a Hope Operator elects to receive custodial services, nursing services, or food related services, the district may charge the Hope Operator for the additional incremental costs for such services resulting directly from use of such services by the Hope Operator.

d. The additional incremental costs associated in subparagraphs a. and c. shall exclude costs that the district would incur regardless of the Hope Operator's use of such services. The district must provide the Hope Operator with an estimate of the anticipated additional incremental costs applicable to the services provided to the Hope Operator. Upon request by the Hope Operator, the district must provide the methodology and supporting documentation used to calculate the district's actual, reasonable costs to provide such services to the Hope Operator.

e. The district and Hope Operator, in lieu of the costs calculated in subparagraph d., may agree to a fixed amount per student. The fixed amount shall be less than the estimated costs calculated in subparagraph d.

2. The Hope Operator and the district must agree on the additional incremental costs to be remitted to the school district by the Hope Operator; however, if the parties do not reach an agreement, the dispute shall be resolved pursuant to the dispute resolution provisions applicable to the Mutual Management Plan.

3. The Mutual Management Plan must require a School of Hope to comply with school safety requirements that are applicable to charter schools, including but not limited to emergency planning, security procedures, and school safety assessments. If the School of Hope is co-located with another school, the Mutual Management Plan must include coordination with the district's safety and emergency procedures for the shared campus, including access to control procedures, emergency drills and procedures, reunification plans, threat management coordination, and incident reporting. Nothing in the Mutual Management Plan requires disclosure of confidential or exempt information, as provided for in law.

(7) Dispute resolution between districts and Hope Operators relating to an SOH Building Notice, Shared Facility Plan, Mutual Management Plan, Performance Based Agreement 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, Mutual Management Plan, Performance Based Agreement 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) through (f) No change.

(8) 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, including those associated with facility-related services paid to the school district.

(a) through (f) No change.

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

(11) No change.

Rulemaking Authority 1002.333(13)(12) FS. Law Implemented 1002.333 FS. History—New 2-20-18, Amended 10-28-25.