

By Senator Montford

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1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; revising the contents of the annual
4 report submitted by the sponsor of a charter school;
5 requiring a charter school application and charter to
6 document that the governing board is independent of a
7 management company; requiring that at least one member
8 of the governing board be the parent of a student
9 enrolled in the school; specifying circumstances under
10 which a student is considered to have voluntarily
11 withdrawn from a charter school; providing an
12 exception; requiring the transfer of funds if a
13 student voluntarily withdraws from a charter school;
14 prescribing procedures for the withdrawal of a student
15 from a charter school if the withdrawal is initiated
16 by the school; providing for the transfer of funds;
17 prohibiting a student from being dismissed or
18 requested to withdraw from a charter school under
19 certain circumstances; requiring a charter school to
20 post a performance bond; specifying requirements for
21 such bond; revising references to standard charter
22 contracts; prohibiting specified conflicts of interest
23 on the part of governing board members of a charter
24 school or specified contracts; providing an exception;
25 authorizing specified persons to file a complaint with
26 the Department of Education under certain
27 circumstances; establishing investigatory procedures
28 for such complaints; creating s. 1002.346, F.S.;
29 establishing procedures and requirements for audits

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30 and investigations of charter schools; providing for
31 oversight of a charter school by the district school
32 board; amending s. 1002.451, F.S.; deleting provisions
33 relating to performance contracts for innovation
34 schools of technology; requiring a district school
35 board to notify the State Board of Education of the
36 establishment of an innovation school of technology;
37 providing requirements for such notification; deleting
38 provisions limiting the number of innovation schools
39 of technology a district school board may operate;
40 amending s. 1002.331, F.S.; conforming cross-
41 references; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Paragraph (b) of subsection (5), paragraph (a)
46 of subsection (6), paragraph (a) of subsection (7), subsection
47 (10), paragraph (a) of subsection (21), and present subsection
48 (28) of section 1002.33, Florida Statutes, are amended,
49 paragraph (g) is added to subsection (17) of that section, new
50 subsections (27) and (28) are added to that section, and present
51 subsection (27) is redesignated as subsection (29), to read:

52 1002.33 Charter schools.—

53 (5) SPONSOR; DUTIES.—

54 (b) *Sponsor duties*.—

55 1.a. The sponsor shall monitor and review the charter
56 school in its progress toward the goals established in the
57 charter.

58 b. The sponsor shall monitor the revenues and expenditures

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59 of the charter school and perform the duties provided in s.
60 1002.345.

61 c. The sponsor may approve a charter for a charter school
62 before the applicant has identified space, equipment, or
63 personnel, if the applicant indicates approval is necessary for
64 it to raise working funds.

65 d. The sponsor may ~~shall~~ not apply its policies to a
66 charter school unless mutually agreed to by both the sponsor and
67 the charter school. If the sponsor subsequently amends any
68 agreed-upon sponsor policy, the version of the policy in effect
69 at the time of the execution of the charter, or any subsequent
70 modification thereof, must ~~shall~~ remain in effect and the
71 sponsor may not hold the charter school responsible for any
72 provision of a newly revised policy until the revised policy is
73 mutually agreed upon.

74 e. The sponsor shall ensure that the charter is innovative
75 and consistent with the state education goals established by s.
76 1000.03(5).

77 f. The sponsor shall ensure that the charter school
78 participates in the state's education accountability system. If
79 a charter school falls short of performance measures included in
80 the approved charter, the sponsor shall report such shortcomings
81 to the Department of Education.

82 g. The sponsor is ~~shall~~ not ~~be~~ liable for civil damages
83 under state law for personal injury, property damage, or death
84 resulting from an act or omission of an officer, employee,
85 agent, or governing body of the charter school.

86 h. The sponsor is ~~shall~~ not ~~be~~ liable for civil damages
87 under state law for any employment actions taken by an officer,

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88 employee, agent, or governing body of the charter school.

89 i. The sponsor's duties to monitor the charter school do
90 ~~shall~~ not constitute the basis for a private cause of action.

91 j. The sponsor may ~~shall~~ not impose additional reporting
92 requirements on a charter school without providing reasonable
93 and specific justification in writing to the charter school.

94 k. The sponsor shall submit an annual report to the
95 Department of Education in a web-based format to be determined
96 by the department.

97 (I) The report must ~~shall~~ include the following
98 information:

99 (A) The number of draft applications received on or before
100 May 1 and each applicant's contact information.

101 (B) The number of final applications received on or before
102 August 1 and each applicant's contact information.

103 (C) The date each application was approved, denied, or
104 withdrawn.

105 (D) The date each final contract was executed.

106 (E) The number of students who have voluntarily or
107 involuntarily withdrawn from a charter school, the names of the
108 charter schools attended by such students, the reason for the
109 voluntary or involuntary withdrawal of such students, and the
110 amount of pro rata funds transferred to the district school
111 board pursuant to the requirements of paragraphs (10) (h) and
112 (i).

113 (II) Beginning August 31, 2013, and each year thereafter,
114 the sponsor shall submit to the department the information for
115 the applications submitted the previous year.

116 (III) The department shall compile an annual report, by

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117 district, and post the report on its website by November 1 of
118 each year.

119 2. Immunity for the sponsor of a charter school under
120 subparagraph 1. applies only with respect to acts or omissions
121 not under the sponsor's direct authority as described in this
122 section.

123 3. This paragraph does not waive a district school board's
124 sovereign immunity.

125 4. A Florida College System institution may work with the
126 school district or school districts in its designated service
127 area to develop charter schools that offer secondary education.
128 These charter schools must include an option for students to
129 receive an associate degree upon high school graduation. If a
130 Florida College System institution operates an approved teacher
131 preparation program under s. 1004.04 or s. 1004.85, the
132 institution may operate no more than one charter school that
133 serves students in kindergarten through grade 12. In
134 kindergarten through grade 8, the charter school shall implement
135 innovative blended learning instructional models in which, for a
136 given course, a student learns in part through online delivery
137 of content and instruction with some element of student control
138 over time, place, path, or pace and in part at a supervised
139 brick-and-mortar location away from home. A student in a blended
140 learning course must be a full-time student of the charter
141 school and receive the online instruction in a classroom setting
142 at the charter school. District school boards shall cooperate
143 with and assist the Florida College System institution on the
144 charter application. Florida College System institution
145 applications for charter schools are not subject to the time

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146 deadlines outlined in subsection (6) and may be approved by the
147 district school board at any time during the year. Florida
148 College System institutions may not report FTE for any students
149 who receive FTE funding through the Florida Education Finance
150 Program.

151 5. A school district may enter into nonexclusive interlocal
152 agreements with federal and state agencies, counties,
153 municipalities, and other governmental entities that operate
154 within the geographical borders of the school district to act on
155 behalf of such governmental entities in the inspection,
156 issuance, and other necessary activities for all necessary
157 permits, licenses, and other permissions that a charter school
158 needs in order for development, construction, or operation. A
159 charter school may use, but may not be required to use, a school
160 district for these services. The interlocal agreement must
161 include, but need not be limited to, the identification of fees
162 that charter schools will be charged for such services. The fees
163 must consist of the governmental entity's fees plus a fee for
164 the school district to recover no more than actual costs for
165 providing such services. These services and fees are not
166 included within the services to be provided pursuant to
167 subsection (20).

168 (6) APPLICATION PROCESS AND REVIEW.—Charter school
169 applications are subject to the following requirements:

170 (a) A person or entity wishing to open a charter school
171 shall prepare and submit an application on a model application
172 form prepared by the Department of Education which:

173 1. Demonstrates how the school will use the guiding
174 principles and meet the statutorily defined purpose of a charter

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175 school.

176 2. Provides a detailed curriculum plan that illustrates how
177 students will be provided services to attain the Sunshine State
178 Standards.

179 3. Contains goals and objectives for improving student
180 learning and measuring that improvement. These goals and
181 objectives must indicate how much academic improvement students
182 are expected to show each year, how success will be evaluated,
183 and the specific results to be attained through instruction.

184 4. Describes the reading curriculum and differentiated
185 strategies that will be used for students reading at grade level
186 or higher and a separate curriculum and strategies for students
187 who are reading below grade level. A sponsor shall deny a
188 charter if the school does not propose a reading curriculum that
189 is consistent with effective teaching strategies that are
190 grounded in scientifically based reading research.

191 5. Contains an annual financial plan for each year
192 requested by the charter for operation of the school for up to 5
193 years. This plan must contain anticipated fund balances based on
194 revenue projections, a spending plan based on projected revenues
195 and expenses, and a description of controls that will safeguard
196 finances and projected enrollment trends.

197 6. Documents that the governing board is independent of any
198 management company and may, at its sole discretion, terminate a
199 contract with the management company at any time Contains
200 ~~additional information a sponsor may require, which shall be~~
201 ~~attached as an addendum to the charter school application~~
202 ~~described in this paragraph.~~

203 7. For the establishment of a virtual charter school,

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204 documents that the applicant has contracted with a provider of
205 virtual instruction services pursuant to s. 1002.45(1)(d).

206 (7) CHARTER.—The major issues involving the operation of a
207 charter school shall be considered in advance and written into
208 the charter. The charter shall be signed by the governing board
209 of the charter school and the sponsor, following a public
210 hearing to ensure community input.

211 (a) The charter must ~~shall~~ address and criteria for
212 approval of the charter must ~~shall~~ be based on:

213 1. The school's mission, the students to be served, and the
214 ages and grades to be included.

215 2. The focus of the curriculum, the instructional methods
216 to be used, any distinctive instructional techniques to be
217 employed, and identification and acquisition of appropriate
218 technologies needed to improve educational and administrative
219 performance which include a means for promoting safe, ethical,
220 and appropriate uses of technology which comply with legal and
221 professional standards.

222 a. The charter shall ensure that reading is a primary focus
223 of the curriculum and that resources are provided to identify
224 and provide specialized instruction for students who are reading
225 below grade level. The curriculum and instructional strategies
226 for reading must be consistent with the Next Generation Sunshine
227 State Standards and grounded in scientifically based reading
228 research.

229 b. In order to provide students with access to diverse
230 instructional delivery models, to facilitate the integration of
231 technology within traditional classroom instruction, and to
232 provide students with the skills they need to compete in the

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233 21st century economy, the Legislature encourages instructional
234 methods for blended learning courses consisting of both
235 traditional classroom and online instructional techniques.
236 Charter schools may implement blended learning courses which
237 combine traditional classroom instruction and virtual
238 instruction. Students in a blended learning course must be full-
239 time students of the charter school and receive the online
240 instruction in a classroom setting at the charter school.
241 Instructional personnel certified pursuant to s. 1012.55 who
242 provide virtual instruction for blended learning courses may be
243 employees of the charter school or may be under contract to
244 provide instructional services to charter school students. At a
245 minimum, such instructional personnel must hold an active state
246 or school district adjunct certification under s. 1012.57 for
247 the subject area of the blended learning course. The funding and
248 performance accountability requirements for blended learning
249 courses are the same as those for traditional courses.

250 3. The current incoming baseline standard of student
251 academic achievement, the outcomes to be achieved, and the
252 method of measurement that will be used. The criteria listed in
253 this subparagraph must ~~shall~~ include a detailed description of:

254 a. How the baseline student academic achievement levels and
255 prior rates of academic progress will be established.

256 b. How these baseline rates will be compared to rates of
257 academic progress achieved by these same students while
258 attending the charter school.

259 c. To the extent possible, how these rates of progress will
260 be evaluated and compared with rates of progress of other
261 closely comparable student populations.

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263 The district school board is required to provide academic
264 student performance data to charter schools for each of their
265 students coming from the district school system, as well as
266 rates of academic progress of comparable student populations in
267 the district school system.

268 4. The methods used to identify the educational strengths
269 and needs of students and how well educational goals and
270 performance standards are met by students attending the charter
271 school. The methods must ~~shall~~ provide a means for the charter
272 school to ensure accountability to its constituents by analyzing
273 student performance data and by evaluating the effectiveness and
274 efficiency of its major educational programs. Students in
275 charter schools shall, at a minimum, participate in the
276 statewide assessment program created under s. 1008.22.

277 5. In secondary charter schools, a method for determining
278 that a student has satisfied the requirements for graduation in
279 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

280 6. A method for resolving conflicts between the governing
281 board of the charter school and the sponsor.

282 7. The admissions procedures and dismissal procedures,
283 including the school's code of student conduct.

284 8. The ways by which the school will achieve a
285 racial/ethnic balance reflective of the community it serves or
286 within the racial/ethnic range of other public schools in the
287 same school district.

288 9. The financial and administrative management of the
289 school, including a reasonable demonstration of the professional
290 experience or competence of those individuals or organizations

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291 applying to operate the charter school or those hired or
292 retained to perform such professional services and the
293 description of clearly delineated responsibilities and the
294 policies and practices needed to effectively manage the charter
295 school. A description of internal audit procedures and
296 establishment of controls to ensure that financial resources are
297 properly managed must be included. Both public sector and
298 private sector professional experience are ~~shall be~~ equally
299 valid in such a consideration. The charter must document that
300 the governing board is independent of any management company and
301 may, at its sole discretion, terminate the contract with the
302 management company at any time.

303 10. The asset and liability projections required in the
304 application which are incorporated into the charter and must
305 ~~shall~~ be compared with information provided in the annual report
306 of the charter school.

307 11. A description of procedures that identify various risks
308 and provide for a comprehensive approach to reduce the impact of
309 losses; plans to ensure the safety and security of students and
310 staff; plans to identify, minimize, and protect others from
311 violent or disruptive student behavior; and the manner in which
312 the school will be insured, including whether or not the school
313 will be required to have liability insurance, and, if so, the
314 terms and conditions thereof and the amounts of coverage.

315 12. The term of the charter, which must ~~shall~~ provide for
316 cancellation of the charter if insufficient progress has been
317 made in attaining the student achievement objectives of the
318 charter and if it is not likely that such objectives can be
319 achieved before expiration of the charter. The initial term of a

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320 charter must ~~shall~~ be for 4 or 5 years. In order to facilitate
321 access to long-term financial resources for charter school
322 construction, charter schools that are operated by a
323 municipality or other public entity as provided by law are
324 eligible for up to a 15-year charter, subject to approval by the
325 district school board. A charter lab school is eligible for a
326 charter for a term of up to 15 years. In addition, to facilitate
327 access to long-term financial resources for charter school
328 construction, charter schools that are operated by a private,
329 not-for-profit, s. 501(c)(3) status corporation are eligible for
330 up to a 15-year charter, subject to approval by the district
331 school board. Such long-term charters remain subject to annual
332 review and may be terminated during the term of the charter, but
333 only according to the provisions set forth in subsection (8).

334 13. The facilities to be used and their location. The
335 sponsor may not require a charter school to have a certificate
336 of occupancy or a temporary certificate of occupancy for such a
337 facility earlier than 15 calendar days before the first day of
338 school.

339 14. The qualifications to be required of the teachers and
340 the potential strategies used to recruit, hire, train, and
341 retain qualified staff to achieve best value.

342 15. The governance structure of the school, including the
343 status of the charter school as a public or private employer as
344 required in paragraph (12)(i). At least one member of the
345 charter school governing board must be the parent of a student
346 enrolled in that school.

347 16. A timetable for implementing the charter which
348 addresses the implementation of each element thereof and the

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349 date by which the charter must ~~shall~~ be awarded in order to meet
350 this timetable.

351 17. In the case of an existing public school that is being
352 converted to charter status, alternative arrangements for
353 current students who choose not to attend the charter school and
354 for current teachers who choose not to teach in the charter
355 school after conversion in accordance with the existing
356 collective bargaining agreement or district school board rule in
357 the absence of a collective bargaining agreement. However,
358 alternative arrangements are ~~shall~~ not ~~be~~ required for current
359 teachers who choose not to teach in a charter lab school, except
360 as authorized by the employment policies of the state university
361 which grants the charter to the lab school.

362 18. Full disclosure of the identity of all relatives
363 employed by the charter school who are related to the charter
364 school owner, president, chairperson of the governing board of
365 directors, superintendent, governing board member, principal,
366 assistant principal, or any other person employed by the charter
367 school who has equivalent decisionmaking authority. For the
368 purpose of this subparagraph, the term "relative" means father,
369 mother, son, daughter, brother, sister, uncle, aunt, first
370 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
371 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
372 stepfather, stepmother, stepson, stepdaughter, stepbrother,
373 stepsister, half brother, or half sister.

374 19. Implementation of the activities authorized under s.
375 1002.331 by the charter school when it satisfies the eligibility
376 requirements for a high-performing charter school. A high-
377 performing charter school shall notify its sponsor in writing by

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378 March 1 if it intends to increase enrollment or expand grade
379 levels the following school year. The written notice shall
380 specify the amount of the enrollment increase and the grade
381 levels that will be added, as applicable.

382 (10) ELIGIBLE STUDENTS.—

383 (a) A charter school shall be open to any student covered
384 in an interdistrict agreement or residing in the school district
385 in which the charter school is located; however, in the case of
386 a charter lab school, the charter lab school shall be open to
387 any student eligible to attend the lab school as provided in s.
388 1002.32 or who resides in the school district in which the
389 charter lab school is located. Any eligible student shall be
390 allowed interdistrict transfer to attend a charter school when
391 based on good cause. Good cause includes ~~shall include~~, but is
392 not limited to, geographic proximity to a charter school in a
393 neighboring school district.

394 (b) The charter school shall enroll an eligible student who
395 submits a timely application, unless the number of applications
396 exceeds the capacity of a program, class, grade level, or
397 building. In such case, all applicants shall have an equal
398 chance of being admitted through a random selection process.

399 (c)1. For purposes of continuity of educational choice,
400 placement of a student in a charter school shall remain in force
401 until the student voluntarily withdraws from the charter school
402 or successfully completes the highest grade offered in the
403 charter school. A charter school student who voluntarily enrolls
404 in a different charter school, a district-operated public
405 school, a private school, a virtual education program, a home
406 education program, or another education program approved by law

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407 is considered to have voluntarily withdrawn from the charter
408 school for the purpose of determining the end of the student's
409 enrollment. However, if a student enters a Department of
410 Juvenile Justice detention center for less than 21 days, the
411 student is not considered to have withdrawn from the charter
412 school.

413 2. Before a student is voluntarily withdrawn from a charter
414 school, the parent and charter school personnel must sign a
415 document stating that the student is being voluntarily withdrawn
416 and that charter school personnel have not prohibited,
417 discouraged, or attempted to discourage the student from
418 continued enrollment in the charter school.

419 (d)~~(e)~~ When a public school converts to charter status,
420 enrollment preference must ~~shall~~ be given to students who would
421 have otherwise attended that public school. The district school
422 board shall consult and negotiate with the conversion charter
423 school every 3 years to determine whether realignment of the
424 conversion charter school's attendance zone is appropriate in
425 order to ensure that students residing closest to the charter
426 school are provided with an enrollment preference.

427 (e)~~(d)~~ A charter school may give enrollment preference to
428 the following student populations:

429 1. Students who are siblings of a student enrolled in the
430 charter school.

431 2. Students who are the children of a member of the
432 governing board of the charter school.

433 3. Students who are the children of an employee of the
434 charter school.

435 4. Students who are the children of:

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436 a. An employee of the business partner of a charter school-
437 in-the-workplace established under paragraph (15)(b) or a
438 resident of the municipality in which such charter school is
439 located; or

440 b. A resident of a municipality that operates a charter
441 school-in-a-municipality pursuant to paragraph (15)(c).

442 5. Students who have successfully completed a voluntary
443 prekindergarten education program under ss. 1002.51-1002.79
444 provided by the charter school or the charter school's governing
445 board during the previous year.

446 6. Students who are the children of an active duty member
447 of any branch of the United States Armed Forces.

448 (f)~~(e)~~ A charter school may limit the enrollment process
449 only to target the following student populations:

450 1. Students within specific age groups or grade levels.

451 2. Students considered at risk of dropping out of school or
452 academic failure, including. ~~Such students shall include~~
453 exceptional education students.

454 3. Students enrolling in a charter school-in-the-workplace
455 or charter school-in-a-municipality established pursuant to
456 subsection (15).

457 4. Students residing within a reasonable distance of the
458 charter school, as described in paragraph (20)(c). Such students
459 shall be subject to a random lottery and to the racial/ethnic
460 balance provisions described in subparagraph (7)(a)8. or any
461 federal provisions that require a school to achieve a
462 racial/ethnic balance reflective of the community it serves or
463 within the racial/ethnic range of other public schools in the
464 same school district.

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465 5. Students who meet reasonable academic, artistic, or
466 other eligibility standards established by the charter school
467 and included in the charter school application and charter or,
468 in the case of existing charter schools, standards that are
469 consistent with the school's mission and purpose. Such standards
470 must ~~shall~~ be in accordance with current state law and practice
471 in public schools and may not discriminate against otherwise
472 qualified individuals.

473 6. Students articulating from one charter school to another
474 pursuant to an articulation agreement between the charter
475 schools that has been approved by the sponsor.

476 7. Students living in a development in which a business
477 entity provides the school facility and related property having
478 an appraised value of at least \$10 million to be used as a
479 charter school for the development. Students living in the
480 development shall be entitled to 50 percent of the student
481 stations in the charter school. The students who are eligible
482 for enrollment are subject to a random lottery, the
483 racial/ethnic balance provisions, or any federal provisions, as
484 described in subparagraph 4. The remainder of the student
485 stations shall be filled in accordance with subparagraph 4.

486 (g) ~~(f)~~ Students with disabilities and students served in
487 English for Speakers of Other Languages programs shall have an
488 equal opportunity of being selected for enrollment in a charter
489 school.

490 (h) ~~(g)~~ A student may voluntarily withdraw from a charter
491 school at any time and enroll in another public school as
492 determined by district school board rule. The charter school
493 from which a student voluntarily withdraws shall transfer a pro

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494 rata share of the full-time equivalent student funding for that
495 student to the district school board that governs the school in
496 which the student subsequently enrolls. The transfer of funds is
497 required within 15 days after the student withdraws from the
498 charter school. If the charter school does not timely transfer
499 the funds, the district school board in which the charter school
500 is located shall withhold the funds from the next payment due to
501 the charter school.

502 (i) If the withdrawal of a student from a charter school
503 and his or her transfer to another public school is initiated by
504 the charter school as a result of the student's commission of an
505 expellable offense, as that term is defined by district school
506 board rule, the charter school shall submit a recommendation of
507 expulsion to the district school board immediately upon
508 suspension of the student. The charter school shall provide
509 specific details and reasons warranting expulsion within such
510 recommendation and shall follow the expulsion process of the
511 district school board. If the district school board grants the
512 expulsion, the student shall be expelled from all public
513 education for the duration of the expulsion period. If the
514 district school board rejects the expulsion, the student shall
515 return to the charter school. If the district school board
516 recommends reassignment of the student to a district alternative
517 placement appropriate to the expellable offense reported by the
518 charter school, the charter school shall transfer a pro rata
519 share of funding for that student to the district school board
520 that governs the school in which the student is subsequently
521 placed. Such funding must be sufficient to pay for the per
522 student cost of delivering services to the student in the

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523 alternative setting for the balance of the fiscal year or until
524 the student is counted by the district in its FTE funding
525 survey. The transfer of funds is required within 15 days after
526 the entry of the district school board's decision on the charter
527 school's recommendation of expulsion. If the charter school does
528 not timely transfer the funds, the district school board in
529 which the charter school is located shall withhold the funds
530 from the next payment due to the charter school.

531 (j) A charter school student may not be dismissed or
532 requested to withdraw from the charter school because of actual
533 or anticipated poor academic performance, because of actual or
534 anticipated poor performance on statewide assessments, or due to
535 issues related to student behavior unless such behavior is
536 alleged to be an expellable offense, as that term is defined by
537 district school board rule.

538 (k)~~(h)~~ The capacity of the charter school shall be
539 determined annually by the governing board, in conjunction with
540 the sponsor, of the charter school in consideration of the
541 factors identified in this subsection unless the charter school
542 is designated as a high-performing charter school pursuant to s.
543 1002.331. A sponsor may not require a charter school to waive
544 the provisions of s. 1002.331 or require a student enrollment
545 cap that prohibits a high-performing charter school from
546 increasing enrollment in accordance with s. 1002.331(2) as a
547 condition of approval or renewal of a charter.

548 (l)~~(i)~~ The capacity of a high-performing charter school
549 identified pursuant to s. 1002.331 shall be determined annually
550 by the governing board of the charter school. The governing
551 board shall notify the sponsor of any increase in enrollment by

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552 March 1 of the school year preceding the increase. A sponsor may
553 not require a charter school to identify the names of students
554 to be enrolled or to enroll those students before the start of
555 the school year as a condition of approval or renewal of a
556 charter.

557 (17) FUNDING.—Students enrolled in a charter school,
558 regardless of the sponsorship, shall be funded as if they are in
559 a basic program or a special program, the same as students
560 enrolled in other public schools in the school district. Funding
561 for a charter lab school shall be as provided in s. 1002.32.

562 (g) Notwithstanding any other provision of this section, a
563 charter school, at the beginning of each school year, shall post
564 a performance bond naming the district school board as the
565 recipient. The amount of the performance bond shall equal one-
566 half of the school's projected operating funds, as provided in
567 paragraph (b). Such bond shall be annually renewed and shall be
568 invoked if the charter school defaults on any of its financial
569 obligations with the sponsor.

570 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

571 (a) The Department of Education shall provide information
572 to the public, directly and through sponsors, on how to form and
573 operate a charter school and how to enroll in a charter school
574 once it is created. This information must ~~shall~~ include a model
575 application form, model ~~standard~~ charter contract, standard
576 evaluation instrument, and model ~~standard~~ charter renewal
577 contract, which must ~~shall~~ include the information specified in
578 subsection (7) and shall be developed by consulting and
579 negotiating with both school districts and charter schools
580 before implementation. The charter and charter renewal contracts

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581 may ~~shall~~ be used by charter school sponsors.

582 (27) CONFLICTS OF INTEREST AND ETHICS.-

583 (a) An individual may not serve as a member of a governing
584 board of a charter school if he or she or an immediate family
585 member receives a pension or any compensation from the charter
586 school, or if the individual's partner is an owner or principal
587 with an entity or independent contractor with whom the charter
588 school does business or contracts, directly or indirectly, for
589 professional services, goods, or facilities. An individual may
590 not serve as a governing board member if an immediate family
591 member is an employee of the school. A violation of this
592 prohibition renders a contract voidable at the option of the
593 sponsor or the governing board. A governing board member who
594 violates this prohibition is individually liable to the charter
595 school for any damage caused by the violation.

596 (b) A governing board member or an employee, officer, or
597 agent of a charter school may not participate in selecting,
598 awarding, or administering a contract if a conflict of interest
599 exists. A conflict of interest exists if any of the following
600 has a financial or other interest in the entity with which the
601 charter school is contracting:

602 1. The governing board member, employee, officer, or agent.

603 2. The immediate family of the governing board member,
604 employee, officer, or agent.

605 3. The partner of the governing board member, employee,
606 officer, or agent.

607 4. An organization that employs, or is about to employ, any
608 individual listed in subparagraphs 1.-3.

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610 A violation of this paragraph renders the contract void.

611 (c) An employee or governing board member of the sponsor
612 who participates in the initial review and approval, ongoing
613 oversight and evaluation, or renewal or nonrenewal of the
614 charter may not serve on the governing board of a school
615 chartered by that sponsor.

616 (d) An individual may serve as a governing board member if
617 no conflict of interest under paragraph (a) exists.

618 (e) This subsection does not apply to compensation paid to
619 a teacher employed in that capacity by the charter school.

620 (28) UNLAWFUL ACTS.—A parent, another individual, or a
621 group that believes that a charter school has violated or is
622 violating any state or federal law or regulation may file a
623 complaint directly with the Department of Education. If the
624 department determines that the complaint demonstrates reasonable
625 cause to suspect that an unlawful act has been committed, the
626 department shall conduct an investigation and produce a fact-
627 finding report within 90 days after receiving the complaint. The
628 department shall provide the district school superintendent of
629 the complainant's district and the complainant with a copy of
630 the fact-finding report, which is admissible in any subsequent
631 or related administrative or judicial review.

632 (30) ~~(28)~~ RULEMAKING.—The Department of Education, after
633 consultation with school districts and charter school directors,
634 shall recommend that the State Board of Education adopt rules to
635 implement specific subsections of this section. Such rules must
636 ~~shall~~ require minimum paperwork and may ~~shall~~ not limit charter
637 school flexibility authorized by statute. The State Board of
638 Education shall adopt rules, ~~pursuant to ss. 120.536(1) and~~

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639 ~~120.54,~~ to implement a charter model application form, standard
640 evaluation instrument, and model ~~standard~~ charter and model
641 charter renewal contracts in accordance with this section.

642 Section 2. Section 1002.346, Florida Statutes, is created
643 to read:

644 1002.346 Charter school audits and investigations.—

645 (1) A charter school is subject to the audits, audit
646 procedures, and audit requirements established in the charter
647 and may be audited or investigated by the Auditor General, the
648 Department of Education's Office of Inspector General, and the
649 district school board, at their discretion. Such procedures and
650 requirements must be consistent with generally accepted audit
651 standards. The school and its governing board shall allow the
652 sponsor and state officials full access to its financial and
653 educational records, reports, files, and documents.

654 (2) During the course of audits and investigations, the
655 sponsor and state officials may access, review, and audit
656 records of other entities that do business with the charter
657 school if a member of the school's governing board or a
658 director, an officer, a principal, an assistant principal, or
659 any other person employed by the charter school who has
660 equivalent decisionmaking authority also serves as a member,
661 director, or officer of such other entities.

662 (3) The district school board shall oversee each charter
663 school it has approved and may visit, examine, enter into, and
664 inspect the charter school, including the records of such
665 school, under its oversight. Oversight by the district school
666 board must be sufficient to ensure that the charter school is in
667 compliance with all applicable laws, rules, and charter

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668 provisions.

669 (4) The Department of Education's Office of Inspector
670 General or the district school board may conduct reviews,
671 pursuant to a complaint received or on its own initiative, to
672 ensure compliance with applicable laws, rules, and charter
673 provisions. The charter school and the specific individuals
674 involved shall cooperate to the fullest extent with such review.

675 (5) A party who believes that his or her complaint has not
676 been adequately addressed by the charter school's governing
677 board or the district school board may submit the complaint in
678 writing to the Department of Education's Office of Inspector
679 General, which shall investigate such complaint and provide a
680 written response within 90 days after receipt of the complaint.

681 Section 3. Subsections (3) and (6) of section 1002.451,
682 Florida Statutes, are amended to read:

683 1002.451 District innovation school of technology program.—

684 (3) TERM OF OPERATION PERFORMANCE CONTRACT.—An innovation
685 school of technology may operate ~~pursuant to a performance~~
686 ~~contract with the State Board of Education~~ for a period of 5
687 years.

688 ~~(a) Before expiration of the performance contract, the~~
689 ~~school's performance shall be evaluated against the eligibility~~
690 ~~criteria, purpose, guiding principles, and compliance with the~~
691 ~~contract to determine whether the contract may be renewed. The~~
692 ~~contract may be renewed every 5 years.~~

693 ~~(b) The innovation school of technology shall be terminated~~
694 ~~performance contract shall be terminated by the State Board of~~
695 ~~Education if:~~

696 (a)1. The school receives a grade of "F" as an innovation

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697 school of technology for 2 consecutive years;

698 (b)2. The school or district fails to comply with the
699 criteria in this section;

700 (c)3. The school ~~or district~~ does not comply with district
701 school board rules requiring terms of the contract which specify
702 that a violation result ~~results~~ in termination; or

703 (d)4. Other good cause is shown.

704 (6) NOTIFICATION TO THE STATE BOARD OF EDUCATION

705 ~~APPLICATION PROCESS AND PERFORMANCE CONTRACT.~~—

706 (a) A district school board shall notify ~~may apply to~~ the
707 State Board of Education of the establishment of ~~for~~ an
708 innovation school of technology if the district:

709 1. Has at least 20 percent of its total enrollment in
710 public school choice programs or at least 5 percent of its total
711 enrollment in charter schools;

712 2. Has no material weaknesses or instances of material
713 noncompliance noted in the annual financial audit conducted
714 pursuant to s. 218.39; and

715 3. Has received a district grade of "A," ~~or~~ "B," or "C" in
716 each of the past 3 years.

717 ~~(b) A district school board may operate one innovation~~
718 ~~school of technology upon an application being approved by the~~
719 ~~State Board of Education.~~

720 ~~1. A district school board may apply to the State Board of~~
721 ~~Education to establish additional schools of technology if each~~
722 ~~existing innovation school of technology in the district:~~

723 ~~a. Meets all requirements in this section and in the~~
724 ~~performance contract;~~

725 ~~b. Has a grade of "A" or "B"; and~~

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726 ~~e. Has at least 50 percent of its students exceed the state~~
727 ~~average on the statewide assessment program pursuant to s.~~
728 ~~1008.22. This comparison may take student subgroups, as defined~~
729 ~~in the federal Elementary and Secondary Education Act (ESEA), 20~~
730 ~~U.S.C. s. 6311(b) (2) (C) (v) (II), into specific consideration so~~
731 ~~that at least 50 percent of students in each student subgroup~~
732 ~~meet or exceed the statewide average performance, rounded to the~~
733 ~~nearest whole number, of that particular subgroup.~~

734 ~~2. Notwithstanding subparagraph 1., the number of schools~~
735 ~~of technology in a school district may not exceed:~~

736 ~~a. Seven in a school district that has 100,000 or more~~
737 ~~students.~~

738 ~~b. Five in a school district that has 50,000 to 99,999~~
739 ~~students.~~

740 ~~e. Three in a school district that has fewer than 50,000~~
741 ~~students.~~

742 ~~(b)(e)~~ A school district that meets the eligibility
743 requirements of paragraph (a) may apply to the State Board of
744 Education at any time to enter into a performance contract to
745 operate an innovation school of technology. The notification to
746 the State Board of Education application must, at a minimum:

747 ~~1. Demonstrate how the school district meets and will~~
748 ~~continue to meet the requirements of this section;~~

749 ~~2. Identify how the school will accomplish the purposes and~~
750 ~~guiding principles of this section;~~

751 ~~3. Identify the statutes or rules from which the district~~
752 ~~is seeking a waiver for the school;~~

753 ~~4. Identify and provide supporting documentation for the~~
754 ~~purpose and impact of each waiver, how each waiver would enable~~

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755 ~~the school to achieve the purpose and guiding principles of this~~
756 ~~section, and how the school would not be able to achieve the~~
757 ~~purpose and guiding principles of this section without each~~
758 ~~waiver; and~~

759 3.5. Confirm that the school board remains responsible for
760 the operation, control, and supervision of the school in
761 accordance with all applicable laws, rules, and district
762 procedures not waived pursuant to this section or waived
763 pursuant to other applicable law.

764 ~~(d) The State Board of Education shall approve or deny the~~
765 ~~application within 90 days or, with the agreement of the school~~
766 ~~district, at a later date.~~

767 ~~(e) The performance contract must address the terms under~~
768 ~~which the State Board of Education may cancel the contract and,~~
769 ~~at a minimum, the methods by which:~~

770 ~~1. Upon execution of the performance contract, the school~~
771 ~~district will plan the program during the first year, begin at~~
772 ~~least partial implementation of the program during the second~~
773 ~~year, and fully implement the program by the third year. A~~
774 ~~district may implement the program sooner than specified in this~~
775 ~~subparagraph if authorized in the performance contract.~~

776 ~~2. The school will integrate industry-leading technology~~
777 ~~into instruction, assessment, and professional development. The~~
778 ~~school may also restructure the school day or school year in a~~
779 ~~way that allows it to best accomplish its goals.~~

780 ~~3. The school and district will monitor performance~~
781 ~~progress based on skills that help students succeed in college~~
782 ~~and careers, including problem solving, research,~~
783 ~~interpretation, and communication.~~

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784 ~~4. The school will incorporate industry certifications and~~
785 ~~similar recognitions into performance expectations.~~

786 ~~5. The school and district will comply with this section~~
787 ~~and the performance contract.~~

788 (c)~~(f)~~ Three or more contiguous school districts may apply
789 to enter into a joint performance contract as a Region of
790 Technology, subject to terms and conditions contained in this
791 section for a single school district.

792 (d)~~(g)~~ The State Board of Education shall monitor schools
793 of technology to ensure that the respective school district is
794 in compliance with this section ~~and the performance contract.~~

795 ~~(h) The State Board of Education shall adopt rules pursuant~~
796 ~~to ss. 120.536(1) and 120.54 to implement this section,~~
797 ~~including, but not limited to, an application, evaluation~~
798 ~~instrument, and renewal evaluation instrument.~~

799 (e)~~(i)~~ This section does not supersede ~~the provisions of s.~~
800 768.28.

801 Section 4. Paragraph (e) of subsection (2) of section
802 1002.331, Florida Statutes, is amended to read:

803 1002.331 High-performing charter schools.—

804 (2) A high-performing charter school is authorized to:

805 (e) Receive a modification of its charter to a term of 15
806 years or a 15-year charter renewal. The charter may be modified
807 or renewed for a shorter term at the option of the high-
808 performing charter school. The charter must be consistent with
809 s. 1002.33(7) (a)19. and (10) (k) ~~(10) (h)~~ and (1) (i), is subject
810 to annual review by the sponsor, and may be terminated during
811 its term pursuant to s. 1002.33(8).

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813 A high-performing charter school shall notify its sponsor in
814 writing by March 1 if it intends to increase enrollment or
815 expand grade levels the following school year. The written
816 notice shall specify the amount of the enrollment increase and
817 the grade levels that will be added, as applicable. If a charter
818 school notifies the sponsor of its intent to expand, the sponsor
819 shall modify the charter within 90 days to include the new
820 enrollment maximum and may not make any other changes. The
821 sponsor may deny a request to increase the enrollment of a high-
822 performing charter school if the commissioner has declassified
823 the charter school as high-performing. If a high-performing
824 charter school requests to consolidate multiple charters, the
825 sponsor shall have 40 days after receipt of that request to
826 provide an initial draft charter to the charter school. The
827 sponsor and charter school shall have 50 days thereafter to
828 negotiate and notice the charter contract for final approval by
829 the sponsor.

830 Section 5. This act shall take effect July 1, 2015.