



1                                   A bill to be entitled  
2           An act relating to K-12 education; amending s.  
3           1002.33, F.S.; revising the charter school application  
4           process; revising the appeals process for a denied  
5           charter school application; requiring the use of the  
6           standard contract by specified entities; revising  
7           eligibility requirements for charter school students  
8           enrolled in blended learning courses; clarifying  
9           provisions relating to charter schools and tort  
10          liability; authorizing a charter school to be exempt  
11          from provisions relating to controlled open enrollment  
12          under certain circumstances; revising the purpose of  
13          charter school cooperatives; authorizing the use of  
14          unrestricted net assets and certain unrestricted  
15          surplus for specified charter schools; requiring such  
16          funds to be used in accordance with specified  
17          provisions; revising the public information  
18          disclosures of charter schools; authorizing certain  
19          entities to share facilities with charter schools  
20          without additional approval; revising the  
21          administrative fees that a district may withhold from  
22          charter schools; requiring charter schools to complete  
23          and submit an annual survey; deleting a requirement  
24          that the Department of Education compare certain data;  
25          revising eligibility criteria for designated local



26 | educational agency status; authorizing the governing  
27 | board of a charter school system to be designated a  
28 | local educational agency for certain schools; amending  
29 | 1002.3305, F.S.; revising the definition for the term  
30 | "eligible student" for purposes of the College-  
31 | preparatory Boarding Academy Pilot Program; amending  
32 | s. 1002.331, F.S.; conforming provisions to changes  
33 | made by the act; authorizing a high-performing charter  
34 | school to establish more than one charter school in  
35 | any year under certain circumstances; amending s.  
36 | 1002.332, F.S.; authorizing a high-performing charter  
37 | school system to replicate its schools in any school  
38 | district and providing application requirements  
39 | therefor; amending s. 1003.498, F.S.; revising  
40 | eligibility requirements for students enrolled in  
41 | blended learning courses; amending s. 1007.35, F.S.;  
42 | revising the name of an ACT assessment for specified  
43 | purposes; amending s. 1008.34, F.S.; revising the  
44 | student performance data to be included in school  
45 | grades; amending s. 1008.341, F.S.; including  
46 | concordant scores in the calculation of an alternative  
47 | school's school improvement rating; amending s.  
48 | 1011.62, F.S.; revising eligibility criteria for  
49 | postsecondary institutions to participate in the dual  
50 | enrollment and early admission programs; amending s.



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51 1011.69, F.S.; requiring school districts to provide  
52 specified funds directly to schools eligible to  
53 receive Title I funds; providing a definition;  
54 authorizing school districts to withhold certain funds  
55 for specified purposes; authorizing eligible schools  
56 to use funds to participate in certain services;  
57 providing an effective date.  
58

59 Be It Enacted by the Legislature of the State of Florida:  
60

61 Section 1. Subsection (1), paragraphs (a), (b), (c), and  
62 (h) of subsection (6), subsection (7), paragraph (b) of  
63 subsection (8), paragraph (a) of subsection (10), paragraph (h)  
64 of subsection (12), subsection (13), paragraphs (b) and (c) of  
65 subsection (17), paragraph (c) of subsection (18), subsection  
66 (20), paragraphs (a) and (b) of subsection (21), and subsections  
67 (25) and (28) of section 1002.33, Florida Statutes, are amended  
68 to read:

69 1002.33 Charter schools.—

70 (1) AUTHORIZATION. ~~Charter schools shall be part of the~~  
71 ~~state's program of public education.~~ All charter schools in  
72 Florida are public schools and shall be part of the state's  
73 program of public education. A charter school may be formed by  
74 creating a new school or converting an existing public school to  
75 charter status. A charter school may operate a virtual charter



76 school pursuant to s. 1002.45(1)(d) to provide full-time online  
77 instruction to eligible students, pursuant to s. 1002.455, in  
78 kindergarten through grade 12. An existing charter school that  
79 is seeking to become a virtual charter school must amend its  
80 charter or submit a new application pursuant to subsection (6)  
81 to become a virtual charter school. A virtual charter school is  
82 subject to the requirements of this section; however, a virtual  
83 charter school is exempt from subsections (18) and (19),  
84 ~~subparagraphs (20)(a)2., 4., 5., and 7.,~~ paragraph (20)(c), and  
85 s. 1003.03. A public school may not use the term charter in its  
86 name unless it has been approved under this section.

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

89 (a) A person or entity seeking to open a charter school  
90 shall prepare and submit an application on the standard ~~a model~~  
91 application form prepared by the Department of Education which:

92 1. Demonstrates how the school will use the guiding  
93 principles and meet the statutorily defined purpose of a charter  
94 school.

95 2. Provides a detailed curriculum plan that illustrates  
96 how students will be provided services to attain the Sunshine  
97 State Standards.

98 3. Contains goals and objectives for improving student  
99 learning and measuring that improvement. These goals and  
100 objectives must indicate how much academic improvement students



101 are expected to show each year, how success will be evaluated,  
102 and the specific results to be attained through instruction.

103 4. Describes the reading curriculum and differentiated  
104 strategies that will be used for students reading at grade level  
105 or higher and a separate curriculum and strategies for students  
106 who are reading below grade level. A sponsor shall deny an  
107 application if the school does not propose a reading curriculum  
108 that is consistent with effective teaching strategies that are  
109 grounded in scientifically based reading research.

110 5. Contains an annual financial plan for each year  
111 requested by the charter for operation of the school for up to 5  
112 years. This plan must contain anticipated fund balances based on  
113 revenue projections, a spending plan based on projected revenues  
114 and expenses, and a description of controls that will safeguard  
115 finances and projected enrollment trends.

116 6. Discloses the name of each applicant, governing board  
117 member, and all proposed education services providers; the name  
118 and sponsor of any charter school operated by each applicant,  
119 each governing board member, and each proposed education  
120 services provider that has closed and the reasons for the  
121 closure; and the academic and financial history of such charter  
122 schools, which the sponsor shall consider in deciding whether to  
123 approve or deny the application.

124 7. Contains additional information a sponsor may require,  
125 which shall be attached as an addendum to the charter school



126 application described in this paragraph.

127 8. For the establishment of a virtual charter school,  
128 documents that the applicant has contracted with a provider of  
129 virtual instruction services pursuant to s. 1002.45(1)(d).

130 (b) A sponsor shall receive and review all applications  
131 for a charter school using the evaluation instrument developed  
132 by the Department of Education. A sponsor shall receive and  
133 consider charter school applications received on or before  
134 August 1 of each calendar year for charter schools to be opened  
135 at the beginning of the school district's next school year, or  
136 to be opened at a time agreed to by the applicant and the  
137 sponsor. A sponsor may not refuse to receive a charter school  
138 application submitted before August 1 and may receive an  
139 application submitted later than August 1 if it chooses.  
140 Beginning in 2018 and thereafter, a sponsor shall receive and  
141 consider charter school applications received on or before  
142 February 1 of each calendar year for charter schools to be  
143 opened 18 months later at the beginning of the school district's  
144 school year, or to be opened at a time agreed to by the  
145 applicant and the sponsor. A sponsor may not refuse to receive a  
146 charter school application submitted before February 1 and may  
147 receive an application submitted later than February 1 if it  
148 chooses. ~~In order to facilitate greater collaboration in the~~  
149 ~~application process, an applicant may submit a draft charter~~  
150 ~~school application on or before May 1 with an application fee of~~



151 ~~§500. If a draft application is timely submitted, the sponsor~~  
152 ~~shall review and provide feedback as to material deficiencies in~~  
153 ~~the application by July 1. The applicant shall then have until~~  
154 ~~August 1 to resubmit a revised and final application. The~~  
155 ~~sponsor may approve the draft application. Except as provided~~  
156 ~~for a draft application,~~ A sponsor may not charge an applicant  
157 for a charter any fee for the processing or consideration of an  
158 application, and a sponsor may not base its consideration or  
159 approval of a final application upon the promise of future  
160 payment of any kind. Before approving or denying any ~~final~~  
161 application, the sponsor shall allow the applicant, upon receipt  
162 of written notification, at least 7 calendar days to make  
163 technical or nonsubstantive corrections and clarifications,  
164 including, but not limited to, corrections of grammatical,  
165 typographical, and like errors or missing signatures, if such  
166 errors are identified by the sponsor as cause to deny the final  
167 application.

168 1. In order to facilitate an accurate budget projection  
169 process, a sponsor shall be held harmless for FTE students who  
170 are not included in the FTE projection due to approval of  
171 charter school applications after the FTE projection deadline.  
172 In a further effort to facilitate an accurate budget projection,  
173 within 15 calendar days after receipt of a charter school  
174 application, a sponsor shall report to the Department of  
175 Education the name of the applicant entity, the proposed charter



176 school location, and its projected FTE.

177         2. In order to ensure fiscal responsibility, an  
178 application for a charter school shall include a full accounting  
179 of expected assets, a projection of expected sources and amounts  
180 of income, including income derived from projected student  
181 enrollments and from community support, and an expense  
182 projection that includes full accounting of the costs of  
183 operation, including start-up costs.

184         3.a. A sponsor shall by a majority vote approve or deny an  
185 application no later than 90 ~~60~~ calendar days after the  
186 application is received, unless the sponsor and the applicant  
187 mutually agree in writing to temporarily postpone the vote to a  
188 specific date, at which time the sponsor shall by a majority  
189 vote approve or deny the application. If the sponsor fails to  
190 act on the application, an applicant may appeal to the State  
191 Board of Education as provided in paragraph (c). If an  
192 application is denied, the sponsor shall, within 10 calendar  
193 days after such denial, articulate in writing the specific  
194 reasons, based upon good cause, supporting its denial of the  
195 application and shall provide the letter of denial and  
196 supporting documentation to the applicant and to the Department  
197 of Education.

198         b. An application submitted by a high-performing charter  
199 school identified pursuant to s. 1002.331 or a high-performing  
200 charter school system identified pursuant to s. 1002.332 may be





201 denied by the sponsor only if the sponsor demonstrates by clear  
202 and convincing evidence that:

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

205 (II) The charter school proposed in the application does  
206 not materially comply with the requirements in paragraphs  
207 (9) (a) - (f);

208 (III) The proposed charter school's educational program  
209 does not substantially replicate that of the applicant or one of  
210 the applicant's high-performing charter schools;

211 (IV) The applicant has made a material misrepresentation  
212 or false statement or concealed an essential or material fact  
213 during the application process; or

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

217  
218 Material noncompliance is a failure to follow requirements or a  
219 violation of prohibitions applicable to charter school  
220 applications, which failure is quantitatively or qualitatively  
221 significant either individually or when aggregated with other  
222 noncompliance. An applicant is considered to be replicating a  
223 high-performing charter school if the proposed school is  
224 substantially similar to at least one of the applicant's high-  
225 performing charter schools and the organization or individuals



226 involved in the establishment and operation of the proposed  
227 school are significantly involved in the operation of replicated  
228 schools.

229 c. If the sponsor denies an application submitted by a  
230 high-performing charter school or a high-performing charter  
231 school system, the sponsor must, within 10 calendar days after  
232 such denial, state in writing the specific reasons, based upon  
233 the criteria in sub-subparagraph b., supporting its denial of  
234 the application and must provide the letter of denial and  
235 supporting documentation to the applicant and to the Department  
236 of Education. The applicant may appeal the sponsor's denial of  
237 the application in accordance with ~~directly to the State Board~~  
238 ~~of Education and, if an appeal is filed, must provide a copy of~~  
239 ~~the appeal to the sponsor pursuant to~~ paragraph (c).

240 4. For budget projection purposes, the sponsor shall  
241 report to the Department of Education the approval or denial of  
242 an application within 10 calendar days after such approval or  
243 denial. In the event of approval, the report to the Department  
244 of Education shall include the final projected FTE for the  
245 approved charter school.

246 5. Upon approval of an application, the initial startup  
247 shall commence with the beginning of the public school calendar  
248 for the district in which the charter is granted. A charter  
249 school may defer the opening of the school's operations for up  
250 to 2 years to provide time for adequate facility planning. The



251 charter school must provide written notice of such intent to the  
252 sponsor and the parents of enrolled students at least 30  
253 calendar days before the first day of school.

254 (c)1. An applicant may appeal any denial of that  
255 applicant's application or failure to act on an application to  
256 the State Board of Education no later than 30 calendar days  
257 after receipt of the sponsor's decision or failure to act and  
258 shall notify the sponsor of its appeal. Any response of the  
259 sponsor shall be submitted to the State Board of Education  
260 within 30 calendar days after notification of the appeal. Upon  
261 receipt of notification from the State Board of Education that a  
262 charter school applicant is filing an appeal, the Commissioner  
263 of Education shall convene a meeting of the Charter School  
264 Appeal Commission to study and make recommendations to the State  
265 Board of Education regarding its pending decision about the  
266 appeal. The commission shall forward its recommendation to the  
267 state board at least 7 calendar days before the date on which  
268 the appeal is to be heard. ~~An appeal regarding the denial of an~~  
269 ~~application submitted by a high-performing charter school~~  
270 ~~pursuant to s. 1002.331 shall be conducted by the State Board of~~  
271 ~~Education in accordance with this paragraph, except that the~~  
272 ~~commission shall not convene to make recommendations regarding~~  
273 ~~the appeal. However, the Commissioner of Education shall review~~  
274 ~~the appeal and make a recommendation to the state board.~~

275 2. The Charter School Appeal Commission ~~or, in the case of~~



276 ~~an appeal regarding an application submitted by a high-~~  
277 ~~performing charter school, the State Board of Education~~ may  
278 reject an appeal submission for failure to comply with  
279 procedural rules governing the appeals process. The rejection  
280 shall describe the submission errors. The appellant shall have  
281 15 calendar days after notice of rejection in which to resubmit  
282 an appeal that meets the requirements set forth in State Board  
283 of Education rule. An appeal submitted subsequent to such  
284 rejection is considered timely if the original appeal was filed  
285 within 30 calendar days after receipt of notice of the specific  
286 reasons for the sponsor's denial of the charter application.

287 3.a. The State Board of Education shall by majority vote  
288 accept or reject the decision of the sponsor no later than 90  
289 calendar days after an appeal is filed in accordance with State  
290 Board of Education rule. The State Board of Education shall  
291 remand the application to the sponsor with its written decision  
292 that the sponsor approve or deny the application. The sponsor  
293 shall implement the decision of the State Board of Education.  
294 The decision of the State Board of Education is not subject to  
295 the provisions of the Administrative Procedure Act, chapter 120.

296 b. If an appeal concerns an application submitted by a  
297 high-performing charter school identified pursuant to s.  
298 1002.331 or a high-performing charter school system identified  
299 pursuant to s. 1002.332, the State Board of Education shall  
300 determine whether the sponsor's denial was in accordance with



301 sub-subparagraph (6) (b) 3.b. ~~sponsor has shown, by clear and~~  
302 ~~convincing evidence, that:~~

303 ~~(I) The application does not materially comply with the~~  
304 ~~requirements in paragraph (a);~~

305 ~~(II) The charter school proposed in the application does~~  
306 ~~not materially comply with the requirements in paragraphs~~  
307 ~~(9) (a) - (f);~~

308 ~~(III) The proposed charter school's educational program~~  
309 ~~does not substantially replicate that of the applicant or one of~~  
310 ~~the applicant's high-performing charter schools;~~

311 ~~(IV) The applicant has made a material misrepresentation~~  
312 ~~or false statement or concealed an essential or material fact~~  
313 ~~during the application process; or~~

314 ~~(V) The proposed charter school's educational program and~~  
315 ~~financial management practices do not materially comply with the~~  
316 ~~requirements of this section.~~

317  
318 ~~The State Board of Education shall approve or reject the~~  
319 ~~sponsor's denial of an application no later than 90 calendar~~  
320 ~~days after an appeal is filed in accordance with State Board of~~  
321 ~~Education rule. The State Board of Education shall remand the~~  
322 ~~application to the sponsor with its written decision that the~~  
323 ~~sponsor approve or deny the application. The sponsor shall~~  
324 ~~implement the decision of the State Board of Education. The~~  
325 ~~decision of the State Board of Education is not subject to the~~



326 ~~Administrative Procedure Act, chapter 120.~~

327 ~~(h) The terms and conditions for the operation of a~~  
328 ~~charter school shall be set forth by the sponsor and the~~  
329 ~~applicant in a written contractual agreement, called a charter.~~  
330 ~~The sponsor may not impose unreasonable rules or regulations~~  
331 ~~that violate the intent of giving charter schools greater~~  
332 ~~flexibility to meet educational goals. The sponsor has 30 days~~  
333 ~~after approval of the application to provide an initial proposed~~  
334 ~~charter contract to the charter school. The applicant and the~~  
335 ~~sponsor have 40 days thereafter to negotiate and notice the~~  
336 ~~charter contract for final approval by the sponsor unless both~~  
337 ~~parties agree to an extension. The proposed charter contract~~  
338 ~~shall be provided to the charter school at least 7 calendar days~~  
339 ~~prior to the date of the meeting at which the charter is~~  
340 ~~scheduled to be voted upon by the sponsor. The Department of~~  
341 ~~Education shall provide mediation services for any dispute~~  
342 ~~regarding this section subsequent to the approval of a charter~~  
343 ~~application and for any dispute relating to the approved~~  
344 ~~charter, except disputes regarding charter school application~~  
345 ~~denials. If the Commissioner of Education determines that the~~  
346 ~~dispute cannot be settled through mediation, the dispute may be~~  
347 ~~appealed to an administrative law judge appointed by the~~  
348 ~~Division of Administrative Hearings. The administrative law~~  
349 ~~judge has final order authority to rule on issues of equitable~~  
350 ~~treatment of the charter school as a public school, whether~~



351 ~~proposed provisions of the charter violate the intended~~  
352 ~~flexibility granted charter schools by statute, or on any other~~  
353 ~~matter regarding this section except a charter school~~  
354 ~~application denial, a charter termination, or a charter~~  
355 ~~nonrenewal and shall award the prevailing party reasonable~~  
356 ~~attorney's fees and costs incurred to be paid by the losing~~  
357 ~~party. The costs of the administrative hearing shall be paid by~~  
358 ~~the party whom the administrative law judge rules against.~~

359       (7) CHARTER.—The terms and conditions for the operation of  
360 a charter school shall be set forth by the sponsor and the  
361 applicant in a written contractual agreement, called a charter.  
362 The sponsor and the governing board of the charter school shall  
363 use the standard charter contract pursuant to subsection (21),  
364 which shall incorporate the approved application and any addenda  
365 approved with the application. Any term or condition of a  
366 proposed charter contract that differs from the standard charter  
367 contract adopted by rule of the State Board of Education shall  
368 be presumed a limitation on charter school flexibility. The  
369 sponsor may not impose unreasonable rules or regulations that  
370 violate the intent of giving charter schools greater flexibility  
371 to meet educational goals ~~The major issues involving the~~  
372 ~~operation of a charter school shall be considered in advance and~~  
373 ~~written into the charter.~~ The charter shall be signed by the  
374 governing board of the charter school and the sponsor, following  
375 a public hearing to ensure community input.



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

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

380 2. The focus of the curriculum, the instructional methods  
381 to be used, any distinctive instructional techniques to be  
382 employed, and identification and acquisition of appropriate  
383 technologies needed to improve educational and administrative  
384 performance which include a means for promoting safe, ethical,  
385 and appropriate uses of technology which comply with legal and  
386 professional standards.

387 a. The charter shall ensure that reading is a primary  
388 focus of the curriculum and that resources are provided to  
389 identify and provide specialized instruction for students who  
390 are reading below grade level. The curriculum and instructional  
391 strategies for reading must be consistent with the Next  
392 Generation Sunshine State Standards and grounded in  
393 scientifically based reading research.

394 b. In order to provide students with access to diverse  
395 instructional delivery models, to facilitate the integration of  
396 technology within traditional classroom instruction, and to  
397 provide students with the skills they need to compete in the  
398 21st century economy, the Legislature encourages instructional  
399 methods for blended learning courses consisting of both  
400 traditional classroom and online instructional techniques.





401 Charter schools may implement blended learning courses which  
402 combine traditional classroom instruction and virtual  
403 instruction. Students in a blended learning course must be full-  
404 time students of the charter school pursuant to s.  
405 1011.61(1)(a)1. ~~and receive the online instruction in a~~  
406 ~~classroom setting at the charter school.~~ Instructional personnel  
407 certified pursuant to s. 1012.55 who provide virtual instruction  
408 for blended learning courses may be employees of the charter  
409 school or may be under contract to provide instructional  
410 services to charter school students. At a minimum, such  
411 instructional personnel must hold an active state or school  
412 district adjunct certification under s. 1012.57 for the subject  
413 area of the blended learning course. The funding and performance  
414 accountability requirements for blended learning courses are the  
415 same as those for traditional courses.

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

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

422 b. How these baseline rates will be compared to rates of  
423 academic progress achieved by these same students while  
424 attending the charter school.

425 c. To the extent possible, how these rates of progress



426 will be evaluated and compared with rates of progress of other  
427 closely comparable student populations.

428

429 The district school board is required to provide academic  
430 student performance data to charter schools for each of their  
431 students coming from the district school system, as well as  
432 rates of academic progress of comparable student populations in  
433 the district school system.

434 4. The methods used to identify the educational strengths  
435 and needs of students and how well educational goals and  
436 performance standards are met by students attending the charter  
437 school. The methods shall provide a means for the charter school  
438 to ensure accountability to its constituents by analyzing  
439 student performance data and by evaluating the effectiveness and  
440 efficiency of its major educational programs. Students in  
441 charter schools shall, at a minimum, participate in the  
442 statewide assessment program created under s. 1008.22.

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

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

448 7. The admissions procedures and dismissal procedures,  
449 including the school's code of student conduct. Admission or  
450 dismissal must not be based on a student's academic performance.



451           8. The ways by which the school will achieve a  
452 racial/ethnic balance reflective of the community it serves or  
453 within the racial/ethnic range of other public schools in the  
454 same school district.

455           9. The financial and administrative management of the  
456 school, including a reasonable demonstration of the professional  
457 experience or competence of those individuals or organizations  
458 applying to operate the charter school or those hired or  
459 retained to perform such professional services and the  
460 description of clearly delineated responsibilities and the  
461 policies and practices needed to effectively manage the charter  
462 school. A description of internal audit procedures and  
463 establishment of controls to ensure that financial resources are  
464 properly managed must be included. Both public sector and  
465 private sector professional experience shall be equally valid in  
466 such a consideration.

467           10. The asset and liability projections required in the  
468 application which are incorporated into the charter and shall be  
469 compared with information provided in the annual report of the  
470 charter school.

471           11. A description of procedures that identify various  
472 risks and provide for a comprehensive approach to reduce the  
473 impact of losses; plans to ensure the safety and security of  
474 students and staff; plans to identify, minimize, and protect  
475 others from violent or disruptive student behavior; and the



476 | manner in which the school will be insured, including whether or  
477 | not the school will be required to have liability insurance,  
478 | and, if so, the terms and conditions thereof and the amounts of  
479 | coverage.

480 |       12. The term of the charter which shall provide for  
481 | cancellation of the charter if insufficient progress has been  
482 | made in attaining the student achievement objectives of the  
483 | charter and if it is not likely that such objectives can be  
484 | achieved before expiration of the charter. The initial term of a  
485 | charter shall be for 4 or 5 years. In order to facilitate access  
486 | to long-term financial resources for charter school  
487 | construction, charter schools that are operated by a  
488 | municipality or other public entity as provided by law are  
489 | eligible for up to a 15-year charter, subject to approval by the  
490 | district school board. A charter lab school is eligible for a  
491 | charter for a term of up to 15 years. In addition, to facilitate  
492 | access to long-term financial resources for charter school  
493 | construction, charter schools that are operated by a private,  
494 | not-for-profit, s. 501(c)(3) status corporation are eligible for  
495 | up to a 15-year charter, subject to approval by the district  
496 | school board. Such long-term charters remain subject to annual  
497 | review and may be terminated during the term of the charter, but  
498 | only according to the provisions set forth in subsection (8).

499 |       13. The facilities to be used and their location. The  
500 | sponsor may not require a charter school to have a certificate



501 of occupancy or a temporary certificate of occupancy for such a  
502 facility earlier than 15 calendar days before the first day of  
503 school.

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

507 15. The governance structure of the school, including the  
508 status of the charter school as a public or private employer as  
509 required in paragraph (12) (i).

510 16. A timetable for implementing the charter which  
511 addresses the implementation of each element thereof and the  
512 date by which the charter shall be awarded in order to meet this  
513 timetable.

514 17. In the case of an existing public school that is being  
515 converted to charter status, alternative arrangements for  
516 current students who choose not to attend the charter school and  
517 for current teachers who choose not to teach in the charter  
518 school after conversion in accordance with the existing  
519 collective bargaining agreement or district school board rule in  
520 the absence of a collective bargaining agreement. However,  
521 alternative arrangements shall not be required for current  
522 teachers who choose not to teach in a charter lab school, except  
523 as authorized by the employment policies of the state university  
524 which grants the charter to the lab school.

525 18. Full disclosure of the identity of all relatives



526 employed by the charter school who are related to the charter  
527 school owner, president, chairperson of the governing board of  
528 directors, superintendent, governing board member, principal,  
529 assistant principal, or any other person employed by the charter  
530 school who has equivalent decisionmaking authority. For the  
531 purpose of this subparagraph, the term "relative" means father,  
532 mother, son, daughter, brother, sister, uncle, aunt, first  
533 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
534 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
535 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
536 stepsister, half brother, or half sister.

537 19. Implementation of the activities authorized under s.  
538 1002.331 by the charter school when it satisfies the eligibility  
539 requirements for a high-performing charter school. A high-  
540 performing charter school shall notify its sponsor in writing by  
541 March 1 if it intends to increase enrollment or expand grade  
542 levels the following school year. The written notice shall  
543 specify the amount of the enrollment increase and the grade  
544 levels that will be added, as applicable.

545 (b) The sponsor has 30 days after approval of the  
546 application to provide an initial proposed charter contract to  
547 the charter school. The applicant and the sponsor have 40 days  
548 thereafter to negotiate and notice the charter contract for  
549 final approval by the sponsor unless both parties agree to an  
550 extension. The proposed charter contract shall be provided to



551 the charter school at least 7 calendar days before the date of  
552 the meeting at which the charter is scheduled to be voted upon  
553 by the sponsor. The Department of Education shall provide  
554 mediation services for any dispute regarding this section  
555 subsequent to the approval of a charter application and for any  
556 dispute relating to the approved charter, except a dispute  
557 regarding a charter school application denial. If the  
558 Commissioner of Education determines that the dispute cannot be  
559 settled through mediation, the dispute may be appealed to an  
560 administrative law judge appointed by the Division of  
561 Administrative Hearings. The administrative law judge has final  
562 order authority to rule on issues of equitable treatment of the  
563 charter school as a public school, whether proposed provisions  
564 of the charter violate the intended flexibility granted charter  
565 schools by statute, or any other matter regarding this section,  
566 except a dispute regarding charter school application denial, a  
567 charter termination, or a charter nonrenewal. The administrative  
568 law judge shall award the prevailing party reasonable attorney  
569 fees and costs incurred during the mediation process,  
570 administrative proceeding, and any appeals, to be paid by the  
571 party whom the administrative law judge rules against.

572 (c) ~~(b)~~1. A charter may be renewed provided that a program  
573 review demonstrates that the criteria in paragraph (a) have been  
574 successfully accomplished and that none of the grounds for  
575 nonrenewal established by paragraph (8) (a) has been documented.



576 In order to facilitate long-term financing for charter school  
577 construction, charter schools operating for a minimum of 3 years  
578 and demonstrating exemplary academic programming and fiscal  
579 management are eligible for a 15-year charter renewal. Such  
580 long-term charter is subject to annual review and may be  
581 terminated during the term of the charter.

582 2. The 15-year charter renewal that may be granted  
583 pursuant to subparagraph 1. shall be granted to a charter school  
584 that has received a school grade of "A" or "B" pursuant to s.  
585 1008.34 in 3 of the past 4 years and is not in a state of  
586 financial emergency or deficit position as defined by this  
587 section. Such long-term charter is subject to annual review and  
588 may be terminated during the term of the charter pursuant to  
589 subsection (8).

590 (d)~~(e)~~ A charter may be modified during its initial term  
591 or any renewal term upon the recommendation of the sponsor or  
592 the charter school's governing board and the approval of both  
593 parties to the agreement. Modification may include, but is not  
594 limited to, consolidation of multiple charters into a single  
595 charter if the charters are operated under the same governing  
596 board and physically located on the same campus, regardless of  
597 the renewal cycle.

598 (e)~~(d)~~ A charter may be terminated by a charter school's  
599 governing board through voluntary closure. The decision to cease  
600 operations must be determined at a public meeting. The governing





601 board shall notify the parents and sponsor of the public meeting  
602 in writing before the public meeting. The governing board must  
603 notify the sponsor, parents of enrolled students, and the  
604 department in writing within 24 hours after the public meeting  
605 of its determination. The notice shall state the charter  
606 school's intent to continue operations or the reason for the  
607 closure and acknowledge that the governing board agrees to  
608 follow the procedures for dissolution and reversion of public  
609 funds pursuant to paragraphs (8) (e)-(g) and (9) (o).

610 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

611 (b) At least 90 days before ~~prior to~~ renewing,  
612 nonrenewing, or terminating a charter, the sponsor shall notify  
613 the governing board of the school of the proposed action in  
614 writing. The notice shall state in reasonable detail the grounds  
615 for the proposed action and stipulate that the school's  
616 governing board may, within 14 calendar days after receiving the  
617 notice, request a hearing. The hearing shall be conducted at the  
618 sponsor's election in accordance with one of the following  
619 procedures:

620 1. A direct hearing conducted by the sponsor within 60  
621 days after receipt of the request for a hearing. The hearing  
622 shall be conducted in accordance with ss. 120.569 and 120.57.  
623 The sponsor shall decide upon nonrenewal or termination by a  
624 majority vote. The sponsor's decision shall be a final order; or

625 2. A hearing conducted by an administrative law judge



626 assigned by the Division of Administrative Hearings. The hearing  
627 shall be conducted within 60 days after receipt of the request  
628 for a hearing and in accordance with chapter 120. The  
629 administrative law judge's recommended order shall be submitted  
630 to the sponsor. A majority vote by the sponsor shall be required  
631 to adopt or modify the administrative law judge's recommended  
632 order. The sponsor shall issue a final order.

633 (10) ELIGIBLE STUDENTS.—

634 (a) A charter school may be exempt from the requirements  
635 of s. 1002.31 if the school is ~~shall be~~ open to any student  
636 covered in an interdistrict agreement and any student ~~or~~  
637 residing in the school district in which the charter school is  
638 located. ~~+~~ However, in the case of a charter lab school, the  
639 charter lab school shall be open to any student eligible to  
640 attend the lab school as provided in s. 1002.32 or who resides  
641 in the school district in which the charter lab school is  
642 located. Any eligible student shall be allowed interdistrict  
643 transfer to attend a charter school when based on good cause.  
644 Good cause shall include, but is not limited to, geographic  
645 proximity to a charter school in a neighboring school district.

646 (12) EMPLOYEES OF CHARTER SCHOOLS.—

647 (h) For the purposes of tort liability, the charter  
648 school, including its governing body and employees, ~~of a charter~~  
649 ~~school~~ shall be governed by s. 768.28. This paragraph does not  
650 include any for-profit entity contracted by the charter school



651 or its governing body.

652 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may  
653 enter into cooperative agreements to form charter school  
654 cooperative organizations that may provide ~~the following~~  
655 services to further educational, operational, and administrative  
656 initiatives in which the participating charter schools share  
657 common interests: ~~charter school planning and development,~~  
658 ~~direct instructional services, and contracts with charter school~~  
659 ~~governing boards to provide personnel administrative services,~~  
660 ~~payroll services, human resource management, evaluation and~~  
661 ~~assessment services, teacher preparation, and professional~~  
662 ~~development.~~

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

668 (b) The basis for the agreement for funding students  
669 enrolled in a charter school shall be the sum of the school  
670 district's operating funds from the Florida Education Finance  
671 Program as provided in s. 1011.62 and the General Appropriations  
672 Act, including gross state and local funds, discretionary  
673 lottery funds, and funds from the school district's current  
674 operating discretionary millage levy; divided by total funded  
675 weighted full-time equivalent students in the school district;



676 multiplied by the weighted full-time equivalent students for the  
677 charter school. Charter schools whose students or programs meet  
678 the eligibility criteria in law are entitled to their  
679 proportionate share of categorical program funds included in the  
680 total funds available in the Florida Education Finance Program  
681 by the Legislature, including transportation, the research-based  
682 reading allocation, and the Florida digital classrooms  
683 allocation. Total funding for each charter school shall be  
684 recalculated during the year to reflect the revised calculations  
685 under the Florida Education Finance Program by the state and the  
686 actual weighted full-time equivalent students reported by the  
687 charter school during the full-time equivalent student survey  
688 periods designated by the Commissioner of Education. For charter  
689 schools operated by a not-for-profit or municipal entity, any  
690 unrestricted surplus operating funds, unrestricted surplus  
691 capital outlay funds, or unrestricted net assets identified in  
692 the charter school's annual audit may be used for other charter  
693 schools in the district operated by the not-for-profit or  
694 municipal entity. Unrestricted surplus operating funds shall be  
695 used in accordance with s. 1011.62, and unrestricted surplus  
696 capital outlay funds shall be used in accordance with s.  
697 1013.62(2).

698 (c) ~~If the district school board is providing programs or~~  
699 ~~services to students funded by federal funds, any eligible~~  
700 ~~students enrolled in charter schools in the school district~~



701 ~~shall be provided federal funds for the same level of service~~  
702 ~~provided students in the schools operated by the district school~~  
703 ~~board.~~ Pursuant to ~~provisions of~~ 20 U.S.C. 8061 s. 10306, all  
704 charter schools shall receive all federal funding for which the  
705 school is otherwise eligible, including Title I funding, not  
706 later than 5 months after the charter school first opens and  
707 within 5 months after any subsequent expansion of enrollment.  
708 Unless otherwise mutually agreed to by the charter school and  
709 its sponsor, and consistent with state and federal rules and  
710 regulations governing the use and disbursement of federal funds,  
711 the sponsor shall reimburse the charter school on a monthly  
712 basis for all invoices submitted by the charter school for  
713 federal funds available to the sponsor for the benefit of the  
714 charter school, the charter school's students, and the charter  
715 school's students as public school students in the school  
716 district. Such federal funds include, but are not limited to,  
717 Title I, Title II, and Individuals with Disabilities Education  
718 Act (IDEA) funds. To receive timely reimbursement for an  
719 invoice, the charter school must submit the invoice to the  
720 sponsor at least 30 days before the monthly date of  
721 reimbursement set by the sponsor. In order to be reimbursed, any  
722 expenditures made by the charter school must comply with all  
723 applicable state rules and federal regulations, including, but  
724 not limited to, the applicable federal Office of Management and  
725 Budget Circulars; the federal Education Department General



726 Administrative Regulations; and program-specific statutes,  
727 rules, and regulations. Such funds may not be made available to  
728 the charter school until a plan is submitted to the sponsor for  
729 approval of the use of the funds in accordance with applicable  
730 federal requirements. The sponsor has 30 days to review and  
731 approve any plan submitted pursuant to this paragraph.

732 (18) FACILITIES.—

733 (c) Any facility, or portion thereof, used to house a  
734 charter school whose charter has been approved by the sponsor  
735 and the governing board, pursuant to subsection (7), shall be  
736 exempt from ad valorem taxes pursuant to s. 196.1983. Library,  
737 community service, museum, performing arts, theatre, cinema,  
738 church, Florida College System institution, college, and  
739 university facilities may provide space to charter schools  
740 within their facilities under their preexisting zoning and land  
741 use designations without obtaining a special exception,  
742 rezoning, a land use charter, or any other form of approval.

743 (20) SERVICES.—

744 (a)1. A sponsor shall provide certain administrative and  
745 educational services to charter schools. These services shall  
746 include contract management services; full-time equivalent and  
747 data reporting services; exceptional student education  
748 administration services; services related to eligibility and  
749 reporting duties required to ensure that school lunch services  
750 under the federal lunch program, consistent with the needs of



751 the charter school, are provided by the school district at the  
752 request of the charter school, that any funds due to the charter  
753 school under the federal lunch program be paid to the charter  
754 school as soon as the charter school begins serving food under  
755 the federal lunch program, and that the charter school is paid  
756 at the same time and in the same manner under the federal lunch  
757 program as other public schools serviced by the sponsor or the  
758 school district; test administration services, including payment  
759 of the costs of state-required or district-required student  
760 assessments; processing of teacher certificate data services;  
761 and information services, including equal access to student  
762 information systems that are used by public schools in the  
763 district in which the charter school is located. Student  
764 performance data for each student in a charter school,  
765 including, but not limited to, FCAT scores, standardized test  
766 scores, previous public school student report cards, and student  
767 performance measures, shall be provided by the sponsor to a  
768 charter school in the same manner provided to other public  
769 schools in the district.

770 2. A sponsor may withhold an administrative fee for the  
771 provision of such services which shall be a percentage of the  
772 available funds defined in paragraph (17)(b) calculated based on  
773 weighted full-time equivalent students. If the charter school  
774 serves 75 percent or more exceptional education students as  
775 defined in s. 1003.01(3), the percentage shall be calculated



776 based on unweighted full-time equivalent students. The  
777 administrative fee shall be calculated as follows:  
778 a. Up to 5 percent for:  
779 (I) Enrollment of up to and including 250 students in a  
780 charter school as defined in this section.  
781 (II) Enrollment of up to and including 500 students within  
782 a charter school system which meets all of the following:  
783 (A) Includes conversion charter schools and nonconversion  
784 charter schools.  
785 (B) Has all of its schools located in the same county.  
786 (C) Has a total enrollment exceeding the total enrollment  
787 of at least one school district in the state.  
788 (D) Has the same governing board for all of its schools.  
789 (E) Does not contract with a for-profit service provider  
790 for management of school operations.  
791 (III) Enrollment of up to and including 250 students in a  
792 virtual charter school.  
793 b. Up to 2 percent for enrollment of up to and including  
794 250 students in a high-performing charter school as defined in  
795 s. 1002.331.  
796 3. A sponsor may not charge charter schools any additional  
797 fees or surcharges for administrative and educational services  
798 in addition to the maximum percentage of administrative fees  
799 withheld pursuant to this paragraph ~~A total administrative fee~~  
800 ~~for the provision of such services shall be calculated based~~





801 ~~upon up to 5 percent of the available funds defined in paragraph~~  
802 ~~(17) (b) for all students, except that when 75 percent or more of~~  
803 ~~the students enrolled in the charter school are exceptional~~  
804 ~~students as defined in s. 1003.01(3), the 5 percent of those~~  
805 ~~available funds shall be calculated based on unweighted full-~~  
806 ~~time equivalent students. However, a sponsor may only withhold~~  
807 ~~up to a 5 percent administrative fee for enrollment for up to~~  
808 ~~and including 250 students. For charter schools with a~~  
809 ~~population of 251 or more students, the difference between the~~  
810 ~~total administrative fee calculation and the amount of the~~  
811 ~~administrative fee withheld may only be used for capital outlay~~  
812 ~~purposes specified in s. 1013.62(3).~~

813 ~~3. For high-performing charter schools, as defined in s.~~  
814 ~~1002.331, a sponsor may withhold a total administrative fee of~~  
815 ~~up to 2 percent for enrollment up to and including 250 students~~  
816 ~~per school.~~

817 ~~4. In addition, a sponsor may withhold only up to a 5-~~  
818 ~~percent administrative fee for enrollment for up to and~~  
819 ~~including 500 students within a system of charter schools which~~  
820 ~~meets all of the following:~~

821 ~~a. Includes both conversion charter schools and~~  
822 ~~nonconversion charter schools;~~

823 ~~b. Has all schools located in the same county;~~

824 ~~e. Has a total enrollment exceeding the total enrollment~~  
825 ~~of at least one school district in the state;~~



826 ~~d. Has the same governing board; and~~  
827 ~~e. Does not contract with a for-profit service provider~~  
828 ~~for management of school operations.~~

829 ~~5. The difference between the total administrative fee~~  
830 ~~calculation and the amount of the administrative fee withheld~~  
831 ~~pursuant to subparagraph 4. may be used for instructional and~~  
832 ~~administrative purposes as well as for capital outlay purposes~~  
833 ~~specified in s. 1013.62(3).~~

834 ~~6. For a high-performing charter school system that also~~  
835 ~~meets the requirements in subparagraph 4., a sponsor may~~  
836 ~~withhold a 2-percent administrative fee for enrollments up to~~  
837 ~~and including 500 students per system.~~

838 ~~7. Sponsors shall not charge charter schools any~~  
839 ~~additional fees or surcharges for administrative and educational~~  
840 ~~services in addition to the maximum 5-percent administrative fee~~  
841 ~~withheld pursuant to this paragraph.~~

842 ~~8. The sponsor of a virtual charter school may withhold a~~  
843 ~~fee of up to 5 percent. The funds shall be used to cover the~~  
844 ~~cost of services provided under subparagraph 1. and~~  
845 ~~implementation of the school district's digital classrooms plan~~  
846 ~~pursuant to s. 1011.62.~~

847 (b) If goods and services are made available to the  
848 charter school through the contract with the school district,  
849 they shall be provided to the charter school at a rate no  
850 greater than the district's actual cost unless mutually agreed



851 upon by the charter school and the sponsor in a contract  
852 negotiated separately from the charter. When mediation has  
853 failed to resolve disputes over contracted services or  
854 contractual matters not included in the charter, an appeal may  
855 be made for a dispute resolution hearing before the Charter  
856 School Appeal Commission. To maximize the use of state funds,  
857 school districts shall allow charter schools to participate in  
858 the sponsor's bulk purchasing program if applicable.

859 (c) Transportation of charter school students shall be  
860 provided by the charter school consistent with the requirements  
861 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
862 body of the charter school may provide transportation through an  
863 agreement or contract with the district school board, a private  
864 provider, or parents. The charter school and the sponsor shall  
865 cooperate in making arrangements that ensure that transportation  
866 is not a barrier to equal access for all students residing  
867 within a reasonable distance of the charter school as determined  
868 in its charter.

869 (d) Each charter school shall annually complete and submit  
870 a survey, provided in a format specified by the Department of  
871 Education, to rate the timeliness and quality of services  
872 provided by the district in accordance with this section. The  
873 department shall compile the results, by district, and include  
874 the results in the report required under sub-sub-subparagraph  
875 (5) (b) 1.k. (III).



876 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

877 (a) The Department of Education shall provide information  
878 to the public, directly and through sponsors, on how to form and  
879 operate a charter school and how to enroll in a charter school  
880 once it is created. This information shall include the standard  
881 ~~a model~~ application form, standard charter contract, standard  
882 evaluation instrument, and standard charter renewal contract,  
883 which shall include the information specified in subsection (7)  
884 and shall be developed by consulting and negotiating with both  
885 school districts and charter schools before implementation. The  
886 charter and charter renewal contracts shall be used by charter  
887 school sponsors.

888 (b)1. The Department of Education shall report to each  
889 charter school receiving a school grade pursuant to s. 1008.34  
890 or a school improvement rating pursuant to s. 1008.341 the  
891 school's student assessment data.

892 2. The charter school shall report the information in  
893 subparagraph 1. to each parent of a student at the charter  
894 school, the parent of a child on a waiting list for the charter  
895 school, the district in which the charter school is located, and  
896 the governing board of the charter school. This paragraph does  
897 not abrogate the provisions of s. 1002.22, relating to student  
898 records, or the requirements of 20 U.S.C. s. 1232g, the Family  
899 Educational Rights and Privacy Act.

900 ~~3.a. Pursuant to this paragraph, the Department of~~



901 ~~Education shall compare the charter school student performance~~  
902 ~~data for each charter school in subparagraph 1. with the student~~  
903 ~~performance data in traditional public schools in the district~~  
904 ~~in which the charter school is located and other charter schools~~  
905 ~~in the state. For alternative charter schools, the department~~  
906 ~~shall compare the student performance data described in this~~  
907 ~~paragraph with all alternative schools in the state. The~~  
908 ~~comparative data shall be provided by the following grade~~  
909 ~~groupings:~~

- 910 ~~(I) Grades 3 through 5;~~  
911 ~~(II) Grades 6 through 8; and~~  
912 ~~(III) Grades 9 through 11.~~

913 ~~b. Each charter school shall provide the information~~  
914 ~~specified in this paragraph on its Internet website and also~~  
915 ~~provide notice to the public at large in a manner provided by~~  
916 ~~the rules of the State Board of Education. The State Board of~~  
917 ~~Education shall adopt rules to administer the notice~~  
918 ~~requirements of this subparagraph pursuant to ss. 120.536(1) and~~  
919 ~~120.54. The website shall include, through links or actual~~  
920 ~~content, other information related to school performance.~~

921 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
922 SCHOOL SYSTEMS.—

923 (a) A charter school system's governing board shall be  
924 designated a local educational agency for the purpose of  
925 receiving federal funds, the same as though the charter school



926 system were a school district, if the governing board of the  
927 charter school system has adopted and filed a resolution with  
928 its sponsoring district school board and the Department of  
929 Education in which the governing board of the charter school  
930 system accepts the full responsibility for all local education  
931 agency requirements and the charter school system meets all of  
932 the following:

933 ~~(a) Includes both conversion charter schools and~~  
934 ~~nonconversion charter schools;~~

935 1.(b) Has all schools located in the same county;

936 2.(e) Has a total enrollment exceeding the total  
937 enrollment of at least one school district in the state; and

938 3.(d) Has the same governing board. ~~;~~ and

939 (b) A charter school system's governing board may be  
940 designated a local educational agency for the purpose of  
941 receiving federal funds for all schools within a school district  
942 that are established pursuant to s. 1008.33 and are under the  
943 jurisdiction of the governing board. The governing board must  
944 adopt and file a resolution with its sponsoring district school  
945 board and the Department of Education and accept full  
946 responsibility for all local educational agency requirements.

947 ~~(c) Does not contract with a for-profit service provider~~  
948 ~~for management of school operations.~~

949  
950 Such designation does not apply to other provisions unless



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951 specifically provided in law.

952 (28) RULEMAKING.—The Department of Education, after  
953 consultation with school districts and charter school directors,  
954 shall recommend that the State Board of Education adopt rules to  
955 implement specific subsections of this section. Such rules shall  
956 require minimum paperwork and shall not limit charter school  
957 flexibility authorized by statute. The State Board of Education  
958 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
959 implement a standard charter ~~model~~ application form, standard  
960 application form for the replication of charter schools in a  
961 high-performing charter school system, standard evaluation  
962 instrument, and standard charter and charter renewal contracts  
963 in accordance with this section.

964 Section 2. Paragraph (b) of subsection (2) of section  
965 1002.3305, Florida Statutes, is amended to read:

966 1002.3305 College-preparatory Boarding Academy Pilot  
967 Program for at-risk students.—

968 (2) DEFINITIONS.—As used in this section, the term:

969 (b) "Eligible student" means a student who is a resident  
970 of the state and entitled to attend school in a participating  
971 school district, is at risk of academic failure, is currently  
972 enrolled in grades 5-12, if it is determined by the operator  
973 that a seat is available ~~grade 5 or 6~~, is from a family whose  
974 gross income is at or below 200 percent of the federal poverty  
975 guidelines, is eligible for benefits or services funded by



976 Temporary Assistance for Needy Families (TANF) or Title IV-E of  
977 the Social Security Act, and meets at least one of the following  
978 additional risk factors:

979 1. The child is in foster care or has been declared an  
980 adjudicated dependent by a court.

981 2. The student's head of household is not the student's  
982 custodial parent.

983 3. The student resides in a household that receives a  
984 housing voucher or has been determined eligible for public  
985 housing assistance.

986 4. A member of the student's immediate family has been  
987 incarcerated.

988 5. The child is covered under the terms of the state's  
989 Child Welfare Waiver Demonstration project with the United  
990 States Department of Health and Human Services.

991 Section 3. Subsection (3) of section 1002.331, Florida  
992 Statutes, is amended to read:

993 1002.331 High-performing charter schools.—

994 (3) (a) 1. A high-performing charter school may submit an  
995 application pursuant to s. 1002.33(6) in any school district in  
996 the state to establish and operate a new charter school that  
997 will substantially replicate its educational program. An  
998 application submitted by a high-performing charter school must  
999 state that the application is being submitted pursuant to this  
1000 paragraph and must include the verification letter provided by





1001 the Commissioner of Education pursuant to subsection (4).

1002 2. If the sponsor fails to act on the application within  
1003 90 ~~60~~ days after receipt, the application is deemed approved and  
1004 the procedure in s. 1002.33(7) ~~1002.33(6)(h)~~ applies. ~~If the~~  
1005 ~~sponsor denies the application, the high-performing charter~~  
1006 ~~school may appeal pursuant to s. 1002.33(6).~~

1007 (b) A high-performing charter school may not establish  
1008 more than one charter school within the state under paragraph  
1009 (a) in any year. A subsequent application to establish a charter  
1010 school under paragraph (a) may not be submitted unless each  
1011 charter school established in this manner achieves high-  
1012 performing charter school status. However, a high-performing  
1013 charter school may establish more than one charter school within  
1014 the state under paragraph (a) in any year if it operates in the  
1015 area of a persistently low-performing school and serves students  
1016 from that school.

1017 Section 4. Paragraph (b) of subsection (2) of section  
1018 1002.332, Florida Statutes is amended, and paragraph (c) is  
1019 added to that subsection, to read:

1020 1002.332 High-performing charter school system.—

1021 (2) (b) A high-performing charter school system may  
1022 replicate its high-performing charter schools in any school  
1023 district in the state. The applicant must submit an application  
1024 using the standard application form prepared by the Department  
1025 of Education which:



1026 1. Contains goals and objectives for improving student  
1027 learning and a process for measuring student improvement. These  
1028 goals and objectives must indicate how much academic improvement  
1029 students are expected to demonstrate each year, how success will  
1030 be evaluated, and the specific results to be attained through  
1031 instruction.

1032 2. Contains an annual financial plan for each year  
1033 requested by the charter for operation of the school for up to 5  
1034 years. This plan must contain anticipated fund balances based on  
1035 revenue projections, a spending plan based on projected revenue  
1036 and expenses, and a description of controls that will safeguard  
1037 finances and projected enrollment trends.

1038 3. Discloses the name of each applicant, governing board  
1039 member, and all proposed education services providers; the name  
1040 and sponsor of any charter school operated by each applicant,  
1041 each governing board member, and each proposed education  
1042 services provider that has closed and the reasons for the  
1043 closure; and the academic and financial history of such charter  
1044 schools, which the sponsor shall consider when deciding whether  
1045 to approve or deny the application.

1046 (c) An application submitted by a high-performing charter  
1047 school system must state that the application is being submitted  
1048 pursuant to this section and must include the verification  
1049 letter provided by the Commissioner of Education pursuant to  
1050 this subsection. If the sponsor fails to act on the application



1051 within 90 days after receipt, the application is deemed approved  
1052 and the procedure in s. 1002.33(7) applies pursuant to s.  
1053 ~~1002.331(3).~~

1054 Section 5. Subsection (1) of section 1003.498, Florida  
1055 Statutes, is amended to read:

1056 1003.498 School district virtual course offerings.—

1057 (1) School districts may deliver courses in the  
1058 traditional school setting by personnel certified pursuant to s.  
1059 1012.55 who provide direct instruction through virtual  
1060 instruction or through blended learning courses consisting of  
1061 both traditional classroom and online instructional techniques.  
1062 Students in a blended learning course must be full-time students  
1063 of the school pursuant to s. 1011.61(1)(a)1. ~~and receive the~~  
1064 ~~online instruction in a classroom setting at the school.~~ The  
1065 funding, performance, and accountability requirements for  
1066 blended learning courses are the same as those for traditional  
1067 courses. To facilitate the delivery and coding of blended  
1068 learning courses, the department shall provide identifiers for  
1069 existing courses to designate that they are being used for  
1070 blended learning courses for the purpose of ensuring the  
1071 efficient reporting of such courses. A district may report full-  
1072 time equivalent student membership for credit earned by a  
1073 student who is enrolled in a virtual education course provided  
1074 by the district which is completed after the end of the regular  
1075 school year if the FTE is reported no later than the deadline



1076 | for amending the final student membership report for that year.

1077 |       Section 6. Subsection (5), paragraph (j) of subsection  
1078 | (6), and paragraph (a) of subsection (8) of section 1007.35,  
1079 | Florida Statutes, are amended to read:

1080 |       1007.35 Florida Partnership for Minority and  
1081 | Underrepresented Student Achievement.—

1082 |       (5) Each public high school, including, but not limited  
1083 | to, schools and alternative sites and centers of the Department  
1084 | of Juvenile Justice, shall provide for the administration of the  
1085 | Preliminary SAT/National Merit Scholarship Qualifying Test  
1086 | (PSAT/NMSQT), or the preliminary ACT Aspire to all enrolled 10th  
1087 | grade students. However, a written notice shall be provided to  
1088 | each parent which must ~~that shall~~ include the opportunity to  
1089 | exempt his or her child from taking the PSAT/NMSQT or the  
1090 | preliminary ACT ~~Aspire~~.

1091 |       (a) Test results will provide each high school with a  
1092 | database of student assessment data which certified school  
1093 | counselors will use to identify students who are prepared or who  
1094 | need additional work to be prepared to enroll and be successful  
1095 | in AP courses or other advanced high school courses.

1096 |       (b) Funding for the PSAT/NMSQT or the preliminary ACT  
1097 | ~~Aspire~~ for all 10th grade students shall be contingent upon  
1098 | annual funding in the General Appropriations Act.

1099 |       (c) Public school districts must choose either the  
1100 | PSAT/NMSQT or the preliminary ACT ~~Aspire~~ for districtwide



1101 administration.

1102 (6) The partnership shall:

1103 (j) Provide information to students, parents, teachers,  
1104 counselors, administrators, districts, Florida College System  
1105 institutions, and state universities regarding PSAT/NMSQT or the  
1106 preliminary ACT ~~Aspire~~ administration, including, but not  
1107 limited to:

1108 1. Test administration dates and times.

1109 2. That participation in the PSAT/NMSQT or the preliminary  
1110 ACT ~~Aspire~~ is open to all 10th grade students.

1111 3. The value of such tests in providing diagnostic  
1112 feedback on student skills.

1113 4. The value of student scores in predicting the  
1114 probability of success on AP or other advanced course  
1115 examinations.

1116 (8) (a) By September 30 of each year, the partnership shall  
1117 submit to the department a report that contains an evaluation of  
1118 the effectiveness of the delivered services and activities.  
1119 Activities and services must be evaluated on their effectiveness  
1120 at raising student achievement and increasing the number of AP  
1121 or other advanced course examinations in low-performing middle  
1122 and high schools. Other indicators that must be addressed in the  
1123 evaluation report include the number of middle and high school  
1124 teachers trained; the effectiveness of the training; measures of  
1125 postsecondary readiness of the students affected by the program;



1126 | levels of participation in 10th grade PSAT/NMSQT or the  
1127 | preliminary ACT ~~Aspire~~ testing; and measures of student, parent,  
1128 | and teacher awareness of and satisfaction with the services of  
1129 | the partnership.

1130 |       Section 7. Paragraph (d) of subsection (3) of section  
1131 | 1008.34, Florida Statutes, is amended to read:

1132 |       1008.34 School grading system; school report cards;  
1133 | district grade.—

1134 |       (3) DESIGNATION OF SCHOOL GRADES.—

1135 |       (d) The data ~~performance~~ of students attending alternative  
1136 | schools, ~~and~~ students designated as hospital or homebound, and  
1137 | students who transfer to a private school shall be factored into  
1138 | a school grade as follows:

1139 |       1. The student performance data for eligible students  
1140 | attending alternative schools that provide dropout prevention  
1141 | and academic intervention services pursuant to s. 1003.53 shall  
1142 | be included in the calculation of the home school's grade. The  
1143 | term "eligible students" in this subparagraph does not include  
1144 | students attending an alternative school who are subject to  
1145 | district school board policies for expulsion for repeated or  
1146 | serious offenses, who are in dropout retrieval programs serving  
1147 | students who have officially been designated as dropouts, or who  
1148 | are in programs operated or contracted by the Department of  
1149 | Juvenile Justice. As used in this subparagraph, the term "home  
1150 | school" means the school to which the student would be assigned



1151 if the student were not assigned to an alternative school. If an  
1152 alternative school chooses to be graded under this section,  
1153 student performance data for eligible students identified in  
1154 this subparagraph shall not be included in the home school's  
1155 grade but shall be included only in the calculation of the  
1156 alternative school's grade. A school district that fails to  
1157 assign statewide, standardized end-of-course assessment scores  
1158 of each of its students to his or her home school or to the  
1159 alternative school that receives a grade shall forfeit Florida  
1160 School Recognition Program funds for one fiscal year. School  
1161 districts must require collaboration between the home school and  
1162 the alternative school in order to promote student success. This  
1163 collaboration must include an annual discussion between the  
1164 principal of the alternative school and the principal of each  
1165 student's home school concerning the most appropriate school  
1166 assignment of the student.

1167 2. Student performance data for students designated as  
1168 hospital or homebound shall be assigned to their home school for  
1169 the purposes of school grades. As used in this subparagraph, the  
1170 term "home school" means the school to which a student would be  
1171 assigned if the student were not assigned to a hospital or  
1172 homebound program.

1173 3. A high school must include a student in its graduation  
1174 rate if the student transfers from the high school to a private  
1175 school with which the school district has a contractual



1176 | relationship.

1177 |       Section 8. Subsection (3) of section 1008.341, Florida  
1178 | Statutes, is amended to read:

1179 |       1008.341 School improvement rating for alternative  
1180 | schools.—

1181 |       (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student  
1182 | Learning Gains based on statewide, standardized assessments,  
1183 | including retakes, administered under s. 1008.22 for all  
1184 | eligible students who were assigned to and enrolled in the  
1185 | school during the October or February FTE count and who have  
1186 | assessment scores, concordant scores, or comparable scores for  
1187 | the preceding school year shall be used in determining an  
1188 | alternative school's school improvement rating. An alternative  
1189 | school's rating shall be based on the following components:

1190 |       (a) The percentage of eligible students who make Learning  
1191 | Gains in English Language Arts as measured by statewide,  
1192 | standardized assessments under s. 1008.22(3).

1193 |       (b) The percentage of eligible students who make Learning  
1194 | Gains in mathematics as measured by statewide, standardized  
1195 | assessments under s. 1008.22(3).

1196 |  
1197 | Student performance results of students who are subject to  
1198 | district school board policies for expulsion for repeated or  
1199 | serious offenses, who are in dropout retrieval programs serving  
1200 | students who have officially been designated as dropouts, or who





1201 are in programs operated or contracted by the Department of  
1202 Juvenile Justice may not be included in an alternative school's  
1203 school improvement rating.

1204 Section 9. Paragraph (i) of subsection (1) of section  
1205 1011.62, Florida Statutes, is amended to read:

1206 1011.62 Funds for operation of schools.—If the annual  
1207 allocation from the Florida Education Finance Program to each  
1208 district for operation of schools is not determined in the  
1209 annual appropriations act or the substantive bill implementing  
1210 the annual appropriations act, it shall be determined as  
1211 follows:

1212 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
1213 OPERATION.—The following procedure shall be followed in  
1214 determining the annual allocation to each district for  
1215 operation:

1216 (i) Calculation of full-time equivalent membership with  
1217 respect to dual enrollment instruction.—Students enrolled in  
1218 dual enrollment instruction pursuant to s. 1007.271 may be  
1219 included in calculations of full-time equivalent student  
1220 memberships for basic programs for grades 9 through 12 by a  
1221 district school board. Instructional time for dual enrollment  
1222 may vary from 900 hours; however, the full-time equivalent  
1223 student membership value shall be subject to the provisions in  
1224 s. 1011.61(4). Dual enrollment full-time equivalent student  
1225 membership shall be calculated in an amount equal to the hours



1226 of instruction that would be necessary to earn the full-time  
1227 equivalent student membership for an equivalent course if it  
1228 were taught in the school district. Students in dual enrollment  
1229 courses may also be calculated as the proportional shares of  
1230 full-time equivalent enrollments they generate for a Florida  
1231 College System institution or university conducting the dual  
1232 enrollment instruction. Early admission students shall be  
1233 considered dual enrollments for funding purposes. Students may  
1234 be enrolled in dual enrollment instruction provided by an  
1235 eligible independent college or university and may be included  
1236 in calculations of full-time equivalent student memberships for  
1237 basic programs for grades 9 through 12 by a district school  
1238 board. However, those provisions of law which exempt dual  
1239 enrolled and early admission students from payment of  
1240 instructional materials and tuition and fees, including  
1241 laboratory fees, shall not apply to students who select the  
1242 option of enrolling in an eligible independent institution. An  
1243 independent college or university, ~~which is located and~~  
1244 ~~chartered in Florida,~~ is not for profit, is accredited by a  
1245 regional or national accrediting agency recognized by the United  
1246 States Department of Education ~~the Commission on Colleges of the~~  
1247 ~~Southern Association of Colleges and Schools or the Accrediting~~  
1248 ~~Council for Independent Colleges and Schools,~~ and confers  
1249 degrees as defined in s. 1005.02 shall be eligible for inclusion  
1250 in the dual enrollment or early admission program. Students



1251 enrolled in dual enrollment instruction shall be exempt from the  
1252 payment of tuition and fees, including laboratory fees. No  
1253 student enrolled in college credit mathematics or English dual  
1254 enrollment instruction shall be funded as a dual enrollment  
1255 unless the student has successfully completed the relevant  
1256 section of the entry-level examination required pursuant to s.  
1257 1008.30.

1258 Section 10. Subsection (5) is added to section 1011.69,  
1259 Florida Statutes, to read:

1260 1011.69 Equity in School-Level Funding Act.—

1261 (5) To help meet the academic needs of economically  
1262 disadvantaged students, school districts shall provide Title I  
1263 funds directly to all eligible schools as provided in this  
1264 subsection. For purposes of this subsection, the term "eligible  
1265 school" means a school, including a charter school, that is  
1266 eligible to receive Title I funds. The threshold for identifying  
1267 eligible schools shall not exceed the statewide percentage of  
1268 economically disadvantaged students.

1269 (a) Before the allocation of Title I funds to eligible  
1270 schools, a school district may withhold funds only as follows:

- 1271 1. One percent for parent involvement;  
1272 2. A necessary and reasonable amount for administration,  
1273 not to exceed 8 percent; and  
1274 3. A reasonable and necessary amount to provide:  
1275 a. Homeless programs;



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1276 |       b. Delinquent and neglected programs; and  
1277 |       c. Private school equitable services.  
1278 |       (b) All remaining Title I funds shall be distributed to  
1279 | all eligible schools in accordance with federal law and  
1280 | regulations. An eligible school may use funds received under  
1281 | this subsection to participate in discretionary educational  
1282 | services provided by the school district.

1283 |       Section 11. This act shall take effect July 1, 2017.