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LEGISLATIVE ACTION

Senate	.	House
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Floor: 2/AD/2R	.	Floor: SENA2/C
04/30/2013 03:26 PM	.	05/02/2013 11:11 AM
	.	

Senator Legg moved the following:

Senate Amendment (with title amendment)

Delete lines 635 - 1068

and insert:

Section 1. Paragraphs (g) and (n) of subsection (9), paragraph (i) of subsection (10), paragraph (a) of subsection (21), and subsection (27) of section 1002.33, Florida Statutes, are amended, paragraphs (o) and (p) are added to subsection (9) of that section, paragraph (c) is added to subsection (16) of that section, and paragraph (c) is added to subsection (26) of that section, to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—



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14 (g) 1. In order to provide financial information that is
15 comparable to that reported for other public schools, charter
16 schools are to maintain all financial records that constitute
17 their accounting system:

18 ~~a.1.~~ In accordance with the accounts and codes prescribed
19 in the most recent issuance of the publication titled "Financial
20 and Program Cost Accounting and Reporting for Florida Schools";
21 or

22 ~~b.2.~~ At the discretion of the charter school's governing
23 board, a charter school may elect to follow generally accepted
24 accounting standards for not-for-profit organizations, but must
25 reformat this information for reporting according to this
26 paragraph.

27 2. Charter schools shall provide annual financial report
28 and program cost report information in the state-required
29 formats for inclusion in district reporting in compliance with
30 s. 1011.60(1). Charter schools that are operated by a
31 municipality or are a component unit of a parent nonprofit
32 organization may use the accounting system of the municipality
33 or the parent but must reformat this information for reporting
34 according to this paragraph.

35 3. A charter school shall provide the sponsor with a
36 concise, uniform, monthly financial statement summary sheet that
37 contains a balance sheet and a statement of revenue,
38 expenditures, and changes in fund balance. The balance sheet and
39 the statement of revenue, expenditures, and changes in fund
40 balance shall be in the governmental funds format prescribed by
41 the Governmental Accounting Standards Board. A charter school
42 ~~shall provide a monthly financial statement to the sponsor~~



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43 ~~unless the charter school is designated as~~ A high-performing
44 ~~charter school pursuant to s. 1002.331, in which case the high-~~
45 ~~performing charter school~~ may provide a quarterly financial
46 statement in the same format and requirements as the uniform
47 monthly financial statement summary sheet. ~~The financial~~
48 ~~statement required under this paragraph shall be in a form~~
49 ~~prescribed by the Department of Education.~~

50 4. A charter school shall maintain and provide financial
51 information as required in this paragraph. The financial
52 statement required in subparagraph 3. must be in a form
53 prescribed by the Department of Education.

54 (n)1. The director and a representative of the governing
55 board of a charter school that has earned a grade of "D" or "F"
56 pursuant to s. 1008.34(2) shall appear before the sponsor to
57 present information concerning each contract component having
58 noted deficiencies. The director and a representative of the
59 governing board shall submit to the sponsor for approval a
60 school improvement plan to raise student achievement. Upon
61 approval by the sponsor, the charter school shall begin
62 implementation of the school improvement plan. The department
63 shall offer technical assistance and training to the charter
64 school and its governing board and establish guidelines for
65 developing, submitting, and approving such plans.

66 2.a. If a charter school earns three consecutive grades of
67 "D," two consecutive grades of "D" followed by a grade of "F,"
68 or two nonconsecutive grades of "F" within a 3-year period, the
69 charter school governing board shall choose one of the following
70 corrective actions:

71 (I) Contract for educational services to be provided



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72 directly to students, instructional personnel, and school
73 administrators, as prescribed in state board rule;

74 (II) Contract with an outside entity that has a
75 demonstrated record of effectiveness to operate the school;

76 (III) Reorganize the school under a new director or
77 principal who is authorized to hire new staff; or

78 (IV) Voluntarily close the charter school.

79 b. The charter school must implement the corrective action
80 in the school year following receipt of a third consecutive
81 grade of "D," a grade of "F" following two consecutive grades of
82 "D," or a second nonconsecutive grade of "F" within a 3-year
83 period.

84 c. The sponsor may annually waive a corrective action if it
85 determines that the charter school is likely to improve a letter
86 grade if additional time is provided to implement the
87 intervention and support strategies prescribed by the school
88 improvement plan. Notwithstanding this sub-subparagraph, a
89 charter school that earns a second consecutive grade of "F" is
90 subject to subparagraph 4.

91 d. A charter school is no longer required to implement a
92 corrective action if it improves by at least one letter grade.
93 However, the charter school must continue to implement
94 strategies identified in the school improvement plan. The
95 sponsor must annually review implementation of the school
96 improvement plan to monitor the school's continued improvement
97 pursuant to subparagraph 5.

98 e. A charter school implementing a corrective action that
99 does not improve by at least one letter grade after 2 full
100 school years of implementing the corrective action must select a



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101 different corrective action. Implementation of the new
102 corrective action must begin in the school year following the
103 implementation period of the existing corrective action, unless
104 the sponsor determines that the charter school is likely to
105 improve a letter grade if additional time is provided to
106 implement the existing corrective action. Notwithstanding this
107 sub-subparagraph, a charter school that earns a second
108 consecutive grade of "F" while implementing a corrective action
109 is subject to subparagraph 4.

110 3. A charter school with a grade of "D" or "F" that
111 improves by at least one letter grade must continue to implement
112 the strategies identified in the school improvement plan. The
113 sponsor must annually review implementation of the school
114 improvement plan to monitor the school's continued improvement
115 pursuant to subparagraph 5.

116 4. The sponsor shall terminate a charter if the charter
117 school earns two consecutive grades of "F" unless:

118 a. The charter school is established to turn around the
119 performance of a district public school pursuant to s.
120 1008.33(4)(b)3. Such charter schools shall be governed by s.
121 1008.33;

122 b. The charter school serves a student population the
123 majority of which resides in a school zone served by a district
124 public school that earned a grade of "F" in the year before the
125 charter school opened and the charter school earns at least a
126 grade of "D" in its third year of operation. The exception
127 provided under this sub-subparagraph does not apply to a charter
128 school in its fourth year of operation and thereafter; or

129 c. The state board grants the charter school a waiver of



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130 termination. The charter school must request the waiver within
131 15 ~~30~~ days after the department's official release ~~completion~~ of
132 school grades ~~grade~~ appeals. The state board may waive
133 termination if the charter school demonstrates that the learning
134 gains of its students on statewide assessments are comparable to
135 or better than the learning gains of similarly situated students
136 enrolled in nearby district public schools. The waiver is valid
137 for 1 year and may only be granted once. Charter schools that
138 have been in operation for more than 5 years are not eligible
139 for a waiver under this sub-subparagraph.

140 5. The director and a representative of the governing board
141 of a graded charter school that has implemented a school
142 improvement plan under this paragraph shall appear before the
143 sponsor at least once a year to present information regarding
144 the progress of intervention and support strategies implemented
145 by the school pursuant to the school improvement plan and
146 corrective actions, if applicable. The sponsor shall communicate
147 at the meeting, and in writing to the director, the services
148 provided to the school to help the school address its
149 deficiencies.

150 6. Notwithstanding any provision of this paragraph except
151 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
152 at any time pursuant to subsection (8).

153 (o)1. Upon initial notification of nonrenewal, closure, or
154 termination of its charter, a charter school may not expend more
155 than \$10,000 per expenditure without prior written approval from
156 the sponsor unless such expenditure was included within the
157 annual budget submitted to the sponsor pursuant to the charter
158 contract, is for reasonable attorney fees and costs during the



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159 pendency of any appeal, or is for reasonable fees and costs to
160 conduct an independent audit.

161 2. An independent audit shall be completed within 30 days
162 after notice of nonrenewal, closure, or termination to account
163 for all public funds and assets.

164 3. A provision in a charter contract that contains an
165 acceleration clause requiring the expenditure of funds based
166 upon closure or upon notification of nonrenewal or termination
167 is void and unenforceable.

168 4. A charter school may not enter into a contract with an
169 employee that exceeds the term of the school's charter contract
170 with its sponsor.

171 5. A violation of this paragraph triggers a reversion or
172 clawback power by the sponsor allowing for collection of an
173 amount equal to or less than the accelerated amount that exceeds
174 normal expenditures. The reversion or clawback plus legal fees
175 and costs shall be levied against the person or entity receiving
176 the accelerated amount.

177 (p) Each charter school shall maintain a website that
178 enables the public to obtain information regarding the school;
179 the school's academic performance; the names of the governing
180 board members; the programs at the school; any management
181 companies, service providers, or education management
182 corporations associated with the school; the school's annual
183 budget and its annual independent fiscal audit; the school's
184 grade pursuant to s. 1008.34; and, on a quarterly basis, the
185 minutes of governing board meetings.

186 (10) ELIGIBLE STUDENTS.—

187 (i) The capacity of a high-performing charter school



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188 identified pursuant to s. 1002.331 shall be determined annually
189 by the governing board of the charter school. The governing
190 board shall notify the sponsor of any increase in enrollment by
191 March 1 of the school year preceding the increase. A sponsor may
192 not require a charter school to identify the names of students
193 to be enrolled or to enroll those students before the start of
194 the school year as a condition of approval or renewal of a
195 charter.

196 (16) EXEMPTION FROM STATUTES.—

197 (c) For purposes of subparagraphs (b)4.-7.:

198 1. The duties assigned to a district school superintendent
199 apply to charter school administrative personnel, as defined in
200 s. 1012.01(3) (a) and (b), and the charter school governing board
201 shall designate at least one administrative person to be
202 responsible for such duties.

203 2. The duties assigned to a district school board apply to
204 a charter school governing board.

205 3. A charter school may hire instructional personnel and
206 other employees on an at-will basis.

207 4. Notwithstanding any provision to the contrary,
208 instructional personnel and other employees on contract may be
209 suspended or dismissed any time during the term of the contract
210 without cause.

211 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

212 (a) The Department of Education shall provide information
213 to the public, directly and through sponsors, on how to form and
214 operate a charter school and how to enroll in a charter school
215 once it is created. This information shall include a model
216 standard application form format, standard charter contract



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217 ~~format~~, standard evaluation instrument, and standard charter
218 renewal contract ~~format~~, which shall include the information
219 specified in subsection (7) and shall be developed by consulting
220 and negotiating with both school districts and charter schools
221 before implementation. The charter and charter renewal contracts
222 ~~formats~~ shall be used by charter school sponsors.

223 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

224 (c) An employee of the charter school, or his or her
225 spouse, or an employee of a charter management organization, or
226 his or her spouse, may not be a member of the governing board of
227 the charter school.

228 (27) RULEMAKING.—The Department of Education, after
229 consultation with school districts and charter school directors,
230 shall recommend that the State Board of Education adopt rules to
231 implement specific subsections of this section. Such rules shall
232 require minimum paperwork and shall not limit charter school
233 flexibility authorized by statute. The State Board of Education
234 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
235 implement a charter model application form, standard evaluation
236 instrument, and standard charter and charter renewal contracts
237 ~~formats~~ in accordance with this section.

238 Section 2. Subsections (2) and (5) of section 1002.331,
239 Florida Statutes, are amended to read:

240 1002.331 High-performing charter schools.—

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

242 (a) Increase its student enrollment once per school year ~~by~~
243 ~~up to 15 percent~~ more than the capacity identified in the
244 charter, but student enrollment may not exceed the current
245 facility capacity.



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246 (b) Expand grade levels within kindergarten through grade
247 12 to add grade levels not already served if any annual
248 enrollment increase resulting from grade level expansion is
249 within the limit established in paragraph (a).

250 (c) Submit a quarterly, rather than a monthly, financial
251 statement to the sponsor pursuant to s. 1002.33(9)(g).

252 (d) Consolidate under a single charter the charters of
253 multiple high-performing charter schools operated in the same
254 school district by the charter schools' governing board
255 regardless of the renewal cycle.

256 (e) Receive a modification of its charter to a term of 15
257 years or a 15-year charter renewal. The charter may be modified
258 or renewed for a shorter term at the option of the high-
259 performing charter school. The charter must be consistent with
260 s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual
261 review by the sponsor, and may be terminated during its term
262 pursuant to s. 1002.33(8).

263
264 A high-performing charter school shall notify its sponsor in
265 writing by March 1 if it intends to increase enrollment or
266 expand grade levels the following school year. The written
267 notice shall specify the amount of the enrollment increase and
268 the grade levels that will be added, as applicable. If a charter
269 school notifies the sponsor of its intent to expand, the sponsor
270 shall modify the charter within 90 days to include the new
271 enrollment maximum and may not make any other changes. The
272 sponsor may deny a request to increase the enrollment of a high-
273 performing charter school if the commissioner has declassified
274 the charter school as high-performing. If a high-performing



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275 charter school requests to consolidate multiple charters, the
276 sponsor shall have 40 days after receipt of that request to
277 provide an initial draft charter to the charter school. The
278 sponsor and charter school shall have 50 days thereafter to
279 negotiate and notice the charter contract for final approval by
280 the sponsor.

281 (5) The Commissioner of Education, upon request by a
282 charter school, shall verify that the charter school meets the
283 criteria in subsection (1) and provide a letter to the charter
284 school and the sponsor stating that the charter school is a
285 high-performing charter school pursuant to this section. The
286 commissioner shall annually determine whether a high-performing
287 charter school under subsection (1) continues to meet the
288 criteria in that subsection. Such high-performing charter school
289 shall maintain its high-performing status unless the
290 commissioner determines that the charter school no longer meets
291 the criteria in subsection (1), at which time the commissioner
292 shall send a letter providing notification of its
293 declassification as a high-performing charter school.

294 Section 3. Paragraph (b) of subsection (1) and paragraph
295 (a) of subsection (2) of section 1002.332, Florida Statutes, are
296 amended to read:

297 1002.332 High-performing charter school system.-

298 (1) For purposes of this section, the term:

299 (b) "High-performing charter school system" means an entity
300 that:

301 1. Operated ~~Operates~~ at least three high-performing charter
302 schools in the state during each of the previous 3 school years;

303 2. Operated ~~Operates~~ a system of charter schools in which



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304 at least 50 percent of the charter schools were ~~are~~ high-
305 performing charter schools pursuant to s. 1002.331 and no
306 charter school earned a school grade of "D" or "F" pursuant to
307 s. 1008.34 in any of the previous 3 school years regardless of
308 whether the entity currently operates the charter school, except
309 that:

310 a. If the entity ~~has~~ assumed operation of a public school
311 pursuant to s. 1008.33(4)(b)3. with a school grade of "F," that
312 school's grade may not be considered in determining high-
313 performing charter school system status for a period of 3 years.

314 b. If the entity established ~~establishes~~ a new charter
315 school that served ~~serves~~ a student population the majority of
316 which resided ~~resides~~ in a school zone served by a public school
317 that earned a grade of "F" or three consecutive grades of "D"
318 pursuant to s. 1008.34, that charter school's grade may not be
319 considered in determining high-performing charter school system
320 status if it attained ~~attains~~ and maintained ~~maintains~~ a school
321 grade that was ~~is~~ higher than that of the public school serving
322 that school zone within 3 years after establishment; and

323 3. Did ~~Has~~ not receive ~~received~~ a financial audit that
324 revealed one or more of the financial emergency conditions set
325 forth in s. 218.503(1) for any charter school assumed or
326 established by the entity in the most recent 3 fiscal years for
327 which such audits are available.

328 (2) (a) The Commissioner of Education, ~~upon request by an~~
329 ~~entity~~, shall verify all charter schools served by an entity and
330 verify that the entity meets the criteria in this section
331 ~~subsection (1)~~ for the previous ~~prior~~ school year and provide a
332 letter to the entity stating that it is a high-performing



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333 charter school system.

334 1. As part of the commissioner's verification, the entity
335 shall identify all charter schools in this state which the
336 entity has operated or provided services for the previous 3
337 years, regardless of whether the entity currently operates or
338 provides services for the charter school. For all such charter
339 schools that the entity no longer operates, the entity shall
340 identify the reasons the entity terminated the operation or
341 services or grounds stated by the charter school's governing
342 board in terminating the operation or services of the entity.

343 2. The commissioner shall annually determine whether a
344 high-performing charter school system continues to meet the
345 criteria in this section. A high-performing charter school
346 system shall maintain its high-performing status unless the
347 commissioner determines that the charter school system no longer
348 meets the criteria in this section, at which time the
349 commissioner shall send a letter providing notification of its
350 declassification as a high-performing charter school system.

351
352 ===== T I T L E A M E N D M E N T =====

353 And the title is amended as follows:

354 Delete lines 26 - 60

355 and insert:

356 charter renewals and terminations; modifying charter
357 school requirements for financial records; imposing
358 rules that follow the closing of a charter school or
359 termination of a charter; requiring a charter school
360 to maintain a public website with certain information;
361 providing that certain district school duties also



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362 apply to charter schools; restricting the membership
363 of a charter school governing board; amending s.
364 1002.331, F.S.; modifying a limitation for increasing
365 student enrollment; providing that the sponsor may
366 deny a request to increase enrollment under certain
367 circumstances; establishing timeframes for a charter
368 school requesting that multiple charters be
369 consolidated; requiring the Commissioner of Education
370 to annually review a high-performing charter school's
371 eligibility for high-performing status; authorizing
372 declassification as a high-performing charter school;
373 amending s. 1002.332, F.S.; revising requirements for
374 classification as a high-performing charter school
375 system; requiring the commissioner to annually review
376 a high-performing charter school system's eligibility
377 for high-performing status; authorizing
378 declassification as a high-performing charter school
379 system; requiring