

By Senator Sobel

33-00598-15

2015906__

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; requiring an application for a charter
4 school to contain a list of certain information
5 regarding all charter schools currently or previously
6 operated by the applicant, applicant group, or
7 proposed management company; requiring a sponsor to
8 consider current or previous charter school
9 performance by the applicant, applicant group, or
10 proposed management company; authorizing a sponsor to
11 deny an application based on charter school failures;
12 requiring a charter school to submit monthly financial
13 statements for the first year of operation with
14 specified information included; requiring a charter
15 school to submit a plan to become financially viable
16 under certain circumstances; requiring a charter to
17 include documentation of adequate financial resources
18 to support the charter school's operation; providing
19 an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
22

23 Section 1. Paragraphs (a) and (b) of subsection (6) and
24 paragraph (a) of subsection (7) of section 1002.33, Florida
25 Statutes, are amended to read:

26 1002.33 Charter schools.—

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

29 (a) A person or entity wishing to open a charter school

33-00598-15

2015906__

30 shall prepare and submit an application on a model application
31 form prepared by the Department of Education which:

32 1. Demonstrates how the school will use the guiding
33 principles and meet the statutorily defined purpose of a charter
34 school.

35 2. Provides a detailed curriculum plan that illustrates how
36 students will be provided services to attain the Sunshine State
37 Standards.

38 3. Contains goals and objectives for improving student
39 learning and measuring that improvement. These goals and
40 objectives must indicate how much academic improvement students
41 are expected to show each year, how success will be evaluated,
42 and the specific results to be attained through instruction.

43 4. Describes the reading curriculum and differentiated
44 strategies that will be used for students reading at grade level
45 or higher and a separate curriculum and strategies for students
46 who are reading below grade level. A sponsor shall deny a
47 charter if the school does not propose a reading curriculum that
48 is consistent with effective teaching strategies that are
49 grounded in scientifically based reading research.

50 5. Contains an annual financial plan for each year
51 requested by the charter for operation of the school for up to 5
52 years. This plan must contain anticipated fund balances based on
53 revenue projections, a spending plan based on projected revenues
54 and expenses, and a description of controls that will safeguard
55 finances and projected enrollment trends.

56 6. Contains additional information a sponsor may require,
57 which shall be attached as an addendum to the charter school
58 application described in this paragraph.

33-00598-15

2015906__

59 7. Contains a list of all charter schools currently or
60 previously operated by the applicant, applicant group, or
61 proposed management company and the grades and success or
62 failure of such schools, including, but not limited to, whether
63 the school's charter was canceled within 2 years of opening.

64 ~~8.7.~~ For the establishment of a virtual charter school,
65 documents that the applicant has contracted with a provider of
66 virtual instruction services pursuant to s. 1002.45(1)(d).

67 (b) A sponsor shall receive and review all applications for
68 a charter school using an evaluation instrument developed by the
69 Department of Education and shall consider the performance of
70 all charter schools currently or previously operated by the
71 applicant, applicant group, or proposed management company. A
72 sponsor may deny an application by an applicant, applicant
73 group, or proposed management company that has had a previous
74 charter school failure. A sponsor shall receive and consider
75 charter school applications received on or before August 1 of
76 each calendar year for charter schools to be opened at the
77 beginning of the school district's next school year, or to be
78 opened at a time agreed to by the applicant and the sponsor. A
79 sponsor may not refuse to receive a charter school application
80 submitted before August 1 and may receive an application
81 submitted later than August 1 if it chooses. In order to
82 facilitate greater collaboration in the application process, an
83 applicant may submit a draft charter school application on or
84 before May 1 with an application fee of \$500. If a draft
85 application is timely submitted, the sponsor shall review and
86 provide feedback as to material deficiencies in the application
87 by July 1. The applicant shall then have until August 1 to

33-00598-15

2015906__

88 resubmit a revised and final application. The sponsor may
89 approve the draft application. A sponsor may not charge an
90 applicant for a charter any fee for the processing or
91 consideration of an application, and a sponsor may not base its
92 consideration or approval of a final application upon the
93 promise of future payment of any kind. Before approving or
94 denying any final application, the sponsor shall allow the
95 applicant, upon receipt of written notification, at least 7
96 calendar days to make technical or nonsubstantive corrections
97 and clarifications, including, but not limited to, corrections
98 of grammatical, typographical, and like errors or missing
99 signatures, if such errors are identified by the sponsor as
100 cause to deny the final application.

101 1. In order to facilitate an accurate budget projection
102 process, a sponsor shall be held harmless for FTE students who
103 are not included in the FTE projection due to approval of
104 charter school applications after the FTE projection deadline.
105 In a further effort to facilitate an accurate budget projection,
106 within 15 calendar days after receipt of a charter school
107 application, a sponsor shall report to the Department of
108 Education the name of the applicant entity, the proposed charter
109 school location, and its projected FTE.

110 2. In order to ensure fiscal responsibility, an application
111 for a charter school shall include a full accounting of expected
112 assets, a projection of expected sources and amounts of income,
113 including income derived from projected student enrollments and
114 from community support, and an expense projection that includes
115 full accounting of the costs of operation, including start-up
116 costs. To ensure continued financial responsibility, a charter

33-00598-15

2015906__

117 school shall submit monthly financial statements for the first
118 year of operation which include a full accounting of the costs
119 of operation and sources of income. If a school's financial
120 statement indicates that the school is not financially viable,
121 the school must also prepare and submit a plan that describes
122 specific actions the school will take to become viable.

123 3.a. A sponsor shall by a majority vote approve or deny an
124 application no later than 60 calendar days after the application
125 is received, unless the sponsor and the applicant mutually agree
126 in writing to temporarily postpone the vote to a specific date,
127 at which time the sponsor shall by a majority vote approve or
128 deny the application. If the sponsor fails to act on the
129 application, an applicant may appeal to the State Board of
130 Education as provided in paragraph (c). If an application is
131 denied, the sponsor shall, within 10 calendar days after such
132 denial, articulate in writing the specific reasons, based upon
133 good cause, supporting its denial of the charter application and
134 shall provide the letter of denial and supporting documentation
135 to the applicant and to the Department of Education.

136 b. An application submitted by a high-performing charter
137 school identified pursuant to s. 1002.331 may be denied by the
138 sponsor only if the sponsor demonstrates by clear and convincing
139 evidence that:

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

142 (II) The charter school proposed in the application does
143 not materially comply with the requirements in paragraphs
144 (9) (a)-(f);

145 (III) The proposed charter school's educational program

33-00598-15

2015906__

146 does not substantially replicate that of the applicant or one of
147 the applicant's high-performing charter schools;

148 (IV) The applicant has made a material misrepresentation or
149 false statement or concealed an essential or material fact
150 during the application process; or

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

154

155 Material noncompliance is a failure to follow requirements or a
156 violation of prohibitions applicable to charter school
157 applications, which failure is quantitatively or qualitatively
158 significant either individually or when aggregated with other
159 noncompliance. An applicant is considered to be replicating a
160 high-performing charter school if the proposed school is
161 substantially similar to at least one of the applicant's high-
162 performing charter schools and the organization or individuals
163 involved in the establishment and operation of the proposed
164 school are significantly involved in the operation of replicated
165 schools.

166 c. If the sponsor denies an application submitted by a
167 high-performing charter school, the sponsor must, within 10
168 calendar days after such denial, state in writing the specific
169 reasons, based upon the criteria in sub-subparagraph b.,
170 supporting its denial of the application and must provide the
171 letter of denial and supporting documentation to the applicant
172 and to the Department of Education. The applicant may appeal the
173 sponsor's denial of the application directly to the State Board
174 of Education pursuant to sub-subparagraph (c)3.b.

33-00598-15

2015906__

175 4. For budget projection purposes, the sponsor shall report
176 to the Department of Education the approval or denial of a
177 charter application within 10 calendar days after such approval
178 or denial. In the event of approval, the report to the
179 Department of Education shall include the final projected FTE
180 for the approved charter school.

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

185 (7) CHARTER.—The major issues involving the operation of a
186 charter school shall be considered in advance and written into
187 the charter. The charter shall be signed by the governing board
188 of the charter school and the sponsor, following a public
189 hearing to ensure community input.

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

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

194 2. The focus of the curriculum, the instructional methods
195 to be used, any distinctive instructional techniques to be
196 employed, and identification and acquisition of appropriate
197 technologies needed to improve educational and administrative
198 performance which include a means for promoting safe, ethical,
199 and appropriate uses of technology which comply with legal and
200 professional standards.

201 a. The charter shall ensure that reading is a primary focus
202 of the curriculum and that resources are provided to identify
203 and provide specialized instruction for students who are reading

33-00598-15

2015906__

204 below grade level. The curriculum and instructional strategies
205 for reading must be consistent with the Next Generation Sunshine
206 State Standards and grounded in scientifically based reading
207 research.

208 b. In order to provide students with access to diverse
209 instructional delivery models, to facilitate the integration of
210 technology within traditional classroom instruction, and to
211 provide students with the skills they need to compete in the
212 21st century economy, the Legislature encourages instructional
213 methods for blended learning courses consisting of both
214 traditional classroom and online instructional techniques.
215 Charter schools may implement blended learning courses which
216 combine traditional classroom instruction and virtual
217 instruction. Students in a blended learning course must be full-
218 time students of the charter school and receive the online
219 instruction in a classroom setting at the charter school.
220 Instructional personnel certified pursuant to s. 1012.55 who
221 provide virtual instruction for blended learning courses may be
222 employees of the charter school or may be under contract to
223 provide instructional services to charter school students. At a
224 minimum, such instructional personnel must hold an active state
225 or school district adjunct certification under s. 1012.57 for
226 the subject area of the blended learning course. The funding and
227 performance accountability requirements for blended learning
228 courses are the same as those for traditional courses.

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

33-00598-15

2015906__

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

235 b. How these baseline rates will be compared to rates of
236 academic progress achieved by these same students while
237 attending the charter school.

238 c. To the extent possible, how these rates of progress will
239 be evaluated and compared with rates of progress of other
240 closely comparable student populations.

241
242 The district school board is required to provide academic
243 student performance data to charter schools for each of their
244 students coming from the district school system, as well as
245 rates of academic progress of comparable student populations in
246 the district school system.

247 4. The methods used to identify the educational strengths
248 and needs of students and how well educational goals and
249 performance standards are met by students attending the charter
250 school. The methods shall provide a means for the charter school
251 to ensure accountability to its constituents by analyzing
252 student performance data and by evaluating the effectiveness and
253 efficiency of its major educational programs. Students in
254 charter schools shall, at a minimum, participate in the
255 statewide assessment program created under s. 1008.22.

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

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

261 7. The admissions procedures and dismissal procedures,

33-00598-15

2015906__

262 including the school's code of student conduct.

263 8. The ways by which the school will achieve a
264 racial/ethnic balance reflective of the community it serves or
265 within the racial/ethnic range of other public schools in the
266 same school district.

267 9. The financial and administrative management of the
268 school, including a reasonable demonstration of the professional
269 experience or competence of those individuals or organizations
270 applying to operate the charter school or those hired or
271 retained to perform such professional services and the
272 description of clearly delineated responsibilities and the
273 policies and practices needed to effectively manage the charter
274 school. A description of internal audit procedures and
275 establishment of controls to ensure that financial resources are
276 properly managed must be included. Both public sector and
277 private sector professional experience shall be equally valid in
278 such a consideration.

279 10. The asset and liability projections required in the
280 application which are incorporated into the charter and shall be
281 compared with information provided in the annual report of the
282 charter school.

283 11. A description of procedures that identify various risks
284 and provide for a comprehensive approach to reduce the impact of
285 losses; plans to ensure the safety and security of students and
286 staff; plans to identify, minimize, and protect others from
287 violent or disruptive student behavior; and the manner in which
288 the school will be insured, including whether or not the school
289 will be required to have liability insurance, and, if so, the
290 terms and conditions thereof and the amounts of coverage.

33-00598-15

2015906__

291 12. The term of the charter which shall provide for
292 cancellation of the charter if insufficient progress has been
293 made in attaining the student achievement objectives of the
294 charter and if it is not likely that such objectives can be
295 achieved before expiration of the charter. The initial term of a
296 charter shall be for 4 or 5 years. In order to facilitate access
297 to long-term financial resources for charter school
298 construction, charter schools that are operated by a
299 municipality or other public entity as provided by law are
300 eligible for up to a 15-year charter, subject to approval by the
301 district school board. A charter lab school is eligible for a
302 charter for a term of up to 15 years. In addition, to facilitate
303 access to long-term financial resources for charter school
304 construction, charter schools that are operated by a private,
305 not-for-profit, s. 501(c)(3) status corporation are eligible for
306 up to a 15-year charter, subject to approval by the district
307 school board. Such long-term charters remain subject to annual
308 review and may be terminated during the term of the charter, but
309 only according to the provisions set forth in subsection (8).

310 13. The facilities to be used and their location. The
311 sponsor may not require a charter school to have a certificate
312 of occupancy or a temporary certificate of occupancy for such a
313 facility earlier than 15 calendar days before the first day of
314 school.

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

318 15. The governance structure of the school, including the
319 status of the charter school as a public or private employer as

33-00598-15

2015906__

320 required in paragraph (12)(i).

321 16. A timetable for implementing the charter which
322 addresses the implementation of each element thereof and the
323 date by which the charter shall be awarded in order to meet this
324 timetable.

325 17. In the case of an existing public school that is being
326 converted to charter status, alternative arrangements for
327 current students who choose not to attend the charter school and
328 for current teachers who choose not to teach in the charter
329 school after conversion in accordance with the existing
330 collective bargaining agreement or district school board rule in
331 the absence of a collective bargaining agreement. However,
332 alternative arrangements may ~~shall~~ not be required for current
333 teachers who choose not to teach in a charter lab school, except
334 as authorized by the employment policies of the state university
335 which grants the charter to the lab school.

336 18. Full disclosure of the identity of all relatives
337 employed by the charter school who are related to the charter
338 school owner, president, chairperson of the governing board of
339 directors, superintendent, governing board member, principal,
340 assistant principal, or any other person employed by the charter
341 school who has equivalent decisionmaking authority. For the
342 purpose of this subparagraph, the term "relative" means father,
343 mother, son, daughter, brother, sister, uncle, aunt, first
344 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
345 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
346 stepfather, stepmother, stepson, stepdaughter, stepbrother,
347 stepsister, half brother, or half sister.

348 19. Implementation of the activities authorized under s.

33-00598-15

2015906__

349 1002.331 by the charter school when it satisfies the eligibility
350 requirements for a high-performing charter school. A high-
351 performing charter school shall notify its sponsor in writing by
352 March 1 if it intends to increase enrollment or expand grade
353 levels the following school year. The written notice shall
354 specify the amount of the enrollment increase and the grade
355 levels that will be added, as applicable.

356 20. Documentation of adequate financial resources to
357 support the operation of the charter school. Documentation may
358 include bank statements, financial statements, loan documents,
359 and any other business and financial records.

360 Section 2. This act shall take effect July 1, 2015.