

The Florida Senate  
**HOUSE MESSAGE SUMMARY**

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

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BILL: HB 7195 (CS/CS/CS/SB 1546)  
INTRODUCER: Rep. Stargel (Senator Thrasher)  
SUBJECT: School Choice  
DATE: May 4, 2011

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**I. Amendments Contained in Message:**

**House Amendment 1 – 828835** (body with title)

**II. Summary of Amendments Contained in Message:**

**House Amendment 1** addresses and provides for:

- **High-performing Charter Schools:** The minimum grade to qualify is two “A” grades in the last 3 years. Benefits include increased student enrollment annually by up to 15, rather than 25 percent, consolidation under 1 charter of high-performing schools operated in the same district by the same board regardless of renewal date, and charter modification to a 15-year term. Schools can replicate at the rate of one per year provided that replicant is high-performing, if a verification letter is provided from DOE. Applications not acted upon in 60 days are considered approved. This amendment does not authorize high-performing charter schools to, as benefits, offer VPK or receive first-year capital outlay funds. A school that gets a “C” or lower grade cannot increase enrollment or expand grades, and a “C” or less for 2 years enables a sponsor to modify the charter term and remove the high-performing status. Virtual charter schools are ineligible for high-performing status.
- **High-performing Charter School Systems:** To qualify, at least 50 percent of charter schools operated by an entity must have high-performing status, with no school graded at “D” or worse, unless the entity newly-assumed the school, in which case the school grade counts after 3 years. If an entity creates a new charter school that serves a student population of which the majority live in a lowest-performing public school zone, the minimum grade must be higher than the public school after 3 years. Systems are authorized to replicate a new school at the rate of 1 a year.
- **Denial of Charter School Applications:** Applications submitted by a high-performing charter school, or a system, can only be denied if the sponsor shows under a clear and convincing, rather than a good cause, standard, that the applicant failed to materially comply with the law, the new program does not substantially replicate that of the applicant, or the applicant has made material misrepresentations or an omission. An applicant may appeal to the DOE, which has 90 days to remand the case to the sponsor with its binding decision. The decision is not subject to ch. 120, F.S.
- **Charter Terminations:** This amendment maintains the 90-day notice requirement and extends the timeline for initial hearing from 30 to 60 days. The sponsor elects either a direct

hearing before the sponsor in accordance with ch. 120, F.S., or an administrative law judge-presided hearing. A sponsor decision represents the final order. Notice of appeal is filed directly in the DCA. The good cause showing is replaced with written grounds indicating immediate and serious danger. Final order must be issued in 60, rather than 45, days.

- **In-district Residency**: Charter school governing bodies are required to appoint a parental involvement representative that lives in the district and this excuses the requirement that governing board members live in the district. Governing board must publicly meet at least twice a year with the representative and principal or director physically present.
- **Enrollment Preference**: The enrollment preference authorized for charter schools is expanded to include children who have successfully completed VPK provided by the charter school or its governing board.
- **Study**: DOE, rather than OPPAGA, is required to conduct the study. This amendment additionally requires an examination of the impact of removing discretion in the distribution of capital improvement millage to charter schools-in-a-municipality.
- **Issues Only Addressed in House Version**: The prohibition is expanded on the adoption of local building requirements by identifying parking and site-size criteria as site-development restrictions, and provides that as of July 1, 2011, charter schools must receive treatment equitable to other public schools. Regarding charter schools that share space, prohibits transfer of enrolled students to other charter schools without written parental consent. When the school leaves a shared space, it must provide for an audit of all inventory bought with federal funds, and for inventory transfer to the new location. A charter school system is designated as a Local Educational Agency (LEA) for the purpose of receiving federal funds, provided that a system accepts responsibility, in writing, for LEA requirements and meets certain conditions.