

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; requiring policies agreed to by the
4 sponsor and charter school to be incorporated into the
5 charter contract; authorizing a charter school
6 operated by a Florida College System institution to
7 serve students in kindergarten through grade 12 if
8 certain criteria are met; prohibiting the governing
9 board or other related entity of a charter school
10 subject to a corrective action plan or financial
11 recovery plan from applying to open an additional
12 charter school; providing disclosure requirements;
13 revising provisions relating to the timely submission
14 of charter school applications; providing requirements
15 relating to the appeal of a denied application
16 submitted by a high-performing charter school;
17 requiring the use of a standard charter contract;
18 reducing the amount of time for negotiation of a
19 charter; revising provisions relating to the issuance
20 of a final order in contract dispute cases; providing
21 a restriction relating to a required certificate of
22 occupancy; authorizing the consolidation of multiple
23 charters into a single charter in certain
24 circumstances; establishing student academic
25 achievement as a priority in determining charter
26 renewals and terminations; revising the timeline for
27 charter schools to submit waiver of termination
28 requests to the Department of Education; restricting

29 | expenditures upon nonrenewal or termination of a
30 | charter school; requiring a charter school to maintain
31 | specified information on a website; revising
32 | provisions relating to determination of a charter
33 | school's student enrollment; revising provisions
34 | requiring charter school compliance with statutes
35 | relating to education personnel compensation,
36 | contracts, and performance evaluations and workforce
37 | reductions; providing requirements for the
38 | reimbursement of federal funds to charter schools;
39 | requiring that certain unused school district
40 | facilities be made available to charter schools on the
41 | same basis as they are made available to other public
42 | schools in the district; restricting capital outlay
43 | funding; requiring the use of standard charter and
44 | charter renewal contracts and a standard evaluation
45 | instrument; providing restrictions on the membership
46 | of a governing board; amending s. 1002.331, F.S.;
47 | revising criteria for classification as a high-
48 | performing charter school; providing requirements for
49 | modification of the charter of a high-performing
50 | charter school; requiring the Commissioner of
51 | Education to annually review a high-performing charter
52 | school's eligibility for high-performing status;
53 | authorizing declassification as a high-performing
54 | charter school; amending s. 1002.332, F.S.; revising
55 | requirements for classification as a high-performing
56 | charter school system; authorizing an entity operating

57 outside the state to obtain high-performing charter
 58 school system status under certain circumstances;
 59 requiring the commissioner to annually review a high-
 60 performing charter school system's eligibility for
 61 high-performing status; authorizing declassification
 62 as a high-performing charter school system; providing
 63 an effective date.

64

65 Be It Enacted by the Legislature of the State of Florida:

66

67 Section 1. Paragraph (b) of subsection (5), paragraphs
 68 (a), (b), (c), (d), and (h) of subsection (6), paragraphs (a)
 69 and (c) of subsection (7), paragraph (a) of subsection (8),
 70 paragraph (n) of subsection (9), paragraphs (b), (h), and (i) of
 71 subsection (10), paragraph (b) of subsection (16), paragraph (c)
 72 of subsection (17), paragraph (e) of subsection (18), paragraph
 73 (a) of subsection (21), and subsection (27) of section 1002.33,
 74 Florida Statutes, are amended, and paragraphs (o) and (p) are
 75 added to subsection (9) and paragraph (c) is added to subsection
 76 (26) of that section, to read:

77 1002.33 Charter schools.—

78 (5) SPONSOR; DUTIES.—

79 (b) Sponsor duties.—

80 1.a. The sponsor shall monitor and review the charter
 81 school in its progress toward the goals established in the
 82 charter.

83 b. The sponsor shall monitor the revenues and expenditures
 84 of the charter school and perform the duties provided in s.

85 1002.345.

86 c. The sponsor may approve a charter for a charter school
87 before the applicant has identified space, equipment, or
88 personnel, if the applicant indicates approval is necessary for
89 it to raise working funds.

90 d. The sponsor ~~sponsor's policies~~ shall not apply policies
91 to a charter school unless mutually agreed to by both the
92 sponsor and the charter school. Each policy agreed to by the
93 sponsor and the charter school must be incorporated into the
94 final charter contract. If the sponsor subsequently amends any
95 policy that affects charter schools, the sponsor and the charter
96 school must mutually agree to the newly revised policy and
97 incorporate the agreed-to terms into the contract through the
98 contract amendment process. The sponsor may not hold the charter
99 school responsible for any provision of a newly revised policy
100 until the policy is mutually agreed to and adopted through the
101 amendment process.

102 e. The sponsor shall ensure that the charter is innovative
103 and consistent with the state education goals established by s.
104 1000.03(5).

105 f. The sponsor shall ensure that the charter school
106 participates in the state's education accountability system. If
107 a charter school falls short of performance measures included in
108 the approved charter, the sponsor shall report such shortcomings
109 to the Department of Education.

110 g. The sponsor shall not be liable for civil damages under
111 state law for personal injury, property damage, or death
112 resulting from an act or omission of an officer, employee,

113 agent, or governing board ~~body~~ of the charter school.

114 h. The sponsor shall not be liable for civil damages under
115 state law for any employment actions taken by an officer,
116 employee, agent, or governing board ~~body~~ of the charter school.

117 i. The sponsor's duties to monitor the charter school
118 shall not constitute the basis for a private cause of action.

119 j. The sponsor shall not impose additional reporting
120 requirements on a charter school without providing reasonable
121 and specific justification in writing to the charter school.

122 2. Immunity for the sponsor of a charter school under
123 subparagraph 1. applies only with respect to acts or omissions
124 not under the sponsor's direct authority as described in this
125 section.

126 3. This paragraph does not waive a district school board's
127 sovereign immunity.

128 4. A Florida College System institution may work with the
129 school district or school districts in its designated service
130 area to develop charter schools that offer secondary education.
131 These charter schools must include an option for students to
132 receive an associate degree upon high school graduation. If a
133 Florida College System institution operates an approved teacher
134 preparation program under s. 1004.04 or s. 1004.85, the
135 institution may operate no more than one charter school that
136 serves students in kindergarten through grade 12. In
137 kindergarten through grade 8, the charter school shall implement
138 innovative blended learning instructional models in which, for a
139 given course, a student learns in part through online delivery
140 of content and instruction with some element of student control

141 over time, place, path, or pace and in part at a supervised
142 brick-and-mortar location away from home. A student in a blended
143 learning course must be a full-time student of the charter
144 school and receive the online instruction in a classroom setting
145 at the charter school. District school boards shall cooperate
146 with and assist the Florida College System institution on the
147 charter application. Florida College System institution
148 applications for charter schools are not subject to the time
149 deadlines outlined in subsection (6) and may be approved by the
150 district school board at any time during the year. Florida
151 College System institutions may not report FTE for any students
152 who receive FTE funding through the Florida Education Finance
153 Program.

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

156 (a) A person or entity that wants ~~wishing~~ to open a
157 charter school shall prepare and submit an application on the ~~a~~
158 model application form prepared by the Department of Education
159 which:

160 1. Demonstrates how the school will use the guiding
161 principles and meet the statutorily defined purpose of a charter
162 school.

163 2. Provides a detailed curriculum plan that illustrates
164 how students will be provided instruction on ~~services to attain~~
165 the Next Generation Sunshine State Standards.

166 3. Contains goals and objectives for improving student
167 learning and measuring that improvement. These goals and
168 objectives must indicate how much academic improvement students

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

171 4. Describes the reading curriculum and differentiated
172 strategies that will be used for students reading at grade level
173 or higher and a separate curriculum and strategies for students
174 who are reading below grade level. A sponsor shall deny a
175 charter if the school does not propose a reading curriculum that
176 is consistent with effective teaching strategies that are
177 grounded in scientifically based reading research.

178 5. Contains an annual financial plan for each year that
179 the applicant intends to operate ~~requested by the charter for~~
180 ~~operation of~~ the school for up to 5 years. This plan must
181 contain anticipated fund balances based on revenue projections,
182 a spending plan based on projected revenues and expenses, and a
183 description of controls that will safeguard finances and
184 projected enrollment trends.

185 6. Discloses whether the applicant was a member of a
186 charter school governing board or was a person with
187 decisionmaking authority for a charter school that was subject
188 to corrective action pursuant to subparagraph (9)(n)2., a
189 corrective action plan pursuant to s. 1002.345(1)(c), or a
190 financial recovery plan pursuant to s. 1002.345(2)(a). The
191 applicant must include a detailed explanation of the
192 circumstances requiring a corrective action plan or financial
193 recovery plan and the resolution of the plan. However, a
194 governing board member or other related entity of a charter
195 school under a current corrective action plan or financial
196 recovery plan is not eligible to apply to open an additional

197 | charter school. ~~Documents that the applicant has participated in~~
 198 | ~~the training required in subparagraph (f)2. A sponsor may~~
 199 | ~~require an applicant to provide additional information as an~~
 200 | ~~addendum to the charter school application described in this~~
 201 | ~~paragraph.~~

202 | 7. For the establishment of a virtual charter school,
 203 | documents that the applicant has contracted with a provider of
 204 | virtual instruction services pursuant to s. 1002.45(1)(d).
 205 |

206 | A sponsor may require an applicant to provide additional
 207 | information as an addendum to the charter school application
 208 | described in this paragraph.

209 | (b) A sponsor shall receive and review all applications
 210 | for a charter school using the ~~an~~ evaluation instrument
 211 | developed by the Department of Education. A sponsor shall
 212 | receive and consider charter school applications received on or
 213 | before August 1 of each calendar year for charter schools to be
 214 | opened at the beginning of the school district's next school
 215 | year, or to be opened at a time agreed to by the applicant and
 216 | the sponsor. A sponsor may not refuse to receive a charter
 217 | school application submitted before August 1 and may receive an
 218 | application submitted ~~applications~~ later than August 1 ~~this date~~
 219 | if it chooses. In order to facilitate greater collaboration in
 220 | the application process, an applicant may submit a draft charter
 221 | school application on or before May 1. If a draft application is
 222 | timely submitted, the sponsor shall review and provide feedback
 223 | as to any potential grounds for denial within 60 days after
 224 | receipt of the draft application. The applicant shall then have

225 | until August 1 to resubmit a revised and final application. A
226 | sponsor may not charge an applicant for a charter any fee for
227 | the processing or consideration of an application, and a sponsor
228 | may not base its consideration or approval of an application
229 | upon the promise of future payment of any kind. Before approving
230 | or denying any final application, the sponsor shall allow the
231 | applicant, upon receipt of written notification, at least 7
232 | calendar days to make technical or nonsubstantive corrections
233 | and clarifications, including, but not limited to, corrections
234 | of grammatical, typographical, and like errors or missing
235 | signatures, if such errors are identified by the sponsor as
236 | cause to deny the application.

237 | 1. In order to facilitate an accurate budget projection
238 | process, a sponsor shall be held harmless for FTE students who
239 | are not included in the FTE projection due to approval of
240 | charter school applications after the FTE projection deadline.
241 | In a further effort to facilitate an accurate budget projection,
242 | within 15 calendar days after receipt of a charter school
243 | application, a sponsor shall report to the Department of
244 | Education the name of the applicant entity, the proposed charter
245 | school location, and its projected FTE.

246 | 2. In order to ensure fiscal responsibility, an
247 | application for a charter school shall include a full accounting
248 | of expected assets, a projection of expected sources and amounts
249 | of income, including income derived from projected student
250 | enrollments and from community support, and an expense
251 | projection that includes full accounting of the costs of
252 | operation, including start-up costs.

253 3.a. A sponsor shall by a majority vote approve or deny an
 254 application within ~~no later than~~ 60 calendar days after the
 255 application is received, unless the sponsor and the applicant
 256 mutually agree in writing to temporarily postpone the vote to a
 257 specific date, at which time the sponsor shall by a majority
 258 vote approve or deny the application. If the sponsor fails to
 259 act on the application, an applicant may appeal to the State
 260 Board of Education as provided in paragraph (c). If an
 261 application is denied, the sponsor shall, within 10 calendar
 262 days after such denial, articulate in writing the specific
 263 reasons, based upon good cause, supporting its denial of the
 264 charter application and shall provide the letter of denial and
 265 supporting documentation to the applicant and to the Department
 266 of Education.

267 b. An application submitted by a high-performing charter
 268 school identified pursuant to s. 1002.331 may be denied by the
 269 sponsor only if the sponsor demonstrates by clear and convincing
 270 evidence that:

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

273 (II) The charter school proposed in the application does
 274 not materially comply with the requirements in paragraphs
 275 (9) (a) - (f);

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

279 (IV) The applicant has made a material misrepresentation
 280 or false statement or concealed an essential or material fact

281 during the application process; or

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

285
 286 Material noncompliance is a failure to follow requirements or a
 287 violation of prohibitions applicable to charter school
 288 applications, which failure is quantitatively or qualitatively
 289 significant either individually or when aggregated with other
 290 noncompliance. An applicant is considered to be replicating a
 291 high-performing charter school if the proposed school is
 292 substantially similar to at least one of the applicant's high-
 293 performing charter schools and the organization or individuals
 294 involved in the establishment and operation of the proposed
 295 school are significantly involved in the operation of replicated
 296 schools.

297 c. If the sponsor denies an application submitted by a
 298 high-performing charter school, the sponsor must, within 10
 299 calendar days after such denial, state in writing the specific
 300 reasons, based upon the criteria in sub-subparagraph b.,
 301 supporting ~~its~~ denial of the application and must provide the
 302 letter of denial and supporting documentation to the applicant
 303 and to the Department of Education. The applicant may appeal the
 304 sponsor's denial of the application ~~directly~~ to the State Board
 305 of Education pursuant to paragraph (c) and must provide the
 306 sponsor with a copy of the appeal ~~sub-subparagraph (c)3.b.~~

307 4. For budget projection purposes, the sponsor shall
 308 report to the Department of Education the approval or denial of

309 a charter application within 10 calendar days after such
 310 approval or denial. In the event of approval, the report to the
 311 Department of Education shall include the final projected FTE
 312 for the approved charter school.

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

317 (c)1. An applicant may appeal any denial of that
 318 applicant's application or failure to act on an application to
 319 the State Board of Education within ~~no later than~~ 30 calendar
 320 days after receipt of the sponsor's decision or failure to act
 321 and shall notify the sponsor of its appeal. Any response of the
 322 sponsor shall be submitted to the State Board of Education
 323 within 30 calendar days after notification of the appeal. Upon
 324 receipt of notification from the State Board of Education that a
 325 charter school applicant is filing an appeal, the Commissioner
 326 of Education shall convene a meeting of the Charter School
 327 Appeal Commission to study and make recommendations to the State
 328 Board of Education regarding its pending decision about the
 329 appeal. The commission shall forward its recommendation to the
 330 state board within ~~no later than~~ 7 calendar days before ~~prior to~~
 331 the date on which the appeal is to be heard. An appeal regarding
 332 the denial of an application submitted by a high-performing
 333 charter school pursuant to s. 1002.331 shall be conducted by the
 334 State Board of Education in accordance with this paragraph,
 335 except that the commission shall not convene to make
 336 recommendations regarding the appeal. However, the Commissioner

337 of Education shall review the appeal and make a recommendation
338 to the state board.

339 2. The Charter School Appeal Commission or, in the case of
340 an appeal regarding an application submitted by a high-
341 performing charter school, the State Board of Education may
342 reject an appeal submission for failure to comply with
343 procedural rules governing the appeals process. The rejection
344 shall describe the submission errors. The appellant shall have
345 15 calendar days after notice of rejection in which to resubmit
346 an appeal that meets the requirements set forth in State Board
347 of Education rule. An appeal submitted subsequent to such
348 rejection is considered timely if the original appeal was filed
349 within 30 calendar days after receipt of notice of the specific
350 reasons for the sponsor's denial of the charter application.

351 3.a. The State Board of Education shall by majority vote
352 accept or reject the decision of the sponsor within ~~no later~~
353 ~~than~~ 90 calendar days after an appeal is filed in accordance
354 with State Board of Education rule. The State Board of Education
355 shall remand the application to the sponsor with its written
356 decision that the sponsor approve or deny the application. The
357 sponsor shall implement the decision of the State Board of
358 Education. The decision of the State Board of Education is not
359 subject to ~~the provisions of~~ the Administrative Procedure Act,
360 chapter 120.

361 b. If an appeal concerns an application submitted by a
362 high-performing charter school identified pursuant to s.
363 1002.331, the State Board of Education shall determine whether
364 the sponsor's denial of the application complies with the

365 requirements in sub-subparagraph (b)3.b. ~~sponsor has shown, by~~
366 ~~clear and convincing evidence, that:~~

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

369 ~~(II) The charter school proposed in the application does~~
370 ~~not materially comply with the requirements in paragraphs~~

371 ~~(9)(a)-(f);~~

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

375 ~~(IV) The applicant has made a material misrepresentation~~
376 ~~or false statement or concealed an essential or material fact~~
377 ~~during the application process; or~~

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

381
382 The State Board of Education shall approve or reject the
383 sponsor's denial of an application no later than 90 calendar
384 days after an appeal is filed in accordance with State Board of
385 Education rule. The State Board of Education shall remand the
386 application to the sponsor with its written decision that the
387 sponsor approve or deny the application. The sponsor shall
388 implement the decision of the State Board of Education. The
389 decision of the State Board of Education is not subject to the
390 Administrative Procedure Act, chapter 120.

391 (d) The sponsor shall act upon the decision of the State
392 Board of Education within 30 calendar days after it is received.

393 The State Board of Education's decision is a final action
394 subject to judicial review in the district court of appeal.

395 (h) The terms and conditions for the operation of a
396 charter school shall be set forth by the sponsor and the
397 applicant in a written contractual agreement, called a charter.
398 The applicant and sponsor shall use the standard charter adopted
399 in state board rule pursuant to subsection (27) and the
400 application submitted by the applicant. The sponsor may not
401 omit, supplement, or amend any provision of the standard charter
402 agreement. In addition, the sponsor may not insert or append
403 attachments, addenda, or exhibits to the standard charter
404 contract. The sponsor shall not impose unreasonable rules or
405 regulations that violate the intent of giving charter schools
406 greater flexibility to meet educational goals. The sponsor shall
407 have 30 ~~60~~ days after approval of the application to provide an
408 initial proposed charter contract to the charter school. The
409 applicant and the sponsor shall have 40 ~~75~~ days thereafter to
410 negotiate and notice the charter contract for final approval by
411 the sponsor unless both parties agree to an extension. The
412 proposed charter contract shall be provided to the charter
413 school at least 7 calendar days before ~~prior to~~ the date of the
414 meeting at which the charter is scheduled to be voted upon by
415 the sponsor. The Department of Education shall provide mediation
416 services for any dispute regarding this section subsequent to
417 the approval of a charter application and for any dispute
418 relating to the approved charter, except disputes regarding
419 charter school application denials. If the Commissioner of
420 Education determines that the dispute cannot be settled through

421 mediation, the dispute may be appealed to an administrative law
422 judge appointed by the Division of Administrative Hearings. The
423 administrative law judge has final order authority to ~~may~~ rule
424 on issues of equitable treatment of the charter school as a
425 public school, whether proposed provisions of the charter
426 violate the intended flexibility granted charter schools by
427 statute, or on any other matter regarding this section except a
428 charter school application denial, a charter termination, or a
429 charter nonrenewal and shall award the prevailing party
430 reasonable attorney ~~attorney's~~ fees and costs incurred to be
431 paid by the losing party. The costs of the administrative
432 hearing shall be paid by the party whom the administrative law
433 judge rules against.

434 (7) CHARTER.—The major issues involving the operation of a
435 charter school shall be considered in advance and written into
436 the charter. The charter shall be signed by the governing board
437 of the charter school and the sponsor, following a public
438 hearing to ensure community input.

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

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

443 2. The focus of the curriculum, the instructional methods
444 to be used, any distinctive instructional techniques to be
445 employed, and identification and acquisition of appropriate
446 technologies needed to improve educational and administrative
447 performance, which include a means for promoting safe, ethical,
448 and appropriate uses of technology which comply with legal and

449 professional standards.

450 a. The charter shall ensure that reading is a primary
451 focus of the curriculum and that resources are provided to
452 identify and provide specialized instruction for students who
453 are reading below grade level. The curriculum and instructional
454 strategies for reading must be consistent with the Next
455 Generation Sunshine State Standards and grounded in
456 scientifically based reading research.

457 b. In order to provide students with access to diverse
458 instructional delivery models, to facilitate the integration of
459 technology within traditional classroom instruction, and to
460 provide students with the skills they need to compete in the
461 21st century economy, the Legislature encourages instructional
462 methods for blended learning courses in which a student learns
463 in part through online delivery of content and instruction with
464 some element of student control over time, place, path, or pace
465 and in part at a supervised brick-and-mortar location away from
466 home consisting of both traditional classroom and online
467 instructional techniques. Charter schools may implement blended
468 learning courses that ~~which~~ combine traditional classroom
469 instruction and virtual instruction. Students in a blended
470 learning course must be full-time students of the charter school
471 and receive the online instruction in a classroom setting at the
472 charter school. Instructional personnel certified pursuant to s.
473 1012.55 who provide virtual instruction for blended learning
474 courses may be employees of the charter school or may be under
475 contract to provide instructional services to charter school
476 students. At a minimum, such instructional personnel must hold

477 an active state or school district adjunct certification under
 478 s. 1012.57 for the subject area of the blended learning course.
 479 The funding and performance accountability requirements for
 480 blended learning courses are the same as those for traditional
 481 courses.

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

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

488 b. How these baseline rates will be compared to rates of
 489 academic progress achieved by these same students while
 490 attending the charter school.

491 c. To the extent possible, how these rates of progress
 492 will be evaluated and compared with rates of progress of other
 493 closely comparable student populations.

494

495 The district school board is required to provide academic
 496 student performance data to charter schools for each of their
 497 students coming from the district school system, as well as
 498 rates of academic progress of comparable student populations in
 499 the district school system.

500 4. The methods used to identify the educational strengths
 501 and needs of students and how well educational goals and
 502 performance standards are met by students attending the charter
 503 school. The methods shall provide a means for the charter school
 504 to ensure accountability to its constituents by analyzing

505 student performance data and by evaluating the effectiveness and
506 efficiency of its major educational programs. Students in
507 charter schools shall, at a minimum, participate in the
508 statewide assessment program created under s. 1008.22.

509 5. In secondary charter schools, a method for determining
510 that a student has satisfied the requirements for graduation in
511 s. 1003.428, s. 1003.429, or s. 1003.43.

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

514 7. The admissions procedures and dismissal procedures,
515 including the school's code of student conduct.

516 8. The ways by which the school will achieve a
517 racial/ethnic balance reflective of the community it serves or
518 within the racial/ethnic range of other public schools in the
519 same school district.

520 9. The financial and administrative management of the
521 school, including a reasonable demonstration of the professional
522 experience or competence of those individuals or organizations
523 applying to operate the charter school or those hired or
524 retained to perform such professional services and the
525 description of clearly delineated responsibilities and the
526 policies and practices needed to effectively manage the charter
527 school. A description of internal audit procedures and
528 establishment of controls to ensure that financial resources are
529 properly managed must be included. Both public sector and
530 private sector professional experience shall be equally valid in
531 such a consideration.

532 10. The asset and liability projections required in the

533 application which are incorporated into the charter and shall be
534 compared with information provided in the annual report of the
535 charter school.

536 11. A description of procedures that identify various
537 risks and provide for a comprehensive approach to reduce the
538 impact of losses; plans to ensure the safety and security of
539 students and staff; plans to identify, minimize, and protect
540 others from violent or disruptive student behavior; and the
541 manner in which the school will be insured, including whether or
542 not the school will be required to have liability insurance,
543 and, if so, the terms and conditions thereof and the amounts of
544 coverage.

545 12. The term of the charter, which shall provide for
546 termination ~~cancellation~~ of the charter if insufficient progress
547 has been made in attaining the student achievement objectives of
548 the charter and if it is not likely that such objectives can be
549 achieved before expiration of the charter. The initial term of a
550 charter shall be for 4 or 5 years. ~~In order to facilitate access~~
551 ~~to long-term financial resources for charter school~~
552 ~~construction,~~ Charter schools that are operated by a
553 municipality or other public entity as provided by law are
554 eligible for up to a 15-year charter, subject to approval by the
555 district school board. A charter lab school is eligible for a
556 charter for a term of up to 15 years. In addition, ~~to facilitate~~
557 ~~access to long-term financial resources for charter school~~
558 ~~construction,~~ charter schools that are operated by a private,
559 not-for-profit, s. 501(c)(3) status corporation are eligible for
560 up to a 15-year charter, subject to approval by the district

561 school board. Such long-term charters remain subject to annual
562 review and may be terminated during the term of the charter, but
563 only according to ~~the provisions set forth in~~ subsection (8).

564 13. The facilities to be used and their location. The
565 sponsor may not require a charter school to have a certificate
566 of occupancy for such a facility earlier than 15 calendar days
567 before the first day of school.

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

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

574 16. A timetable for implementing the charter which
575 addresses the implementation of each element thereof and the
576 date by which the charter shall be awarded in order to meet this
577 timetable.

578 17. In the case of an existing public school that is being
579 converted to charter status, alternative arrangements for
580 current students who choose not to attend the charter school and
581 for current teachers who choose not to teach in the charter
582 school after conversion in accordance with the existing
583 collective bargaining agreement or district school board rule in
584 the absence of a collective bargaining agreement. However,
585 alternative arrangements shall not be required for current
586 teachers who choose not to teach in a charter lab school, except
587 as authorized by the employment policies of the state university
588 which grants the charter to the lab school.

589 18. Full disclosure of the identity of all relatives
590 employed by the charter school who are related to the charter
591 school owner, president, chairperson of the governing board of
592 directors, superintendent, governing board member, principal,
593 assistant principal, or any other person employed by the charter
594 school who has equivalent decisionmaking authority. For the
595 purpose of this subparagraph, the term "relative" means father,
596 mother, son, daughter, brother, sister, uncle, aunt, first
597 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
598 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
599 stepfather, stepmother, stepson, stepdaughter, stepbrother,
600 stepsister, half brother, or half sister.

601 19. Implementation of the activities authorized under s.
602 1002.331 by the charter school when it satisfies the eligibility
603 requirements for a high-performing charter school. A high-
604 performing charter school shall notify its sponsor in writing by
605 March 1 if it intends to increase enrollment or expand grade
606 levels the following school year. The written notice shall
607 specify the amount of the enrollment increase and the grade
608 levels that will be added, as applicable.

609 (c) A charter may be modified during its initial term or
610 any renewal term upon the recommendation of the sponsor or the
611 charter school's governing board and the approval of both
612 parties to the agreement. Modification may include, but is not
613 limited to, consolidation of multiple charters into a single
614 charter if the charters are operated under the same governing
615 board and physically located on the same campus, regardless of
616 the renewal cycle.

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

618 (a) The sponsor shall make student academic achievement
 619 for all students the most important factor when determining
 620 whether to renew or terminate the charter. The sponsor may also
 621 choose not to renew or may terminate the charter for any of the
 622 following grounds:

623 1. Failure to participate in the state's education
 624 accountability system created in s. 1008.31, as required in this
 625 section, or failure to meet the requirements for student
 626 performance stated in the charter.

627 2. Failure to meet generally accepted standards of fiscal
 628 management.

629 3. Violation of law.

630 4. Other good cause shown.

631 (9) CHARTER SCHOOL REQUIREMENTS.—

632 (n)1. The director and a representative of the governing
 633 board of a charter school that has earned a grade of "D" or "F"
 634 pursuant to s. 1008.34(2) shall appear before the sponsor to
 635 present information concerning each contract component having
 636 noted deficiencies. The director and a representative of the
 637 governing board shall submit to the sponsor for approval a
 638 school improvement plan to raise student achievement. Upon
 639 approval by the sponsor, the charter school shall begin
 640 implementation of the school improvement plan. The department
 641 shall offer technical assistance and training to the charter
 642 school and its governing board and establish guidelines for
 643 developing, submitting, and approving such plans.

644 2.a. If a charter school earns three consecutive grades of

645 "D," two consecutive grades of "D" followed by a grade of "F,"
646 or two nonconsecutive grades of "F" within a 3-year period, the
647 charter school governing board shall choose one of the following
648 corrective actions:

649 (I) Contract for educational services to be provided
650 directly to students, instructional personnel, and school
651 administrators, as prescribed in state board rule;

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

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

656 (IV) Voluntarily close the charter school.

657 b. The charter school must implement the corrective action
658 in the school year following receipt of a third consecutive
659 grade of "D," a grade of "F" following two consecutive grades of
660 "D," or a second nonconsecutive grade of "F" within a 3-year
661 period.

662 c. The sponsor may annually waive a corrective action if
663 it determines that the charter school is likely to improve a
664 letter grade if additional time is provided to implement the
665 intervention and support strategies prescribed by the school
666 improvement plan. Notwithstanding this sub-subparagraph, a
667 charter school that earns a second consecutive grade of "F" is
668 subject to subparagraph 4.

669 d. A charter school is no longer required to implement a
670 corrective action if it improves by at least one letter grade.
671 However, the charter school must continue to implement
672 strategies identified in the school improvement plan. The

673 sponsor must annually review implementation of the school
674 improvement plan to monitor the school's continued improvement
675 pursuant to subparagraph 5.

676 e. A charter school implementing a corrective action that
677 does not improve by at least one letter grade after 2 full
678 school years of implementing the corrective action must select a
679 different corrective action. Implementation of the new
680 corrective action must begin in the school year following the
681 implementation period of the existing corrective action, unless
682 the sponsor determines that the charter school is likely to
683 improve a letter grade if additional time is provided to
684 implement the existing corrective action. Notwithstanding this
685 sub-subparagraph, a charter school that earns a second
686 consecutive grade of "F" while implementing a corrective action
687 is subject to subparagraph 4.

688 3. A charter school with a grade of "D" or "F" that
689 improves by at least one letter grade must continue to implement
690 the strategies identified in the school improvement plan. The
691 sponsor must annually review implementation of the school
692 improvement plan to monitor the school's continued improvement
693 pursuant to subparagraph 5.

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

696 a. The charter school is established to turn around the
697 performance of a district public school pursuant to s.
698 1008.33(4)(b)3. Such charter schools shall be governed by s.
699 1008.33;

700 b. The charter school serves a student population the

701 majority of which resides in a school zone served by a district
702 public school that earned a grade of "F" in the year before the
703 charter school opened and the charter school earns at least a
704 grade of "D" in its third year of operation. The exception
705 provided under this sub-subparagraph does not apply to a charter
706 school in its fourth year of operation and thereafter; or

707 c. The state board grants the charter school a waiver of
708 termination. The charter school must request the waiver within
709 15 ~~30~~ days after the department's official release ~~completion~~ of
710 school grades ~~grade~~ ~~appeals~~. The state board may waive
711 termination if the charter school demonstrates that the learning
712 gains of its students on statewide assessments are comparable to
713 or better than the learning gains of similarly situated students
714 enrolled in nearby district public schools. The waiver is valid
715 for 1 year and may only be granted once. Charter schools that
716 have been in operation for more than 5 years are not eligible
717 for a waiver under this sub-subparagraph.

718 5. The director and a representative of the governing
719 board of a graded charter school that has implemented a school
720 improvement plan under this paragraph shall appear before the
721 sponsor at least once a year to present information regarding
722 the progress of intervention and support strategies implemented
723 by the school pursuant to the school improvement plan and
724 corrective actions, if applicable. The sponsor shall communicate
725 at the meeting, and in writing to the director, the services
726 provided to the school to help the school address its
727 deficiencies.

728 6. Notwithstanding any provision of this paragraph except

729 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
730 at any time pursuant to subsection (8).

731 (o) Upon notification of nonrenewal or termination of its
732 charter, a charter school may not expend more than \$10,000
733 without prior written approval from the sponsor, unless such
734 expenditure was included within the annual budget submitted to
735 the sponsor pursuant to the charter contract or such expenditure
736 is for reasonable attorney fees and costs during the pendency of
737 any appeal.

738 (p) Each charter school shall maintain a website that
739 enables the public to obtain information regarding the school,
740 its personnel, and its programs. The website shall include
741 information or online links to information regarding any entity
742 that owns, operates, or manages the school, including any
743 nonprofit or for-profit entity; the names of all governing
744 officers and administrative personnel of the entity; and any
745 fees the school pays to the entity. The information or online
746 links must be prominently displayed and easily accessible to
747 visitors of the website.

748 (10) ELIGIBLE STUDENTS.—

749 (b) The charter school shall enroll an eligible student
750 who submits a timely application, unless the number of
751 applications exceeds the capacity of a program, class, grade
752 level, or building. In such case, all applicants shall have an
753 equal chance of being admitted through a random selection
754 process observed by the sponsor or a third party mutually agreed
755 to by the charter school and sponsor.

756 (h) The capacity of the charter school shall be determined

757 annually by the governing board, ~~in conjunction with the~~
758 ~~sponsor,~~ of the charter school in consideration of the factors
759 identified in this subsection ~~unless the charter school is~~
760 ~~designated as a high-performing charter school pursuant to s.~~
761 ~~1002.331.~~ A sponsor may not require a charter school to waive
762 its rights to determine its own ~~the provisions of s. 1002.331 or~~
763 ~~require a student enrollment cap that prohibits a high-~~
764 ~~performing charter school from increasing enrollment in~~
765 ~~accordance with s. 1002.331(2)~~ as a condition of approval or
766 renewal of a charter.

767 ~~(i) The capacity of a high-performing charter school~~
768 ~~identified pursuant to s. 1002.331 shall be determined annually~~
769 ~~by the governing board of the charter school.~~ The governing
770 board shall notify the sponsor of any increase in enrollment by
771 March 1 of the school year preceding the increase. A sponsor may
772 not require a charter school to identify the names of students
773 to be enrolled or to enroll those students before the start of
774 the school year as a condition of approval or renewal of a
775 charter.

776 (16) EXEMPTION FROM STATUTES.—

777 (b) Additionally, a charter school shall be in compliance
778 with the following statutes:

779 1. Section 286.011, relating to public meetings and
780 records, public inspection, and criminal and civil penalties.

781 2. Chapter 119, relating to public records.

782 3. Section 1003.03, relating to the maximum class size,
783 except that the calculation for compliance pursuant to s.

784 1003.03 shall be the average at the school level.

785 4. Section 1012.22(1)(c)5.b. ~~1012.22(1)(e)~~, relating to
 786 the implementation of a compensation system that requires annual
 787 salary adjustments for instructional personnel to be based upon
 788 performance and salary schedules.

789 5. Section 1012.33(5), relating to workforce reductions,
 790 if the charter school awards contracts to instructional
 791 personnel and the term of a contract exceeds 1 year.

792 6. Section 1012.335, relating to contracts with
 793 instructional personnel hired on or after July 1, 2011, if the
 794 charter school awards contracts to instructional personnel and
 795 the term of a contract exceeds 1 year.

796 7. Section 1012.34(2), (3), and (7) ~~1012.34~~, relating to
 797 ~~the substantive requirements for~~ performance evaluations for
 798 instructional personnel and school administrators. For purposes
 799 of compliance with this subparagraph, the duties assigned to a
 800 district school superintendent apply to a charter school
 801 principal or his or her equivalent, and the duties assigned to a
 802 district school board apply to a charter school's governing
 803 board.

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

809 (c) If the district school board is providing programs or
 810 services to students funded by federal funds, any eligible
 811 students enrolled in charter schools in the school district
 812 shall be provided federal funds for the same level of service

813 provided students in the schools operated by the district school
814 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
815 charter schools shall receive all federal funding for which the
816 school is otherwise eligible, including Title I funding, not
817 later than 5 months after the charter school first opens and
818 within 5 months after any subsequent expansion of enrollment.
819 Unless otherwise mutually agreed to by the charter school and
820 its sponsor, and consistent with state and federal rules and
821 regulations governing the use and disbursement of federal funds,
822 the sponsor shall reimburse the charter school on a monthly
823 basis for all invoices submitted by the charter school for
824 federal funds available to the sponsor for the benefit of the
825 charter school, the charter school's students, and the charter
826 school's students as public school students in the school
827 district. Such federal funds include, but are not limited to,
828 Title I, Title II, and Individuals with Disabilities Education
829 Act (IDEA) funds. To receive timely reimbursement for an
830 invoice, the charter school must submit the invoice to the
831 sponsor at least 30 days before the monthly date of
832 reimbursement set by the sponsor. In order to be reimbursed, any
833 expenditure made by the charter school must comply with all
834 applicable state and federal rules and regulations, including,
835 but not limited to, the applicable federal Office of Management
836 and Budget Circulars, the federal Education Department General
837 Administrative Regulations, and program-specific statutes,
838 rules, and regulations. Such funds may not be made available to
839 the charter school until a plan is submitted to the sponsor for
840 approval of the use of the funds in accordance with applicable

841 federal requirements. The sponsor has 30 days to review and
842 approve any plan submitted pursuant to this paragraph.

843 (18) FACILITIES.—

844 (e) If a district school board-owned ~~board~~ facility that
845 has previously been used for K-12 educational purposes ~~or~~
846 property is no longer used as a school as defined in s.
847 1003.01(2) available because it is surplus, marked for disposal,
848 or otherwise unused, it shall be made available ~~provided~~ for a
849 charter school's use on the same basis as it is made available
850 to other public schools in the district. A charter school using
851 such a facility receiving property from the school district may
852 not sell, sublease, or dispose of such facility ~~property~~ without
853 written permission of the school district. The charter school
854 may not earn capital outlay funds; however, the school district
855 shall include the charter school's capital outlay full-time
856 equivalent (COFTE) student count in the district's capital
857 outlay calculations. The charter school may choose to maintain
858 the charter school facility or pay the school district the
859 actual cost to maintain the facility at the same standard and
860 level it would maintain any other district-operated school
861 similar in age and condition. Maintenance does not include
862 capital improvements. Similarly, for an existing public school
863 converting to charter status, no rental or leasing fee for the
864 existing facility or for the property normally inventoried to
865 the conversion school may be charged by the district school
866 board to the parents and teachers organizing the charter school.
867 The charter school shall agree to reasonable maintenance
868 provisions in order to maintain the facility in a manner similar

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869 to district school board standards. The Public Education Capital
870 Outlay maintenance funds or any other maintenance funds
871 generated by the facility operated as a conversion school shall
872 remain with the conversion school.

873 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

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

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

886 (c) An employee of a charter school or his or her spouse
887 or an employee of a charter management organization or his or
888 her spouse may not be a member of the charter school governing
889 board.

890 (27) RULEMAKING.—The Department of Education, after
891 consultation with school districts and charter school directors,
892 shall recommend that the State Board of Education adopt rules to
893 implement specific subsections of this section. Such rules shall
894 require minimum paperwork and shall not limit charter school
895 flexibility authorized by statute. The State Board of Education
896 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to

897 | implement a charter model application form, standard evaluation
 898 | instrument, and standard charter and charter renewal contracts
 899 | ~~formats~~ in accordance with this section.

900 | Section 2. Paragraph (d) is added to subsection (1) of
 901 | section 1002.331, Florida Statutes, and subsections (2), (4),
 902 | and (5) of that section are amended, to read:

903 | 1002.331 High-performing charter schools.—

904 | (1) A charter school is a high-performing charter school
 905 | if it:

906 | (d) Is established primarily to serve students in the
 907 | attendance zone of a school identified in need of intervention
 908 | and support pursuant to s. 1008.33(3)(b) and is operated by an
 909 | entity classified as a high-performing charter school system by
 910 | the State Board of Education pursuant to s. 1002.332(2).

911 |
 912 | A virtual charter school established under s. 1002.33 is not
 913 | eligible for designation as a high-performing charter school.

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

915 | (a) Increase its student enrollment once per school year
 916 | by up to 15 percent more than the capacity identified in the
 917 | charter.

918 | (b) Expand grade levels within kindergarten through grade
 919 | 12 to add grade levels not already served if any annual
 920 | enrollment increase resulting from grade level expansion is
 921 | within the limit established in paragraph (a).

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

924 | (d) Consolidate under a single charter the charters of

925 multiple high-performing charter schools operated in the same
926 school district by the charter schools' governing board
927 regardless of the renewal cycle.

928 (e) Receive a modification of its charter to a term of 15
929 years or a 15-year charter renewal. The charter may be modified
930 or renewed for a shorter term at the option of the high-
931 performing charter school. The charter must be consistent with
932 s. 1002.33(7)(a)19. and (10)(h) ~~and (i)~~, is subject to annual
933 review by the sponsor, and may be terminated during its term
934 pursuant to s. 1002.33(8).

935

936 A high-performing charter school shall notify its sponsor in
937 writing by March 1 if it intends to increase enrollment or
938 expand grade levels the following school year. The written
939 notice shall specify the amount of the enrollment increase and
940 the grade levels that will be added, as applicable. If a high-
941 performing charter school requests to consolidate multiple
942 charters or to modify its charter pursuant to this subsection,
943 the sponsor shall have 40 days after receipt of that request to
944 provide an initial draft charter to the charter school. The
945 sponsor and charter school shall have 50 days thereafter to
946 negotiate and notice the charter contract for final approval by
947 the sponsor.

948 (4) A high-performing charter school may not increase
949 enrollment or expand grade levels following any school year in
950 which it receives a school grade of "C" or below. If the charter
951 school receives a school grade of "C" or below in any 2 years
952 during the term of the charter awarded under subsection (2), the

953 term of the charter may be modified by the sponsor ~~and the~~
 954 ~~charter school loses its high-performing charter school status~~
 955 ~~until it regains that status under subsection (1).~~

956 (5) The Commissioner of Education, upon request by a
 957 charter school, shall verify that the charter school meets the
 958 criteria in subsection (1) and provide a letter to the charter
 959 school and the sponsor stating that the charter school is a
 960 high-performing charter school pursuant to this section. The
 961 commissioner shall annually determine whether a high-performing
 962 charter school continues to meet the criteria in subsection (1).
 963 A high-performing charter school shall maintain its high-
 964 performing status unless the commissioner determines that the
 965 charter school no longer meets the criteria in subsection (1),
 966 at which time the commissioner shall send a letter providing
 967 notification of its declassification as a high-performing
 968 charter school.

969 Section 3. Section 1002.332, Florida Statutes, is amended
 970 to read:

971 1002.332 High-performing charter school system.—

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

973 (a) "Entity" means a municipality or other public entity
 974 that is authorized by law to operate a charter school; a
 975 private, nonprofit corporation with tax-exempt status under s.
 976 501(c)(3) of the Internal Revenue Code; or a private, for-profit
 977 education management corporation.

978 (b) "High-performing charter school system" means an
 979 entity that:

980 1. Operated ~~Operates~~ at least three high-performing

981 charter schools in the state during each of the previous 3
982 school years;

983 2. Operated ~~Operates~~ a system of charter schools in which
984 at least 50 percent of the charter schools were ~~are~~ high-
985 performing charter schools pursuant to s. 1002.331 and no
986 charter school earned a school grade of "D" or "F" pursuant to
987 s. 1008.34 in any of the previous 3 school years, except that:

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

992 b. If the entity established ~~establishes~~ a new charter
993 school that served ~~serves~~ a student population the majority of
994 which resided ~~resides~~ in a school zone served by a public school
995 that earned a grade of "F" or three consecutive grades of "D"
996 pursuant to s. 1008.34, that charter school's grade may not be
997 considered in determining high-performing charter school system
998 status if it attained ~~attains~~ and maintained ~~maintains~~ a school
999 grade that was ~~is~~ higher than that of the public school serving
1000 that school zone within 3 years after establishment; and

1001 3. Did ~~Has~~ not receive ~~received~~ a financial audit that
1002 revealed one or more of the financial emergency conditions set
1003 forth in s. 218.503(1) for any charter school assumed or
1004 established by the entity in the most recent 3 fiscal years for
1005 which such audits are available.

1006 (2) An entity that successfully operates a system of
1007 charter schools outside the state may apply to the State Board
1008 of Education for status as a high-performing charter school

1009 system solely for the purpose of establishing a charter school
1010 that primarily serves students in the attendance zone of a
1011 school identified in need of intervention and support pursuant
1012 to s. 1008.33(3) (b). The State Board of Education shall adopt
1013 rules prescribing a process for determining whether the entity
1014 meets the requirements of this subsection by reviewing student
1015 demographic and performance data from all schools operated by
1016 the entity.

1017 (3) ~~(2)~~ (a) The Commissioner of Education, ~~upon request by~~
1018 ~~an entity,~~ shall verify all charter schools served by an entity
1019 and verify that the entity meets the criteria in this section
1020 ~~subsection (1)~~ for the previous ~~prior~~ school year and provide a
1021 letter to the entity stating that it is a high-performing
1022 charter school system. The commissioner shall annually determine
1023 whether a high-performing charter school system continues to
1024 meet the criteria in this section. A high-performing charter
1025 school system shall maintain its high-performing status unless
1026 the commissioner determines that the charter school system no
1027 longer meets the criteria in this section, at which time the
1028 commissioner shall send a letter providing notification of its
1029 declassification as a high-performing charter school system.

1030 (b) A high-performing charter school system may replicate
1031 its high-performing charter schools pursuant to s. 1002.331(3).

1032 Section 4. This act shall take effect July 1, 2013.