

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

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BILL: CS/SB 830

INTRODUCER: Education Pre-K - 12 Committee and Senator Stargel

SUBJECT: School Choice

DATE: February 4, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	<b>Fav/CS</b>
2.			AED	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE – Substantial Changes

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**I. Summary:**

CS/SB 830 expands choice and virtual instruction accountability and flexibility, revises full-time equivalent funding provisions, and removes certain adjustments and segmented funding.

More specifically, the bill:

- Revises charter school application, oversight, reading, student eligibility, operations, cooperatives, professional development, equitable treatment, and funding requirements.
- Enables High-Performing charter schools expansion, codifies appeals timelines, strengthens contract negotiation processes, and streamlines initial and continued designation requirements.
- Creates a High-Impact Charter Network designation, enables operation in critical needs areas, requires review of student demographic, academic and financial performance data, and provides a preference with competitive grants.
- Revises virtual instruction student eligibility, online instruction locations, and termination of virtual instruction provider contracts.
- Removes funding adjustments for end-of-course assessments, and revises minimum term school and funding requirements.
- Adds Advanced Placement examinations to the Credit Acceleration Program and authorizes home education students to use the program.

The bill provides an effective date of July 1, 2016.

## II. Present Situation:

The present situation for the relevant portions of CS/SB 830 is discussed in the Effect of Proposed Changes Section of this analysis.

## III. Effect of Proposed Changes:

CS/SB 830 expands choice and virtual instruction accountability and flexibility, creates a High-Impact Charter School Network, revises specified full-time equivalent funding, and removes end-of-course funding adjustments from law.

### Charter Schools

#### *Overview*

#### **Present Situation**

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor, which is typically a school district.<sup>1</sup> Charter schools are exempt from many laws and regulations applicable to traditional public schools to encourage the use of innovative learning methods.<sup>2</sup> One of the guiding principles of charter schools is to “meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state’s public school system.”<sup>3</sup> The terms and conditions for the operation of the school are set forth in a performance contract or “charter.”<sup>4</sup>

#### **Effect of Proposed Changes**

The bill modifies charter school requirements related to the application processes, sponsor oversight, reading requirements, student eligibility, administrative operations, cooperative organizations, professional development, equitable treatment, administrative fees, capital outlay funding, distribution of funds, and unrestricted assets.

#### *Application Process*

#### **Present Situation**

The law establishes an application process for establishing a new charter school.<sup>5</sup> An applicant must submit a charter school application to the sponsor.<sup>6</sup> The sponsor must review and approve or deny the application.<sup>7</sup> The law requires sponsors and applicants to use a standard charter school application and application evaluation instrument.<sup>8</sup> The standard application is designed to enable the sponsor to evaluate the applicant’s educational plan, organizational plan, financial viability, and business plan.<sup>9</sup>

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<sup>1</sup> Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.

<sup>2</sup> Section 1002.33(2)(b)3, and (16), F.S.

<sup>3</sup> Section 1002.33(2)(a)1, F.S.

<sup>4</sup> Section 1002.33(6)(h), F.S.

<sup>5</sup> Section 1002.33(6)(a), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

In order to facilitate greater collaboration in the application process, an applicant may submit a draft charter school application by May 1 with an application fee of \$500.<sup>10</sup> Otherwise, a sponsor is prohibited from charging an applicant any fee for the processing or consideration of an application.<sup>11</sup>

Charter school sponsors evaluate a variety of factors when considering an application to open a charter school.<sup>12</sup> The standard application requires the applicant to:<sup>13</sup>

- List each proposed member of the charter school's governing board and his or her background and qualifications.
- Indicate to what extent the governing board will contract with a management company, summarize the company's history operating charter schools, and list other charter schools managed by the company along with student achievement and financial performance data of such schools.

Charter schools may become virtual charter schools by amending its charter, or submitting a new application.

### **Effect of Proposed Changes**

The bill requires the charter school application to disclose the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by the applicant, each governing board member, and each proposed education services provider that has closed and reasons for closure; and the academic and financial history of such charter schools. The sponsor must consider this information in deciding whether to approve or deny the application; thus increasing the transparency of such information.

Except as provided for a draft application, a sponsor may not charge an applicant any fee for the processing or consideration of an application; thus clarifying fees a sponsor may or may not charge.

An existing charter school that is seeking to become a virtual charter school must amend its application to become a virtual charter school. In effect, the bill clarifies that the law does not require every charter school to become a virtual charter school.

### ***Sponsor Oversight***

#### **Present Situation**

Florida law tasks sponsors (typically school boards) with authorizing new charter schools and providing continuing oversight of each charter school in the school district.<sup>14</sup> The law establishes several processes designed to enable the sponsor to perform these roles, including:

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<sup>10</sup> Section 1002.33(6)(b), F.S. The deadline for applications is August 1, although sponsors may receive applications later if it so chooses. *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Section 1002.33(6)(a), (7), (8), (9), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> Section 1002.33(6), F.S.

- Authority to review and approve or deny charter school applications.<sup>15</sup>
- Authority to enforce the terms and conditions of the charter agreement.<sup>16</sup>
- Annual reporting of student achievement and financial information, such as a monthly financial statement, by each charter school to the sponsor.<sup>17</sup>
- Sponsor monitoring of annual financial audits<sup>18</sup> and monthly financial statements submitted by charter schools in the school district.<sup>19</sup>
- Interventions for remedying unsatisfactory academic performance and financial instability.<sup>20</sup>
- Authority to close charter schools for academic or financial failure; poor management; violations of law; or child health, safety, and welfare violations.<sup>21</sup>

The sponsor is required to terminate a charter if the charter schools earns two consecutive grades of “F” unless:

- The school was established to turn around the performance of district public school.
- The charter school serves a student population the majority of which resides in a school zone served by a district public school that earned a grade of “F” in the year before the charter school opened, and the charter school earns at least a grade of “D” in its third year of operation.
- The State Board of Education (SBE) grants the charter school a 1- year, one-time waiver of termination, if the charter school that has been in operation for less than 5 years demonstrates that the learning gains of its students on statewide assessments are comparable to or better than the learning gains of similarly situated students enrolled in nearby district public schools.

### **Effect of Proposed Changes**

The bill provides that, upon approval of the charter contract, the charter school must begin to provide the required monthly statements to the sponsor. The sponsor is required to review each statement for deteriorating financial conditions or financial emergencies. In effect, the information may assist districts monitoring of financially struggling charter schools, even ones that have not yet started operating, to quickly identify decrease potential losses of public funds.

A charter school’s charter is automatically terminated if the school earns two consecutive grades of “F” after all school grades are final.<sup>22</sup> The sponsor is required to notify in writing the charter school’s governing board, the charter school principal, and the department when the charter is automatically terminated. The sponsor’s letter of termination is a final order subject to appeal pursuant to s. 120.68, F.S.<sup>23</sup> In effect, school districts will be required to immediately close “FF”

<sup>15</sup> Section 1002.33(6), F.S.

<sup>16</sup> Section 1002.33(6)(h) and (7), F.S.

<sup>17</sup> Section 1002.33(9)(k), F.S.

<sup>18</sup> Sections 218.39(1)(e) and (f), 1002.33(9)(j)1. and 2., F.S.

<sup>19</sup> Section 1002.33(9)(g), F.S.

<sup>20</sup> Section 1002.33(9)(n), F.S.

<sup>21</sup> Section 1002.33(8), F.S.

<sup>22</sup> The bill retains the current exceptions in law.

<sup>23</sup> Section 120.68, F.S., specifies the provisions in the Administrative Procedures Act for appellate review of final agency action.

charter schools, bypassing the possibility for the charter school to remain open throughout the duration of the traditional charter contract termination process.

Charter school will continue to be governed by existing dissolution procedures and prohibitions on expenditures when the charter is automatically terminated pursuant to this provision.

## ***Reading***

### **Present Situation**

One of the guiding principles of charter schools is to provide parents with sufficient information on whether their child is reading at grade level.<sup>24</sup> Additionally, one of the purposes charter schools must fulfill is to increase opportunities for all students, with special emphasis on reading.<sup>25</sup>

A charter school application must describe the reading curriculum and differentiated strategies used for students reading at grade level or higher, and a separate curriculum for students who are reading below grade level.<sup>26</sup> A sponsor must deny an application that does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.<sup>27</sup>

The charter agreement must ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level.<sup>28</sup> The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards.<sup>29</sup>

Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program (FEFP).<sup>30</sup> Current law specifically includes transportation and the Florida digital classroom allocation as examples of these categorical program funds.<sup>31</sup>

### **Effect of Proposed Changes**

The bill revises the application and charter requirements to require the reading curriculum to be evidence-based and include explicit, systematic, and multisensory reading instruction strategies. The sponsor is prohibited from requiring the charter school to implement the school district's reading plan. In effect, the reading curriculum shifts from a scientifically-based approach to an evidence-based approach, with specified strategies.

A charter school must notify the parent of a student who exhibits a substantial deficiency in reading, as determined by the charter school, of the deficiency, the intensive interventions and

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<sup>24</sup> Section 1002.33(2)(a)3., F.S.

<sup>25</sup> Section 1002.33(2)(b)2., F.S.

<sup>26</sup> Section 1002.33(6)(a)4., F.S.

<sup>27</sup> *Id.*

<sup>28</sup> Section 1002.33(7)(a)2.a., F.S.

<sup>29</sup> *Id.*

<sup>30</sup> Section 1002.33(17)(b), F.S.

<sup>31</sup> *Id.*

supports used, and the student's grade progression in accordance with existing law. Thus, parents should be more informed, and thus more involved, regarding their children's reading proficiency.

The research-based reading allocation is added to the list of categorical program funds specified in law as examples of categorical program funds that school districts must proportionately share with eligible charter schools. In effect, the bill clarifies that school districts must proportionally share the research-based reading allocation with eligible charter schools.

### ***Student Eligibility***

#### **Present Situation**

A charter school must be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located.<sup>32</sup> The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building.<sup>33</sup> In such case, all applicants shall have an equal chance of being admitted through a random selection process.<sup>34</sup>

A charter school may give enrollment preference to populations of students who:<sup>35</sup>

- Are siblings of a student enrolled in the charter school.
- Are the children of a:
  - Member of the governing board of the charter school.
  - Employee of the charter school.
  - Employee of the business partner of a charter school-in-the-workplace or a resident of the municipality in which such charter school is located.
  - Resident of a municipality that operates a charter school-in-a-municipality.
- Have successfully completed a voluntary prekindergarten education program provided by the charter school or the charter school's governing board in the previous year.
- Are the children of an active member of any branch of the United States Armed Forces.

#### **Effect of Proposed Changes**

The bill provides that a charter school that has not reached capacity, as determined by the charter school's governing board, may be open for enrollment to any student in Florida. However, the bill does not define "capacity," reconcile the charter school's determination of capacity with the charter school's permitted occupancy or the enrollment limits per the charter agreement, or indicate to what extent this provision authorizes virtual schools to define their own capacity. In effect, a charter school has some degree of discretion to accept any Florida student that resides outside the school district in which the charter school is located.

Charter schools may not base admission or dismissal on a student's academic performance. In effect, the provision explicitly prohibits a charter school from considering academic performance when determining student enrollment.

<sup>32</sup> Section 1002.33(10)(a), F.S.

<sup>33</sup> Section 1002.33(10)(b), F.S.

<sup>34</sup> *Id.* A charter school may also limit the enrollment process only to target specified populations. Section 1002.33(10)(e), F.S.

<sup>35</sup> Section 1002.33(10)(d), F.S.

Enrollment preferences for charter schools are expanded to include the following new categories:

- Students who attended or are assigned to certain failing schools.<sup>36</sup> In effect, charter schools may give enrollment preferences to students that qualify for the Opportunity Scholarship Program.
- Students who are the children of a resident of a municipality that allows a charter school to use a school facility or a portion of the land owned by the municipality for the operation of the charter school. In effect, charter schools may give enrollment preferences to students who live in a city that allows the school to operate on city property.

### *Administrative Operations*

#### **Present Situation**

The application process specifies that the charter school must be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and sponsor.<sup>37</sup>

Upon approval of a charter application, the initial startup commences with the beginning of the district's public school calendar, unless waived by the sponsor for good cause.<sup>38</sup>

Certain information, such as contact information for the governing board's representative, must be posted on the charter schools website, if the school maintains a website.<sup>39</sup>

A charter school governing board is required to hold at least two public meetings per year in the district where the charter school is located.<sup>40</sup> The appointed representative and charter school principal or director, or designee, must be physically present at each meeting.<sup>41</sup>

Current law contains provisions for a sponsor to non-renew or terminate a charter.<sup>42</sup> These provisions include procedures for the dissolution and reversion of public funds.<sup>43</sup> However, these provisions do not specifically address the applicability of these procedures if a charter school voluntarily closes.

#### **Effect of Proposed Changes**

The bill authorizes a sponsor to defer the opening of the school's operations for up to 2 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of the enrolled students at least 30 calendar days before

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<sup>36</sup> By assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at public school that has earned a grade of "F" or three consecutive grades of "D" pursuant to s. 1008.34 and the student's attendance occurred during a school year in which such designation was in effect; the student has been in attendance elsewhere in the public school system and has been assigned to such school for the next year; or the student has been notified that he or she has been assigned to such school for the next year. Section 1002.38(2)(a), F.S.

<sup>37</sup> Section 1002.33(6)(b), F.S.

<sup>38</sup> Section 1002.33(6)(b)5., F.S.

<sup>39</sup> Section 1002.33(7)(d), F.S.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Section 1002.33(8), F.S.

<sup>43</sup> Sections 1002.33(8)(e)-(g) and (9)(o), F.S.

the first day of school. In effect, the charter school no longer needs the sponsor's permission to delay opening if additional time is needed for facility planning.

The bill removes the good cause exception that would allow initial charter schools to start on a date different from the district's public school calendar is removed. In effect, the initial charter school startup date will be based on the school start date on the district's calendar.

Charter schools must maintain a website; thus providing greater transparency to the public by all charter schools posting specified information on their websites.

Charter school governing board members may attend board meetings - in person or by means of communications media technology in accordance with rules adopted by the Administration Commission.<sup>44</sup> In effect, clarification is provided so that members may participate in board meetings pursuant to existing state rules.

The charter school governing board may voluntarily close and terminate the charter. The decision must be made at a public meeting, with written notification provided to parents and the sponsor both before and after the meeting, and to the Department of Education (DOE) after the meeting. If the board decides to close, the post-meeting must identify the reasons for closure, and must contain agreement from the governing board to follow existing procedures for dissolution and reversion of public funds. In effect, a charter school that voluntarily closes must provide advance notice to the public, the reasons for closure, and is subject to the same accountability provisions for closure as if the school had been terminated by the sponsor.

### *Cooperative Organizations*

#### **Present Situation**

Charter schools are authorized to enter into cooperative agreements to form charter school cooperative organizations that may provide the following services:<sup>45</sup>

- Charter school planning and development.
- Direct instructional services.
- Contracts with charter school governing to provide personnel administrative services, payroll services, human resource management, evaluation and assessment services, teacher preparation, and professional development.

#### **Effect of Proposed Changes**

The bill expands categories of service areas to provide that cooperatives may provide services to further educational, operational, and administrative initiatives in which the participating charter schools share common interests. In effect, the bill expands the types of services that cooperatives may provide.

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<sup>44</sup> See, Chapter 28-109, F.A.C. "Communications media technology" means the electronic transmission of printed matter, audio, full-motion video, freeze frame video, compressed video, and digital video by any method available. Rule 28-109.002(3), F.A.C.

<sup>45</sup> Section 1002.33(13), F.S.



## *Professional Development*

### **Present Situation**

Each school district must, and a state supported public school or private school may, develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional preparation and education competence as required by law.<sup>46</sup> The program must be based on classroom application of the Florida Educator Accomplished Practices and instruction performance, and for public schools must be aligned with the district's evaluation system approved under s. 1012.34, F.S.

### **Effect of Proposed Changes**

The bill specifically adds charter schools to those schools authorized to develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional preparation and education competence. The respective programs must be aligned with the applicable district or school's evaluation system established under s. 1012.34, F.S.

## *Equitable Treatment*

### **Present Situation**

Local governing authorities are prohibited from adopting or imposing any local building requirements or site-development restrictions, such as parking and site-size criteria, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code (SREF).<sup>47</sup>

Local governing authorities are required to treat charter schools equitably in comparison to similar requirements, restrictions, and processes imposed upon public schools that are not charter schools.<sup>48</sup>

### **Effect of Proposed Changes**

The bill adds site planning to the requirements for equitable treatment, and provides that if an official or employee of the local governing authority refuses to comply with these equitable treatment requirements, the aggrieved school or entity has an immediate right to bring action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded attorney fees and court costs. In effect, a charter school may seek immediate injunctive relief to prevent local governments from imposing regulatory burdens that are not imposed upon public schools.

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<sup>46</sup> Section 1012.56(8)(b)1., F.S.

<sup>47</sup> Section 1002.33(18)(a), F.S. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use is the local municipality, or if in an unincorporated area, the county governing authority. *Id.*

<sup>48</sup> *Id.*

## *Administrative Fees*

### **Present Situation**

A sponsor is required to provide certain administrative and education services to charter schools.<sup>49</sup> These services include contract management; full-time equivalent (FTE) and data reporting; exceptional student education; federal lunch program; test administration; processing of teacher certificate data; and information services.<sup>50</sup>

Generally, a total administrative fee for the provision of these services is calculated based upon up to 5% of the available funds for all students.<sup>51</sup> A sponsor may only withhold up the 5% administrative fee for enrollment up to 250 students.<sup>52</sup> However, a sponsor may withhold the 5% administrative fee for enrollment up to 500 students within a system of charter schools that meet specified criteria.<sup>53</sup>

### **Effect of Proposed Changes**

The bill reduces the administrative fee for charter schools that operate in a critical need area<sup>54</sup> to no more than 3% for enrollment up to 250 students. In effect, these charter schools would pay less for the same administrative services provided by the district.

## *Capital Outlay Funding*

### **Present Situation**

To be eligible for a capital funding allocation, and charter school must:<sup>55</sup>

- Meet one of the following criteria:
  - Have been in operation for 3 or more years;
  - Be governed by a governing board established in the state for 3 or more years which operates both charter schools and conversion charter schools within the state;
  - Be an expanded feeder pattern chain of a charter school within the same school district that is currently receiving capital outlay funds;
  - Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools (SACS); or
  - Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace.
- Have financial stability for future operation as a charter school.
- Have satisfactory student achievement based on state accountability standards applicable to the charter school.

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<sup>49</sup> Section 1002.33(20), F.S.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id. Compare*, high performing charter schools may have withheld a total administrative fee up to 2% for enrollment up to 250 students; and a high performing charter school system that meets specified criteria may have withheld a total administrative fee up to 2% for enrollment up to 500 students per system. *Id.*

<sup>54</sup> The bill defines critical need area via the newly created s. 1002.331 to mean an area that is served by one or more nonalternative, traditional public schools that received a school grade of “D” or “F” pursuant to s. 1008.34 in 4 of the most recent 5 years.

<sup>55</sup> Section 1013.62(1), F.S.

- Serve students in facilities that are not provided by the charter school's sponsor.

### **Effect of Proposed Changes**

The bill revises the financial stability criteria to require the charter school to have an annual audit that does not reveal one or more of the financial emergency conditions specified in law<sup>56</sup> for the most recent fiscal year for which such an audit is available. In effect, the bill provides a clearer, uniform, definition for evaluating the financial stability of a charter school when determining eligibility to receive capital outlay funds.

### ***Distribution of Funds***

#### **Present Situation**

District school boards are required to make timely and efficient payment and reimbursement to charter schools.<sup>57</sup> The payment is to be issued no later than 10 working days after the district school board receives a distribution of funds.<sup>58</sup>

The district school board may distribute funds to charter schools for up to 3 months based on the projected full-time equivalent student membership of the charter school.<sup>59</sup> Thereafter, the results of the full-time equivalent student membership surveys must be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year.<sup>60</sup>

### **Effect of Proposed Changes**

The bill establishes specific payment cycles and amounts of funds to charter schools on a monthly or bimonthly basis, based on the district's fiscal year, with adjustments as specified. A district school board is prohibited from delaying payment to a charter school if receipt of local funds is delayed. In effect, charter schools will receive funding on specific dates, which may not be delayed by the school district.

District school board distribution of funds to charter schools as follows:

- For the first 2 years of a charter school's operation, if at least 75% of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the district school board must distribute funds for July, August, September, and October, based upon the projected full time equivalent student membership of the charter school, as submitted in the approved application.
- If less than 75% of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor must base payments on the actual number of student enrollment entered into the sponsor's student information system.

Additionally, any unrestricted surplus or unrestricted net assets identified in the charter school's annual audit are authorized to be used for K-12 educational purposes for charter schools within the district that are operated by the not-for-profit or municipal entity operating the charter school

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<sup>56</sup> Section 218.503(1), F.S.

<sup>57</sup> Section 1002.33(17)(e), F.S.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

with the surplus. In effect, an entity that operates multiple charter schools in a district may shift certain surplus unrestricted funds among the charter schools for K-12 educational purposes.

Surplus operating funds must continue be used in accordance with s. 1011.62, F.S., and that surplus capital outlay funds must be used in accordance with s. 1013.2(2), F.S.<sup>61</sup>

## **High-Performing Charter Schools**

### *Overview*

#### **Present Situation**

A charter school is a high-performing charter school if it:<sup>62</sup>

- Received at least two school grades of “A” and no school grade below “B,” during each of the previous three school years.
- Received an unqualified opinion on each annual financial audit in the most recent three fiscal years for which such audits are available.
- Did not receive a financial audit that revealed one or more of the financial emergency conditions in the most recent three fiscal years for which such audits are available.

In exchange for accomplishing specified academic achievement and financial performance standards, high-performing charter schools are granted specified flexibilities with student enrollment, grade level expansion, periodic financial reporting, consolidation, and contract term provisions.<sup>63</sup>

#### **Effect of Proposed Changes**

The bill modifies replication and expansion, appeal process, contract term and negotiations, and loss of high-performing status provisions.

### *Replication and Expansion*

#### **Present Situation**

A high-performing charter school may submit an application in any school district in the state to establish and operate a new charter school that will substantially replicate its educational program.<sup>64</sup> A high-performing charter school may not establish more than one charter school pursuant to this provision in any year.<sup>65</sup> Subsequent applications may not be submitted unless each charter school established in the manner achieves high-performing status.<sup>66</sup>

A high-performing charter school is authorized, in part, to:<sup>67</sup>

- Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the current facility capacity.

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<sup>61</sup> These statutes relate to funds for operation of schools and charter school capital outlay funding, respectively.

<sup>62</sup> Section 1002.331(1), F.S.

<sup>63</sup> Section 1002.331(2), F.S.

<sup>64</sup> Section 1002.331(3)(a), F.S.

<sup>65</sup> Section 1002.331(b), F.S.

<sup>66</sup> *Id.*

<sup>67</sup> Section 1002.331(2), F.S.

- Expand grade levels within kindergarten through grade 12 to add grade levels not already served if any annual enrollment increase resulting from grade level expansion is within the limit established its contract.

However, a high-performing charter school may not increase enrollment or expand grade levels following any school year in which it receives a school grade of “C” or below.<sup>68</sup>

### **Effect of Proposed Changes**

The bill provides that the limits for establishing no more than one replicating charter school per year do not apply to a charter school established:

- By a high-performing charter school in the attendance zone of a school identified as in need of intervention and support.
- To meet capacity needs.
- To meet needs for innovative choice options identified by the district school board.

The bill removes language preventing a high-performing charter school from expanding enrollment or grade levels following the school year in which the school receives a grade of “C” or below. In effect, high-performing charter schools may continue to expand enrollment or grade levels, regardless of school grade.

### ***Appeal Process***

#### **Present Situation**

If the sponsor denies an application for a high-performing charter school, the applicant may appeal the denial directly to the SBE.<sup>69</sup> Timeframes concerning the appeal process are not specified in statute, but do exist in rule.<sup>70</sup>

For high-performing charter schools, a sponsor may withhold a total administrative fee of up to 2% for enrollment up to and including 250 students per school.<sup>71</sup>

### **Effect of Proposed Changes**

The bill codifies existing timeframes in rule for high-performing charter school appeals, and requires the applicant to provide a copy of the appeal to the sponsor. In effect, the appeal timeframes for high-performing charter school appeals and regular charter school appeals will be consistent with each other and specified in statute.<sup>72</sup>

The bill provides that a charter school whose application is submitted under the replication provisions of s. 1002.331, F.S., and is denied by the district school board, is exempt from having to pay an administrative fee. In effect, if the SBE overturns the sponsor’s denial of a high-

<sup>68</sup> Section 1002.331(4), F.S.

<sup>69</sup> Section 1002.33(6)(b)3.c., F.S.

<sup>70</sup> Rule 6A-6.0781(3), F.A.C. In general, the applicant has 30 days from denial to file an appeal, the sponsor has 30 days to respond to the appeal, and the SBE has 90 days after the appeal is filed to approve or deny the appeal. *Id.*

<sup>71</sup> Section 1002.33(20)(a)3., F.S.

<sup>72</sup> See Rule 6A-6.0781(1)(a), F.A.C., which requires the applicant to send a copy of the appeal to the district school board via the superintendent.

performing replication application, the charter school will not have to pay the sponsor any administrative fees; thus, sponsors are given additional incentives to refrain from unjustifiably denying these applications.

### *Contract Term and Negotiations*

#### **Present Situation**

A high-performing charter school is authorized to receive modification of its charter to a term of 15 years or a 15-year charter renewal.<sup>73</sup>

#### **Effect of Proposed Changes**

The bill provides that the ability of a high-performing charter school to receive a modification of its charter term, means an additional 15 years to the term. In effect, the existing term is extended 15 years.

Timeframes are provided for charter contract renegotiations when a charter school receives its high-performing designation, and for disputes to be appealed to an administrative law judge. Specifically, the:

- Sponsor must provide the charter school with renewal documents within 30 days of designation.
- Charter school and sponsor have 20 days to negotiate and provide notice of the charter contract for final approval by the sponsor.
- Sponsor must provide the proposed charter contract to the charter school at least 7 days before the meeting at which the charter is scheduled for final approval by the sponsor.

In effect, the length of contract negotiations should be minimized, thus enabling a high-performing charter school to enjoy the benefits of its designation in a timely manner.

### *Loss of High-Performing Status*

#### **Present Situation**

If the charter school receives a school grade of “C” or below in any 2 years during the term of the charter, the term of the charter may be modified by the sponsor and the charter school loses its high-performing status.<sup>74</sup> Additionally, a high-performing charter school maintains its high-performing status until the Commissioner of Education (Commissioner) determines that the school no longer meets the eligibility criteria.<sup>75</sup> These two provisions have been interpreted by the judicial branch to mean that the Commissioner’s determination applies only to initial eligibility requirements, while grade of “C” or below in any 2 years provision applies to the ability to retain high-performing status.<sup>76</sup>

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<sup>73</sup> Section 1002.331(2)(e), F.S.

<sup>74</sup> *Id.*

<sup>75</sup> *Id.* The Commissioner is required to annually determine whether a high-performing charter school continues to meet the eligibility criteria. Section 1002.331(5), F.S. This provision was added to statute, effective July 1, 2013, via ch. 2013-250, L.O.F.

<sup>76</sup> *Department of Education v. Educational Charter Foundation of Florida, Inc., d/b/a Imagine Schools at South Lake*, 177 So.3d 1036 (1<sup>st</sup> DCA, 2015).

The Commissioner must send a letter providing notification of its loss of status as a high-performing charter school.

### **Effect of Proposed Changes**

The bill removes language that causes a high-performing charter school to lose its high-performing status if the school receives a school grade of “C” or below in any 2 years. In effect, the standard to gain, and retain, high-performing status will be the same (i.e., the Commissioner’s annual review to determine continued compliance).

The bill clarifies that the Commissioner must notify both the sponsor and charter school upon loss of high-performing status.

### **High-Impact Charter Network**

#### ***Present Situation***

There currently is no high-impact charter network authorized under Florida law.

#### ***Effect of Proposed Changes***

The bill creates High-Impact Charter Networks.

A 501(c)(3) nonprofit organization that is authorized by law to operate a public charter school, that successfully operates a system of charter schools that serve primarily educationally disadvantaged students may apply to the SBE for status as a High-Impact Charter Network.

The application process must include the SBE’s review of student demographic, academic, and financial performance data. The process:

- Must include a review of all schools currently or previously operated by the entity, including schoolwide and subgroup performance on all statewide, standardized assessments for the most recent 3 years as compared to all other students at the same grade level, as compared with other schools serving similar demographics of students, and school-level financial performance.
- May include performance on nationally norm-referenced assessments, student attendance and retention rates, graduation rates, college attendance rates, college persistence rates, and other outcome measures as determined by the SBE.

An entity that is designated as a High-Impact Charter Network may apply to district school boards to establish and operate charter schools in critical need areas. Critical need means an area that is served by one or more nonalternative, traditional public schools that received a school grade of “D” or “F” in 4 of the preceding 5 years.<sup>77</sup>

If approved by the SBE, the High-Impact Charter Network status is valid for up to 4 years. If the entity seeks renewal, the SBE must review the academic and financial performance of the charter schools established in critical need areas and operated by the entity.

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<sup>77</sup> The bill provides that for purposes of determining critical need areas, school grades issued for the 2014-2015 school year may not be considered.

A charter school operated by a High-Impact Charter Network in a critical need area:

- Is eligible to receive capital outlay funding.
- Will have its administrative fee paid to the sponsor waived so long as the network maintains its status as a High-Impact Charter Network.

The DOE must give priority to charter schools operated by a High-Impact Charter Network in Public Charter School Grant Program competitions, but only for new charter schools that will operate in a critical need area.

The SBE must to adopt rules prescribing a process to review the application, and to administer this section.

## **Virtual Instruction**

### *Overview*

#### **Present Situation**

Florida offers more virtual options for their students than any other state.<sup>78</sup> Florida students at all grade levels have both full-time (virtual school) and part-time (virtual course) options.<sup>79</sup> The options include virtual schools and courses offered by the Florida Virtual School (FLVS), and by all 67 school districts.<sup>80</sup> Schools may offer their own virtual schools or enter into agreements with other school districts, a DOE approved private provider or virtual charter schools to provide virtual options for their students.<sup>81</sup>

#### **Effect of Proposed Changes**

The bill modifies student eligibility, online instruction in a classroom setting, virtual instruction provider, and FLVS funding provisions.

### *Student Eligibility*

#### **Present Situation**

A student is eligible to participate in virtual instruction if the student:<sup>82</sup>

- Spent the prior school year in attendance at a public school in the state and was enrolled and reported by the school district for funding during October and February for purposes of FEFP surveys;
- Is a dependent child of a member of the United States Armed Forces who transferred within the last 12 months to this state from another state or from a foreign country pursuant to a permanent change of station order;
- Was enrolled during the prior school year in a virtual instruction program or a full-time FLVS program;

<sup>78</sup> Florida Department of Education, *Information on Virtual School Choice Options for Florida Students* (2015) available at <http://www.fldoe.org/core/fileparse.php/7509/urlt/school-choice-memo-virtual-school.pdf>.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> Section 1002.455(2), F.S.



- Has a sibling who is currently enrolled in a virtual instruction program and the sibling was enrolled in that program at the end of the prior school year;
- Is eligible to enter kindergarten or first grade; or
- Is eligible to enter grades 2-5 and is enrolled full-time in a school district virtual instruction program, virtual charter school, or the FLVS.

These virtual instruction options for which this eligibility applies include:<sup>83</sup>

- School district operated part-time or full-time K-12 virtual instruction programs under s. 1002.45(1), F.S., for students enrolled in the school district.
- Full-time virtual charter school instruction authorized under s. 1002.33, F.S.
- Virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state pursuant to s. 1003.498, F.S.
- Part-time instruction in kindergarten through grade 5.<sup>84</sup>

### **Effect of Proposed Changes**

The bill repeals student eligibility requirements for K-12 virtual instruction.<sup>85</sup> In effect students in grades K-12 do not have any eligibility requirements, including prior school year attendance in a public school, for the virtual instruction options identified above.<sup>86</sup>

### ***Online Instruction in a Classroom Setting***

#### **Present Situation**

In charter schools and school districts, students in a blended learning course must be full-time students<sup>87</sup> and receive the online instruction in a classroom setting at the charter school.<sup>88</sup>

### **Effect of Proposed Changes**

The bill removes the requirement for online instruction in a classroom setting for charter school and school district students in a blended learning course and for school district virtual courses. In effect, full-time charter school and school district students in blended learning courses may receive online instruction outside of the classroom.

### ***Virtual Instruction Providers***

#### **Present Situation**

A virtual instruction program is a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.<sup>89</sup> The FFLVS, school district FLVS franchises, and Florida College

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<sup>83</sup> Section 1002.455(3), F.S.

<sup>84</sup> Section 1002.37(8)(a), F.S.

<sup>85</sup> Section 1002.455, F.S.

<sup>86</sup> Unless otherwise specified in the programs' respective authorizing statute.

<sup>87</sup> The term "full-time student" is defined in s. 1011.61(1)(a)1., F.S.

<sup>88</sup> Section 1002.33(7)(a)2.b., F.S.

<sup>89</sup> Section 1002.45(1)(a)2., F.S.

System institutions are approved providers.<sup>90</sup> The DOE may approve other virtual instruction providers, if certain criteria are met.<sup>91</sup>

Virtual instruction providers must align curriculum and course content to Florida's standards, offer instruction designed for the student to gain proficiency, provide each student with all necessary instructional materials, not require tuition or other registration fees, and provide certain students with all equipment necessary to participate in the virtual instruction program.<sup>92</sup> Each contract with an approved provider must contain, at a minimum, a detailed curriculum plan, methods for determining each student has met state graduation requirements, methods for resolving conflicts, contract termination provisions, and responsibility for existing debts.<sup>93</sup> Each approved provider must participate in the statewide assessment program and receive a school grade or school improvement rating, as applicable.<sup>94</sup>

A DOE-approved virtual instruction provider's contract must be terminated if the provider earns a school grade of "D" or "F" or a school improvement rating of "Declining" in any two years of a consecutive four year period.<sup>95</sup> In such cases, the provider must be removed from the approved provider list for at least one year. The provider may be placed back on the list after DOE determines that the provider meets the eligibility requirements and has corrected the academic performance deficiencies.<sup>96</sup>

### **Effect of Proposed Changes**

The bill renames the school improvement rating "declining" to "unsatisfactory" to conform to current school improvement rating terminology of commendable, maintaining, and unsatisfactory.

The provisions requiring termination of an approved provider's contract are modified to require automatic termination if the provider earns two consecutive school grades of "F" or school improvement ratings of "unsatisfactory." In effect, termination provisions are changed from 2 D, F, or unsatisfactory ratings in any 4 year period (e.g, school grades of D, A, B, D over four years) to two consecutive F or unsatisfactory ratings (e.g., school grades of F, F in consecutive years).

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<sup>90</sup> Section 1002.45(1)(a), F.S.

<sup>91</sup> Section 1002.45(2), F.S.

<sup>92</sup> Section 1002.45(3), F.S.

<sup>93</sup> *Id.*

<sup>94</sup> Section 1002.45(8)(a), F.S.

<sup>95</sup> Section 1002.45(8)(d), F.S. The school improvement rating system is based on the following ratings: Commendable (meaning a significant percentage of students attending the school are making learning gains); Maintaining (meaning a sufficient percentage of the students attending the school are making learning gains); and Unsatisfactory (meaning an insufficient percentage of students attending the school are making learning gains). Section 1008.341(a), F.S.

<sup>96</sup> *Id.*

## *Florida Virtual School Funding*

### **Present Situation**

FLVS funding is generally based on students who successfully complete six full-credit courses that count to the minimum number of credits required for high school graduation.<sup>97</sup> A student who completes fewer than six full-credit courses is a fraction of a FTE.<sup>98</sup> Half-credit course completions are included in determining full-time equivalent (FTE) students for students in grades 9-12.<sup>99</sup>

### **Effect of Proposed Changes**

The bill deletes specified language pertaining to existing FTE funding mechanisms for FLVS, however, leaves in place the calculation of a FTE student as prescribed in s. 1011.61(1)(c)1.b.(V), F.S., and s. 1011.64(4), F.S.

## **End Of Course Funding Adjustments**

### *Present Situation*

The definition of a FTE student, in part, means students in grades K-12 in a full-time virtual instruction program, virtual charter school, or a part-time virtual instruction program, a FLVS FTE student, or for courses requiring passage of an end-of-course (EOC) assessment.<sup>100</sup>

For these students, and beginning the 2016-2017 year, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an EOC assessment to earn a standard high school diploma must be adjusted if the student does not pass the EOC assessment.<sup>101</sup> However, no adjustment may be made for a student who enrolled in a segmented remedial course delivered online.<sup>102</sup>

### *Effect of Proposed Changes*

The bill deletes the provisions pertaining to the EOC adjustment scheduled to begin in the 2016-2017 school year.

## **Minimum Term Funding**

### *Overview*

### **Present Situation**

Minimum school term requirements and associated funding for a FTE generally focus on the student receiving 900 instructional hours (e.g., for grades 4-12).<sup>103</sup> Typically, students who

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<sup>97</sup> Section 1002.37(3)(a), F.S.

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

<sup>100</sup> Sections 1011.61(1)(c)1.b.(III), (IV), (V), and (VI) and 1002.37(3)(a)3., F.S.

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> Section 1011.1(1), F.S.

receive less than 900 instructional hours are funded proportional share of hours of instruction.<sup>104</sup> However, exceptions exist to allow double-session schools, schools operating on an experimental calendar, and schools under emergency situations to operate for more than 810 but less than 900 hours, yet receive full 1.0 FTE, rather than proportional, funding.

### **Effect of Proposed Changes**

The bill modifies traditional public school, double-session school, experimental calendar school, and emergency condition provisions relating to minimum school term and associated funding requirements.

#### ***Traditional Public Schools***

##### **Present Situation**

Each school district is required to annually operate all schools for a term of 180 actual teaching days or the equivalent on an hourly basis as specified in SBE rules.<sup>105</sup> The SBE has provided that the hourly equivalent to the 180-day school year is determined as prescribed below:<sup>106</sup>

- Grades 4 through 12: Not less than 900 net instructional hours.
- Kindergarten through grade 3 or in an authorized prekindergarten exceptional program: Not less than 720 net instructional hours.

For FEFP purposes, a FTE in each district program is defined in terms of full-time students and part time students, as follows:<sup>107</sup>

- A full-time student is one student on the membership roll of one school program or a combination of school programs for the school year or the equivalent for instruction in a standard school comprising no less than the hourly equivalent prescribed by the SBE.<sup>108</sup>
- A part-time student is a student on the active membership roll of a school program or combination of school program who is less than a full time student. Part time students are funded based on their proportional share of hours of instruction.<sup>109</sup>

### **Effect of Proposed Changes**

The bill clarifies that a “part time student,” generates FTE proportional to the amount of instructional hours provided by the school divided by the minimum term requirements. In effect, a student who attends a school that operates for less than the minimum term will continue to generate proportionally fewer FTE,<sup>110</sup> and the school will continue to receive proportionally less funding.

<sup>104</sup> E-mail, Department of Education, January 23, 2016.

<sup>105</sup> Section 1011.60(2), F.S.

<sup>106</sup> Rule 6A-1.045111(1), F.A.C.

<sup>107</sup> Section 1011.61(1), F.S.

<sup>108</sup> See the previous paragraph. Exceptions exist for double-session schools or a school utilizing an experimental calendar approved by the DOE (discussed further herein) and for students who moved with their parents for the purpose of engaging in the farm labor or fish industries. *Id.*

<sup>109</sup> E-mail, Department of Education, January 23, 2016.

<sup>110</sup> Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

## ***Double-Session Schools***

### **Present Situation**

Double-session schools are not defined in statute or rule.<sup>111</sup> Schools operating on a double-session calendar must operate for a term of 180 actual teaching days, or the hourly equivalent as prescribed below:<sup>112</sup>

- Grades 4 through 12: Not less than 810 net instructional hours.
- Kindergarten through grade 3: Not less than 630 net instructional hours.

For the purposes of the FEFP, students in double-sessions schools that meet the hourly equivalent are considered full-time students<sup>113</sup> Thus, a student in grade 9 at a double-session school who is provided 810 instructional hours generates 1.0 FTE ( $810/810=1.0$ ).<sup>114</sup>

There are currently 13 double-session schools operating in Florida in the 2015-2016 fiscal year.<sup>115</sup> Several charter schools are operating with double-session or multiple sessions for which 810 instructional hours are provided.<sup>116</sup>

### **Effect of Proposed Changes**

The bill eliminates the ability for a student at a double-session school to meet the definition of a “full-time student” if the student receives instruction that comprises:

- Less than 900 but more than 810 net hours in grades 4 through 12, or
- Less than 720 but more than 630 net hours in kindergarten through grade 3.

In effect, instead of generating 1.0 FTE while operating for less than 900 hours but for more than 810 hours, the school will generate FTE proportional to the amount of instructional hours divided by the minimum term requirement of 900 hours.<sup>117</sup> Under the bill, a student receiving 810 instructional hours would now generate 0.9 FTE ( $810/900=0.9$ ),<sup>118</sup> and the school would receive proportionally less funding.

## ***Schools Operating on an Experimental Calendar***

### **Present Situation**

Schools utilizing an experimental calendar that is approved by the DOE must operate for a term of 180 actual teaching days or the hourly equivalent as prescribed below.<sup>119</sup>

<sup>111</sup> Differing interpretations of “double-session schools” may exist. *Compare*, a DOE statement that in Florida, double-session schools have historically existed in instances where districts held two sessions per day at one school location due to school construction delay or storm damage. *Id.*; *But see*, Statutory maximum class size implementation options direct district school boards to consider operating more than one session of school during the day in order to meet constitutional class size requirements. Section 1003.03(3)(i), F.S.

<sup>112</sup> Section 1011.61(1)(a)2., F.S.; Rule 6A-1.045111(2), F.A.C. The DOE is not required to approve double-session schools. Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

<sup>113</sup> Section 1011.61(1)(a)2., F.S.

<sup>114</sup> Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

<sup>119</sup> Section 1011.61(1)(a)2., F.S.; Rule 6A-1.045111(2), F.A.C.

- Grades 4 through 12: Not less than 810 net instructional hours.
- Kindergarten through grade 3: Not less than 630 net instructional hours.

For the purposes of the FEFP, students at a school utilizing an experimental school calendar approved by the DOE are considered full-time students if the instruction meets the minimum term requirements.<sup>120</sup> Thus, a student in grade 9 at such a school who is provided 810 instructional hours generates 1.0 FTE ( $810/810=1.0$ ).<sup>121</sup>

Additionally, the DOE is required to determine and implement an equitable method of equivalent funding for experimental schools which have been approved by the DOE to operate for less than the minimum school day.<sup>122</sup>

### **Effect of Proposed Changes**

The bill eliminates the ability for a student at a school utilizing an experimental school calendar to meet the definition of a “full-time student” if the student receives instruction that comprises:

- Less than 900 but more than 810 net hours in grades 4 through 12, or
- Less than 720 but more than 630 net hours in kindergarten through grade 3.

Statutory language requiring the DOE to determine and implement an equitable method of equivalent funding for experimental schools which have been approved by the DOE to operate for less than the minimum school day is deleted.<sup>123</sup>

In effect, a student who attends a school operating on an experimental calendar that operates for less than the minimum term will generate proportionally fewer FTE.<sup>124</sup> Thus, instead of generating 1.0 FTE while operating for less than 900 hours but for more than 810 hours, the school will generate FTE proportional to the amount of instructional hours divided by the minimum term requirement of 900 hours.<sup>125</sup> Under the bill, a student receiving 810 instructional hours would now generate 0.9 FTE ( $810/900=0.9$ ),<sup>126</sup> and the school would receive proportionally less funding.

Statutory language requiring the DOE to approve experimental school calendars is deleted. In effect, the bill treats schools operating on an experimental calendar in the same manner as double-session schools are currently treated (i.e., no DOE approval is required).

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<sup>120</sup> Section 1011.61(1)(a)2., F.S.

<sup>121</sup> Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

<sup>122</sup> Section 1011.61(1), F.S. (Flush left provisions)

<sup>123</sup> Section 1011.61(1), F.S. (Flush left provisions)

<sup>124</sup> Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

<sup>125</sup> *Id.*

<sup>126</sup> *Id.*

***Emergency Conditions*****Present Situation**

Upon written application, the SBE is authorized to alter the 180 day minimum term requirement during a national, state, or local emergency if the SBE determines that is not feasible to make up lost days or hours.<sup>127</sup>

At the discretion of the Commissioner, and if the SBE determines that the reduction of school days or hours is caused by the existence of a bona fide emergency, the apportionment may be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools.<sup>128</sup>

The DOE is required to determine and implement an equitable method of equivalent funding for schools operating under emergency conditions, which have been approved by the DOE to operate for less than the minimum school day.<sup>129</sup>

**Effect of Proposed Changes**

The bill clarifies schools approved by the DOE to operate for less than the minimum school day means the minimum term as provided in s. 1011.60, F.S.<sup>130</sup>

**Credit Acceleration Program*****Present Situation***

In 2010, the Florida Legislature established the Credit Acceleration Program (CAP) to allow a student to earn high school credit in Algebra I, Algebra II, geometry, United States history, or Biology if the student attains a passing score on the corresponding statewide, standardized assessment without enrolling in or completing the course.<sup>131</sup>

***Effect of Proposed Changes***

The bill add Advanced Placement (AP) examinations as an option and authorized home education students to utilize CAP.

The bill provides and effective date of July 1, 2016.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

<sup>127</sup> Section 1011.60(2), F.S. The SBE is authorized to prescribe procedures for altering this requirement. *Id.*

<sup>128</sup> Section 1011.60(2), F.S. A strike, as defined in s. 447.203(6), by employees of the school district may not be considered an emergency. *Id.*

<sup>129</sup> Section 1011.61(1), F.S. (Flush left provisions)

<sup>130</sup> Section 1011.61(1), F.S. (Flush left provisions) This section identifies minimum requirements of the FEFP. *Id.*

<sup>131</sup> Section 5, ch. 2010-22, L.O.F., *codified at* s. 1003.4295(3), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Not determined.

C. Government Sector Impact:

Not determined.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1002.331, 1002.37, 1002.45, 1003.4295, 1003.498, 1011.61, 1011.62, 1012.56, 1013.62.

This bill creates section 1002.333 of the Florida Statutes.

This bill repeals section 1002.455 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Education Pre-K – 12 on February 2, 2016:**

The committee substitute retains the substance of the original bill and made the following modifications:

- Charter Schools



- Requires additional information relating to current and historical charter school operations that must be provided as part of the application process, including reasons for closure and academic and financial history.
- Streamlines language prohibiting student admission or dismissal from being based on academic performance.
- Expands preferences for student enrollment to include students that qualify for the Opportunity Scholarship Program, and children of a resident of a municipality that allows a charter school to be on municipality property.
- Provides flexibility for specified adjustments of monthly payments to charter schools.
- High-Impact Charter School Network
  - Expands application information to include student demographic data.
  - Removes schools that had fewer than 25% of students passing the most recent English Language Arts assessment from the definition of a “critical need area.”

The committee substitute adds the following language to SB 830:

- Charter Schools
  - Prohibits a sponsor from charging application fees, except as specified in statute.
  - Authorizes a charter school to defer opening for up to 2 years to provide for adequate facility planning, and requires the initial charter school startup to commence with the public school calendar.
  - Requires a charter school application to propose evidence-based reading instruction strategies, and prohibits a sponsor from requiring the charter school to use the sponsor’s reading plan; requires parent notification of student’s progress.
  - Codifies rules to authorize charter school governing board members to attend meetings via communications media technology.
  - Creates provisions specifying actions to be taken when a charter school governing board voluntarily closes the charter school.
  - Authorizes a charter school that has not reached capacity, as determined by the charter school governing board, to be open for enrollment to any student in the state.
  - Requires existing summary financial reports to be provided to the sponsor beginning upon approval of the charter contract, and requires sponsor review; reduces the administrative fee for charter schools that operate in a critical need area; revises district payments to charter schools based on actual and projected enrollment; and authorizes an entity operating a charter school with specified assets to move to its other charter schools in the district for K-12 educational purposes.
  - Expands services charter school cooperatives may provide, authorizes charter schools to develop a system for instruction to demonstrate mastery of professional and education competence, and requires local governments to treat charter school site planning equitably.
- High Performing Charter Schools
  - Specifies timeframes for appeals, and exempts a school from administrative fees if the sponsor denies the application.

- Provides that the ability to modify the term of a charter means that an additional 15 years may be added to the term, and specifies timeline and process for renegotiating the charter agreement.
- Requires the DOE to give priority in competitive grants to new schools operated in a critical need area by a High Impact Charter School Network.
- Deletes from law virtual instruction student eligibility requirements; the requirement for online instruction in a classroom setting for charter schools in blended learning courses and in school district virtual courses; and specified funding adjustments for EOC assessments.
- Revises FLVS funding provisions, minimum term school requirements and associated funding requirements.
- Adds Advanced Placement (AP) examinations to the Credit Acceleration Program and authorizes home education students to use CAP.

B. Amendments:

None.