

By Senator Sobel

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1                   A bill to be entitled  
2       An act relating to charter schools; amending s.  
3       1002.33, F.S.; requiring an application for a charter  
4       school to contain a list of certain information  
5       regarding all charter schools currently or previously  
6       operated by the applicant, applicant group, or  
7       proposed management company; requiring a sponsor to  
8       consider current or previous charter school  
9       performance by the applicant, applicant group, or  
10      proposed management company; authorizing a sponsor to  
11      deny an application based on charter school failures;  
12      requiring a charter school to submit monthly financial  
13      statements for the first year of operation with  
14      specified information included; requiring a charter  
15      school to submit a plan to become financially viable  
16      under certain circumstances; requiring a charter to  
17      include documentation of adequate financial resources  
18      to support the charter school's operation; providing  
19      an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23       Section 1. Paragraphs (a) and (b) of subsection (6) and  
24       paragraph (a) of subsection (7) of section 1002.33, Florida  
25       Statutes, are amended to read:

26       1002.33 Charter schools.—

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

29       (a) A person or entity wishing to open a charter school

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30 shall prepare and submit an application on a model application  
31 form prepared by the Department of Education which:

32 1. Demonstrates how the school will use the guiding  
33 principles and meet the statutorily defined purpose of a charter  
34 school.

35 2. Provides a detailed curriculum plan that illustrates how  
36 students will be provided services to attain the Sunshine State  
37 Standards.

38 3. Contains goals and objectives for improving student  
39 learning and measuring that improvement. These goals and  
40 objectives must indicate how much academic improvement students  
41 are expected to show each year, how success will be evaluated,  
42 and the specific results to be attained through instruction.

43 4. Describes the reading curriculum and differentiated  
44 strategies that will be used for students reading at grade level  
45 or higher and a separate curriculum and strategies for students  
46 who are reading below grade level. A sponsor shall deny a  
47 charter if the school does not propose a reading curriculum that  
48 is consistent with effective teaching strategies that are  
49 grounded in scientifically based reading research.

50 5. Contains an annual financial plan for each year  
51 requested by the charter for operation of the school for up to 5  
52 years. This plan must contain anticipated fund balances based on  
53 revenue projections, a spending plan based on projected revenues  
54 and expenses, and a description of controls that will safeguard  
55 finances and projected enrollment trends.

56 6. Contains additional information a sponsor may require,  
57 which shall be attached as an addendum to the charter school  
58 application described in this paragraph.

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59       7. Contains a list of all charter schools currently or  
60 previously operated by the applicant, applicant group, or  
61 proposed management company and the grades and success or  
62 failure of such schools, including, but not limited to, whether  
63 the school's charter was canceled within 2 years after opening.

64       ~~8.7.~~ For the establishment of a virtual charter school,  
65 documents that the applicant has contracted with a provider of  
66 virtual instruction services pursuant to s. 1002.45(1)(d).

67       (b) A sponsor shall receive and review all applications for  
68 a charter school using an evaluation instrument developed by the  
69 Department of Education and shall consider the performance of  
70 all charter schools currently or previously operated by the  
71 applicant, applicant group, or proposed management company. A  
72 sponsor may deny an application by an applicant, applicant  
73 group, or management company that has had a previous charter  
74 school failure. A sponsor shall receive and consider charter  
75 school applications received on or before August 1 of each  
76 calendar year for charter schools to be opened at the beginning  
77 of the school district's next school year, or to be opened at a  
78 time agreed to by the applicant and the sponsor. A sponsor may  
79 not refuse to receive a charter school application submitted  
80 before August 1 and may receive an application submitted later  
81 than August 1 if it chooses. In order to facilitate greater  
82 collaboration in the application process, an applicant may  
83 submit a draft charter school application on or before May 1  
84 with an application fee of \$500. If a draft application is  
85 timely submitted, the sponsor shall review and provide feedback  
86 as to material deficiencies in the application by July 1. The  
87 applicant shall then have until August 1 to resubmit a revised

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88 and final application. The sponsor may approve the draft  
89 application. A sponsor may not charge an applicant for a charter  
90 any fee for the processing or consideration of an application,  
91 and a sponsor may not base its consideration or approval of a  
92 final application upon the promise of future payment of any  
93 kind. Before approving or denying any final application, the  
94 sponsor shall allow the applicant, upon receipt of written  
95 notification, at least 7 calendar days to make technical or  
96 nonsubstantive corrections and clarifications, including, but  
97 not limited to, corrections of grammatical, typographical, and  
98 like errors or missing signatures, if such errors are identified  
99 by the sponsor as cause to deny the final application.

100 1. In order to facilitate an accurate budget projection  
101 process, a sponsor shall be held harmless for FTE students who  
102 are not included in the FTE projection due to approval of  
103 charter school applications after the FTE projection deadline.  
104 In a further effort to facilitate an accurate budget projection,  
105 within 15 calendar days after receipt of a charter school  
106 application, a sponsor shall report to the Department of  
107 Education the name of the applicant entity, the proposed charter  
108 school location, and its projected FTE.

109 2. In order to ensure fiscal responsibility, an application  
110 for a charter school must ~~shall~~ include a full accounting of  
111 expected assets, a projection of expected sources and amounts of  
112 income, including income derived from projected student  
113 enrollments and from community support, and an expense  
114 projection that includes full accounting of the costs of  
115 operation, including start-up costs. To ensure continued  
116 financial responsibility, a charter school shall submit monthly

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117 financial statements for the first year of operation which  
118 include a full accounting of the costs of operation and sources  
119 of income. If a school's financial statement indicates that the  
120 school is not financially viable, the school must also prepare  
121 and submit a plan that describes specific actions the school  
122 will take to become viable.

123       3.a. A sponsor shall by a majority vote approve or deny an  
124 application no later than 60 calendar days after the application  
125 is received, unless the sponsor and the applicant mutually agree  
126 in writing to temporarily postpone the vote to a specific date,  
127 at which time the sponsor shall by a majority vote approve or  
128 deny the application. If the sponsor fails to act on the  
129 application, an applicant may appeal to the State Board of  
130 Education as provided in paragraph (c). If an application is  
131 denied, the sponsor shall, within 10 calendar days after such  
132 denial, articulate in writing the specific reasons, based upon  
133 good cause, supporting its denial of the charter application and  
134 shall provide the letter of denial and supporting documentation  
135 to the applicant and to the Department of Education.

136       b. An application submitted by a high-performing charter  
137 school identified pursuant to s. 1002.331 may be denied by the  
138 sponsor only if the sponsor demonstrates by clear and convincing  
139 evidence that:

140       (I) The application does not materially comply with the  
141 requirements in paragraph (a);

142       (II) The charter school proposed in the application does  
143 not materially comply with the requirements in paragraphs  
144 (9) (a)-(f);

145       (III) The proposed charter school's educational program

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146 does not substantially replicate that of the applicant or one of  
147 the applicant's high-performing charter schools;

148 (IV) The applicant has made a material misrepresentation or  
149 false statement or concealed an essential or material fact  
150 during the application process; or

151 (V) The proposed charter school's educational program and  
152 financial management practices do not materially comply with the  
153 requirements of this section.

154

155 Material noncompliance is a failure to follow requirements or a  
156 violation of prohibitions applicable to charter school  
157 applications, which failure is quantitatively or qualitatively  
158 significant either individually or when aggregated with other  
159 noncompliance. An applicant is considered to be replicating a  
160 high-performing charter school if the proposed school is  
161 substantially similar to at least one of the applicant's high-  
162 performing charter schools and the organization or individuals  
163 involved in the establishment and operation of the proposed  
164 school are significantly involved in the operation of replicated  
165 schools.

166 c. If the sponsor denies an application submitted by a  
167 high-performing charter school, the sponsor must, within 10  
168 calendar days after such denial, state in writing the specific  
169 reasons, based upon the criteria in sub-subparagraph b.,  
170 supporting its denial of the application and must provide the  
171 letter of denial and supporting documentation to the applicant  
172 and to the Department of Education. The applicant may appeal the  
173 sponsor's denial of the application directly to the State Board  
174 of Education pursuant to sub-subparagraph (c)3.b.

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175           4. For budget projection purposes, the sponsor shall report  
176 to the Department of Education the approval or denial of a  
177 charter application within 10 calendar days after such approval  
178 or denial. In the event of approval, the report to the  
179 Department of Education shall include the final projected FTE  
180 for the approved charter school.

181           5. Upon approval of a charter application, the initial  
182 startup shall commence with the beginning of the public school  
183 calendar for the district in which the charter is granted unless  
184 the sponsor allows a waiver of this subparagraph for good cause.

185           (7) CHARTER.—The major issues involving the operation of a  
186 charter school shall be considered in advance and written into  
187 the charter. The charter shall be signed by the governing board  
188 of the charter school and the sponsor, following a public  
189 hearing to ensure community input.

190           (a) The charter shall address and criteria for approval of  
191 the charter shall be based on:

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

194           2. The focus of the curriculum, the instructional methods  
195 to be used, any distinctive instructional techniques to be  
196 employed, and identification and acquisition of appropriate  
197 technologies needed to improve educational and administrative  
198 performance which include a means for promoting safe, ethical,  
199 and appropriate uses of technology which comply with legal and  
200 professional standards.

201           a. The charter shall ensure that reading is a primary focus  
202 of the curriculum and that resources are provided to identify  
203 and provide specialized instruction for students who are reading

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204 below grade level. The curriculum and instructional strategies  
205 for reading must be consistent with the Next Generation Sunshine  
206 State Standards and grounded in scientifically based reading  
207 research.

208       b. In order to provide students with access to diverse  
209 instructional delivery models, to facilitate the integration of  
210 technology within traditional classroom instruction, and to  
211 provide students with the skills they need to compete in the  
212 21st century economy, the Legislature encourages instructional  
213 methods for blended learning courses consisting of both  
214 traditional classroom and online instructional techniques.  
215 Charter schools may implement blended learning courses which  
216 combine traditional classroom instruction and virtual  
217 instruction. Students in a blended learning course must be full-  
218 time students of the charter school and receive the online  
219 instruction in a classroom setting at the charter school.  
220 Instructional personnel certified pursuant to s. 1012.55 who  
221 provide virtual instruction for blended learning courses may be  
222 employees of the charter school or may be under contract to  
223 provide instructional services to charter school students. At a  
224 minimum, such instructional personnel must hold an active state  
225 or school district adjunct certification under s. 1012.57 for  
226 the subject area of the blended learning course. The funding and  
227 performance accountability requirements for blended learning  
228 courses are the same as those for traditional courses.

229       3. The current incoming baseline standard of student  
230 academic achievement, the outcomes to be achieved, and the  
231 method of measurement that will be used. The criteria listed in  
232 this subparagraph shall include a detailed description of:

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

235 b. How these baseline rates will be compared to rates of  
236 academic progress achieved by these same students while  
237 attending the charter school.

238 c. To the extent possible, how these rates of progress will  
239 be evaluated and compared with rates of progress of other  
240 closely comparable student populations.

241

242 The district school board is required to provide academic  
243 student performance data to charter schools for each of their  
244 students coming from the district school system, as well as  
245 rates of academic progress of comparable student populations in  
246 the district school system.

247 4. The methods used to identify the educational strengths  
248 and needs of students and how well educational goals and  
249 performance standards are met by students attending the charter  
250 school. The methods shall provide a means for the charter school  
251 to ensure accountability to its constituents by analyzing  
252 student performance data and by evaluating the effectiveness and  
253 efficiency of its major educational programs. Students in  
254 charter schools shall, at a minimum, participate in the  
255 statewide assessment program created under s. 1008.22.

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

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

261 7. The admissions procedures and dismissal procedures,

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262 including the school's code of student conduct.

263 8. The ways by which the school will achieve a  
264 racial/ethnic balance reflective of the community it serves or  
265 within the racial/ethnic range of other public schools in the  
266 same school district.

267 9. The financial and administrative management of the  
268 school, including a reasonable demonstration of the professional  
269 experience or competence of those individuals or organizations  
270 applying to operate the charter school or those hired or  
271 retained to perform such professional services and the  
272 description of clearly delineated responsibilities and the  
273 policies and practices needed to effectively manage the charter  
274 school. A description of internal audit procedures and  
275 establishment of controls to ensure that financial resources are  
276 properly managed must be included. Both public sector and  
277 private sector professional experience shall be equally valid in  
278 such a consideration.

279 10. The asset and liability projections required in the  
280 application which are incorporated into the charter and shall be  
281 compared with information provided in the annual report of the  
282 charter school.

283 11. A description of procedures that identify various risks  
284 and provide for a comprehensive approach to reduce the impact of  
285 losses; plans to ensure the safety and security of students and  
286 staff; plans to identify, minimize, and protect others from  
287 violent or disruptive student behavior; and the manner in which  
288 the school will be insured, including whether or not the school  
289 will be required to have liability insurance, and, if so, the  
290 terms and conditions thereof and the amounts of coverage.

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291 12. The term of the charter which shall provide for  
292 cancellation of the charter if insufficient progress has been  
293 made in attaining the student achievement objectives of the  
294 charter and if it is not likely that such objectives can be  
295 achieved before expiration of the charter. The initial term of a  
296 charter shall be for 4 or 5 years. In order to facilitate access  
297 to long-term financial resources for charter school  
298 construction, charter schools that are operated by a  
299 municipality or other public entity as provided by law are  
300 eligible for up to a 15-year charter, subject to approval by the  
301 district school board. A charter lab school is eligible for a  
302 charter for a term of up to 15 years. In addition, to facilitate  
303 access to long-term financial resources for charter school  
304 construction, charter schools that are operated by a private,  
305 not-for-profit, s. 501(c)(3) status corporation are eligible for  
306 up to a 15-year charter, subject to approval by the district  
307 school board. Such long-term charters remain subject to annual  
308 review and may be terminated during the term of the charter, but  
309 only according to the provisions set forth in subsection (8).

310 13. The facilities to be used and their location. The  
311 sponsor may not require a charter school to have a certificate  
312 of occupancy or a temporary certificate of occupancy for such a  
313 facility earlier than 15 calendar days before the first day of  
314 school.

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

318 15. The governance structure of the school, including the  
319 status of the charter school as a public or private employer as

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320 required in paragraph (12)(i).

321 16. A timetable for implementing the charter which  
322 addresses the implementation of each element thereof and the  
323 date by which the charter shall be awarded in order to meet this  
324 timetable.

325 17. In the case of an existing public school that is being  
326 converted to charter status, alternative arrangements for  
327 current students who choose not to attend the charter school and  
328 for current teachers who choose not to teach in the charter  
329 school after conversion in accordance with the existing  
330 collective bargaining agreement or district school board rule in  
331 the absence of a collective bargaining agreement. However,  
332 alternative arrangements may ~~shall~~ not be required for current  
333 teachers who choose not to teach in a charter lab school, except  
334 as authorized by the employment policies of the state university  
335 which grants the charter to the lab school.

336 18. Full disclosure of the identity of all relatives  
337 employed by the charter school who are related to the charter  
338 school owner, president, chairperson of the governing board of  
339 directors, superintendent, governing board member, principal,  
340 assistant principal, or any other person employed by the charter  
341 school who has equivalent decisionmaking authority. For the  
342 purpose of this subparagraph, the term "relative" means father,  
343 mother, son, daughter, brother, sister, uncle, aunt, first  
344 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
345 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
346 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
347 stepsister, half brother, or half sister.

348 19. Implementation of the activities authorized under s.

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349 1002.331 by the charter school when it satisfies the eligibility  
350 requirements for a high-performing charter school. A high-  
351 performing charter school shall notify its sponsor in writing by  
352 March 1 if it intends to increase enrollment or expand grade  
353 levels the following school year. The written notice must ~~shall~~  
354 specify the amount of the enrollment increase and the grade  
355 levels that will be added, as applicable.

356 20. Documentation of adequate financial resources to  
357 support the operation of the charter school. Documentation may  
358 include bank statements, financial statements, loan documents,  
359 and any other business and financial records.

360 Section 2. This act shall take effect July 1, 2016.