A bill to be entitled
An act relating to school choice; amending s. 1002.33, F.S.; making technical changes relating to requirements for the creation of a virtual charter school; conforming cross-references; specifying that a sponsor may not require a charter school to adopt the sponsor's reading plan and that charter schools are eligible for the research-based reading allocation if certain criteria are met; revising required contents of charter school applications; conforming provisions regarding the appeal process for denial of a high-performing charter school application; requiring an applicant to provide the sponsor with a copy of an appeal to an application denial; authorizing a charter school to defer the opening of its operations for up to a specified time; requiring the charter school to provide written notice to certain entities by a specified date; revising provisions relating to long-term charters and charter terminations; specifying notice requirements for voluntary closure of a charter school; deleting a requirement that students in a blended learning course receive certain instruction in a classroom setting; providing that a student may not be dismissed from a charter school based on his or her academic performance; requiring a charter school applicant to provide monthly financial statements
before opening; requiring a sponsor to review each financial statement of a charter school to identify the existence of certain conditions; providing for the automatic termination of a charter contract if certain conditions are met; requiring a sponsor to notify certain parties when a charter contract is terminated for specific reasons; authorizing governing board members to hold a certain number of public meetings and participate in such meetings in person or through communications media technology; revising charter school student eligibility requirements; revising requirements for payments to charter schools; providing eligibility requirements for receipt of public education capital outlay (PECO) funds; allowing for the use of certain surpluses and assets by specific entities for certain educational purposes; providing for an injunction under certain circumstances; establishing the administrative fee that a sponsor may withhold for charter schools operating in a critical need area; providing an exemption from certain administrative fees; amending s. 1002.331, F.S.; providing an exemption from the replication limitations for a high-performing charter school; conforming a cross-reference; deleting obsolete provisions; providing deadlines for a high-performing charter contract renewal; providing for an
appeal to an administrative law judge under certain circumstances; creating s. 1002.333, F.S.; providing definitions; establishing a High Impact Charter Network status for charter school operators serving educationally disadvantaged students; defining eligibility criteria; authorizing charter operators holding the High Impact Charter Network status to submit applications for charter schools in certain areas; exempting certain charter schools from specified fees; requiring the department to give priority to certain charter schools applying for specified grants; prohibiting the use of certain school grades when determining areas of critical need; providing for rulemaking; amending s. 1002.37, F.S.; revising the calculation of "full-time equivalent student"; conforming a cross-reference; amending s. 1002.45, F.S.; conforming a cross-reference; deleting a provision related to educational funding for students enrolled in certain virtual education courses; revising conditions for termination of a virtual instruction provider's contract; repealing s. 1002.455, F.S., relating to student eligibility for K-12 virtual instruction; amending s. 1003.4295, F.S.; revising the purpose of the Credit Acceleration Program; requiring students to earn passing scores on specified assessments and examinations to earn course
credit; amending s. 1003.498, F.S.; deleting a
requirement that students in a blended learning course
must receive certain instruction in a classroom
setting; conforming a cross-reference; amending s.
1011.61, F.S.; revising the definition of "full-time
equivalent student"; amending s. 1011.62, F.S.;
conforming a cross-reference; amending s. 1012.56,
F.S.; authorizing a charter school to develop and
operate a professional development certification and
education competency program; amending s. 1013.62,
F.S.; revising eligibility requirements for charter
school capital outlay funding; revising charter school
funding allocations; providing an effective date.

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

Section 1. Subsection (1), paragraph (a) of subsection
(2), paragraphs (a) and (b) of subsection (6), paragraphs (a)
and (d) of subsection (7), paragraphs (g), (n), and (p) of
subsection (9), paragraphs (a) and (d) of subsection (10),
subsection (13), paragraphs (b) and (e) of subsection (17),
paragraph (a) of subsection (18), and paragraph (a) of
subsection (20) of section 1002.33, Florida Statutes, are
amended, and paragraph (g) is added to subsection (17) of that
section, to read:

1002.33 Charter schools.—
(1) AUTHORIZATION.—Charter schools shall be part of the state's program of public education. All charter schools in Florida are public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. A charter school may operate a virtual charter school pursuant to s. 1002.45(1)(d) to provide full-time online instruction to eligible students, pursuant to s. 1002.455, in kindergarten through grade 12. An existing charter school that is seeking to become a virtual charter school must amend its charter or submit a new application pursuant to subsection (6) to become a virtual charter school. A virtual charter school is subject to the requirements of this section; however, a virtual charter school is exempt from subsections (18) and (19), subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and s. 1003.03. A public school may not use the term charter in its name unless it has been approved under this section.

(2) GUIDING PRINCIPLES; PURPOSE.—

(a) Charter schools in Florida shall be guided by the following principles:

1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.

2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.

3. Provide parents with sufficient information on whether
their child is reading at grade level and whether the child

gains at least a year's worth of learning for every year spent
in the charter school. For a student who exhibits a substantial
deficiency in reading, as determined by the charter school, the
school shall notify the parent of the deficiency, the intensive
interventions and supports used, and the student's progress in
accordance with s. 1008.25(5).

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

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

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

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

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

4. Describes the reading curriculum and differentiated
strategies that will be used for students reading at grade level
or higher and a separate curriculum and strategies for students
who are reading below grade level. A sponsor shall deny an application if the school does not propose a reading curriculum that is evidence-based and includes explicit, systematic, and multisensory reading instructional strategies; however, a sponsor may not require the charter school to implement the reading plan adopted by the school district pursuant to s. 1011.62(9) consistent with effective teaching strategies that are grounded in scientifically based reading research.

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

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

7. Contains additional information a sponsor may require, which shall be attached as an addendum to the charter school application described in this paragraph.
For the establishment of a virtual charter school, documents that the applicant has contracted with a provider of virtual instruction services pursuant to s. 1002.45(1)(d).

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses. In order to facilitate greater collaboration in the application process, an applicant may submit a draft charter school application on or before May 1 with an application fee of $500. If a draft application is timely submitted, the sponsor shall review and provide feedback as to material deficiencies in the application by July 1. The applicant shall then have until August 1 to resubmit a revised and final application. The sponsor may approve the draft application. Except as provided for a draft application, a sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any final application.
application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

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

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

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

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

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

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

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

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

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

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

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

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

5. Upon approval of a charter application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 2 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school unless the sponsor allows a waiver of this subparagraph for good cause.

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

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

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

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

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

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s. 1011.61(1)(a)1. and receive the online instruction in a classroom setting at the charter school. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter
school or may be under contract to provide instructional
services to charter school students. At a minimum, such
instructional personnel must hold an active state or school
district adjunct certification under s. 1012.57 for the subject
area of the blended learning course. The funding and performance
accountability requirements for blended learning courses are the
same as those for traditional courses.

3. The current incoming baseline standard of student
academic achievement, the outcomes to be achieved, and the
method of measurement that will be used. The criteria listed in
this subparagraph shall include a detailed description of:
   a. How the baseline student academic achievement levels
      and prior rates of academic progress will be established.
   b. How these baseline rates will be compared to rates of
      academic progress achieved by these same students while
      attending the charter school.
   c. To the extent possible, how these rates of progress
      will be evaluated and compared with rates of progress of other
      closely comparable student populations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) A charter may be terminated by a charter school's governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board shall notify the parents and sponsor of the public meeting in writing before the public meeting. The governing board must notify the sponsor, parents of enrolled students, and the department in writing within 24 hours after the public meeting of its determination. The notice shall state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(e)-(g) and (9)(o) Each charter school's governing board must appoint a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes. The representative must reside in the school district in which the charter school is located and may be a governing board member, charter school employee, or individual contracted to represent the governing board. If the governing board oversees multiple charter schools in the same school district.
district, the governing board must appoint a separate individual representative for each charter school in the district. The representative's contact information must be provided annually in writing to parents and posted prominently on the charter school's website if a website is maintained by the school. The sponsor may not require that governing board members reside in the school district in which the charter school is located if the charter school complies with this paragraph.

2. Each charter school's governing board must hold at least two public meetings per school year in the school district. The meetings must be noticed, open, and accessible to the public, and attendees must be provided an opportunity to receive information and provide input regarding the charter school's operations. The appointed representative and charter school principal or director, or his or her equivalent, must be physically present at each meeting.

(9) CHARTER SCHOOL REQUIREMENTS.—

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

a. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools";

or

b. At the discretion of the charter school's governing
2. Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting according to this paragraph.

3. A charter school shall, upon approval of the charter contract, provide the sponsor with a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental funds format prescribed by the Governmental Accounting Standards Board. A high-performing charter school pursuant to s. 1002.331 may provide a quarterly financial statement in the same format and requirements as the uniform monthly financial statement summary sheet. The sponsor shall review each monthly or quarterly financial statement to identify the existence of any conditions identified in s. 1002.345(1)(a).

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

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

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

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

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

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

(IV) Voluntarily close the charter school.

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

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

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

e. A charter school implementing a corrective action that does not improve by at least one letter grade after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the
599 implementation period of the existing corrective action, unless
600 the sponsor determines that the charter school is likely to
601 improve a letter grade if additional time is provided to
602 implement the existing corrective action. Notwithstanding this
603 sub-subparagraph, a charter school that earns a second
604 consecutive grade of "F" while implementing a corrective action
605 is subject to subparagraph 4.
606
3. A charter school with a grade of "D" or "F" that
607 improves by at least one letter grade must continue to implement
608 the strategies identified in the school improvement plan. The
609 sponsor must annually review implementation of the school
610 improvement plan to monitor the school's continued improvement
611 pursuant to subparagraph 5.
612
4. A charter school's charter contract is automatically
613 terminated if the school earns two consecutive grades of "F"
614 after all school grade appeals are final. The sponsor shall
615 terminate a charter if the charter school earns two consecutive
616 grades of "F" unless:
617
   a. The charter school is established to turn around the
   1008.33(4)(b)3. Such charter schools shall be governed by s.
   619 1008.33;
620
   b. The charter school serves a student population the
   majority of which resides in a school zone served by a district
   623 public school that earned a grade of "F" in the year before the
   charter school opened and the charter school earns at least a
grade of "D" in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department's official release of school grades. The state board may waive termination if the charter school demonstrates that the Learning Gains of its students on statewide assessments are comparable to or better than the Learning Gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

The sponsor shall notify the charter school's governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. The letter of termination must meet the requirements of paragraph (8)(c). A charter terminated under this subparagraph must follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(e)-(g) and (9)(o).

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

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

(p)1. Each charter school shall maintain a website that enables the public to obtain information regarding the school; the school's academic performance; the names of the governing board members; the programs at the school; any management companies, service providers, or education management corporations associated with the school; the school's annual budget and its annual independent fiscal audit; the school's grade pursuant to s. 1008.34; and, on a quarterly basis, the minutes of governing board meetings.

2. Each charter school's governing board must appoint a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes. The representative must reside in the school district in which the charter school is located and may be a governing board member, a charter school employee, or an individual contracted to represent the governing board. If the governing board oversees multiple charter schools
in the same school district, the governing board must appoint a separate representative for each charter school in the district. The representative's contact information must be provided annually in writing to parents and posted prominently on the charter school's website. The sponsor may not require governing board members to reside in the school district in which the charter school is located if the charter school complies with this subparagraph.

3. Each charter school's governing board must hold at least two public meetings per school year in the school district where the charter school is located. The meetings must be noticed, open, and accessible to the public, and attendees must be provided an opportunity to receive information and provide input regarding the charter school's operations. The appointed representative and charter school principal or director, or his or her designee, must be physically present at each meeting. Members of the governing board may attend in person or by means of communications media technology used in accordance with rules adopted by the Administration Commission under s. 120.54(5).

(10) ELIGIBLE STUDENTS.—

(a) A charter school shall be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located; however, in the case of a charter lab school, the charter lab school shall be open to any student eligible to attend the lab school as provided in s. 1002.32 or who resides in the school district in which the
charter lab school is located. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause. Good cause shall include, but is not limited to, geographic proximity to a charter school in a neighboring school district. A charter school that has not reached capacity, as determined by the charter school's governing board, may be open for enrollment to any student in the state.

(d) A charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.

2. Students who are the children of a member of the governing board of the charter school.

3. Students who are the children of an employee of the charter school.

4. Students who are the children of:
   a. An employee of the business partner of a charter school-in-the-workplace established under paragraph (15)(b) or a resident of the municipality in which such charter school is located; or
   b. A resident or employee of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c) or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.
5. Students who have successfully completed a voluntary prekindergarten education program under ss. 1002.51-1002.79 provided by the charter school or the charter school's governing board during the previous year.

6. Students who are the children of an active duty member of any branch of the United States Armed Forces.

7. Students who attended or are assigned to failing schools pursuant to s. 1002.38(2).

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

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

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school
district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation, the research-based reading allocation, and the Florida digital classrooms allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. Any unrestricted surplus or unrestricted net assets identified in the charter school's annual audit may be used for K-12 educational purposes for charter schools within the district operated by the not-for-profit or municipal entity operating the charter school with the surplus. Surplus operating funds shall be used in accordance with s. 1011.62, and surplus capital outlay funds shall be used in accordance with s. 1013.62(2).
(e) District school boards shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. Payments of funds under paragraph (b) shall be made monthly or twice a month, beginning with the start of the district school board's fiscal year. Each payment shall be one-twelfth, or one twenty-fourth, as applicable, of the total state and local funds described in paragraph (b) and adjusted as set forth therein.

For the first 2 years of a charter school's operation, if a minimum of 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the district school board shall distribute funds to the charter school for the up to 3 months of July through October based on the projected full-time equivalent student membership of the charter school as submitted in the approved application. If less than 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor shall base payments on the actual number of student enrollment entered into the sponsor's student information system. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payments shall be issued no later than 10 working days after the district school
board receives a distribution of state or federal funds or the
date the payment is due pursuant to this subsection. If a
warrant for payment is not issued within 10 working days after
receipt of funding by the district school board, the school
district shall pay to the charter school, in addition to the
amount of the scheduled disbursement, interest at a rate of 1
percent per month calculated on a daily basis on the unpaid
balance from the expiration of the 10 working days until such
time as the warrant is issued. The district school board may not
delay payment to a charter school of any portion of the funds
provided in paragraph (b) based on the timing of receipt of
local funds by the district school board.

(g) To be eligible for public education capital outlay
(PECO) funds, a charter school must be located in the State of
Florida.

(18) FACILITIES.—
(a) A startup charter school shall utilize facilities
which comply with the Florida Building Code pursuant to chapter
553 except for the State Requirements for Educational
Facilities. Conversion charter schools shall utilize facilities
that comply with the State Requirements for Educational
Facilities provided that the school district and the charter
school have entered into a mutual management plan for the
reasonable maintenance of such facilities. The mutual management
plan shall contain a provision by which the district school
board agrees to maintain charter school facilities in the same
manner as its other public schools within the district. Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. 1013.37. The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. Beginning July 1, 2011, a local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools that are not charter schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded attorney fees and court costs.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and
data reporting services; exceptional student education
administration services; services related to eligibility and
reporting duties required to ensure that school lunch services
under the federal lunch program, consistent with the needs of
the charter school, are provided by the school district at the
request of the charter school, that any funds due to the charter
school under the federal lunch program be paid to the charter
school as soon as the charter school begins serving food under
the federal lunch program, and that the charter school is paid
at the same time and in the same manner under the federal lunch
program as other public schools serviced by the sponsor or the
school district; test administration services, including payment
of the costs of state-required or district-required student
assessments; processing of teacher certificate data services;
and information services, including equal access to student
information systems that are used by public schools in the
district in which the charter school is located. Student
performance data for each student in a charter school,
including, but not limited to, FCAT scores, standardized test
scores, previous public school student report cards, and student
performance measures, shall be provided by the sponsor to a
charter school in the same manner provided to other public
schools in the district.

2. A total administrative fee for the provision of such
services shall be calculated based upon up to 5 percent of the
available funds defined in paragraph (17)(b) for all students,
except that when 75 percent or more of the students enrolled in
the charter school are exceptional students as defined in s.
1003.01(3), the 5 percent of those available funds shall be
calculated based on unweighted full-time equivalent students.
However, a sponsor may only withhold up to a 5-percent
administrative fee for enrollment for up to and including 250
students. For charter schools with a population of 251 or more
students, the difference between the total administrative fee
calculation and the amount of the administrative fee withheld
may only be used for capital outlay purposes specified in s.
1013.62(2).

3. For high-performing charter schools, as defined in s.
1002.331 ch. 2011-232, a sponsor may withhold a total
administrative fee of up to 2 percent for enrollment up to and
including 250 students per school.

4. In addition, a sponsor may withhold only up to a 5-
percent administrative fee for enrollment for up to and
including 500 students within a system of charter schools which
meets all of the following:
   a. Includes both conversion charter schools and
      nonconversion charter schools;
   b. Has all schools located in the same county;
   c. Has a total enrollment exceeding the total enrollment
      of at least one school district in the state;
   d. Has the same governing board; and
   e. Does not contract with a for-profit service provider
for management of school operations.

5. The difference between the total administrative fee calculation and the amount of the administrative fee withheld pursuant to subparagraph 4. may be used for instructional and administrative purposes as well as for capital outlay purposes specified in s. 1013.62(2).

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

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

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

9. For charter schools that operate in a critical need area, as defined in s. 1002.333, a sponsor may withhold a total administrative fee of up to 3 percent for enrollment up to and including 250 students per school.

10. A charter school whose initial application is submitted under s. 1002.331 and denied by the district school board is exempt from the administrative fee requirements of this
paragraph.

Section 2. Paragraph (e) of subsection (2), paragraph (b) of subsection (3), and subsections (4) and (5) of section 1002.331, Florida Statutes, are amended to read:

1002.331 High-performing charter schools.—

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

(e) Receive a modification of its charter to an additional term of 15 years or a 15-year charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school. The sponsor has 30 days after the charter school receives its high-performing designation to provide a charter renewal to the charter school. The charter school and sponsor have 20 days to negotiate and provide notice of the charter contract for final approval by the sponsor. The proposed charter contract must be provided to the charter school at least 7 days before the date of the meeting at which the charter is scheduled for final approval by the sponsor. A dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings pursuant to s. 1002.33(6)(h). The charter must be consistent with s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual review by the sponsor, and may be terminated during its term pursuant to s. 1002.33(8).

A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or
expand grade levels the following school year. The written
notice shall specify the amount of the enrollment increase and
the grade levels that will be added, as applicable. If a charter
school notifies the sponsor of its intent to expand, the sponsor
shall modify the charter within 90 days to include the new
enrollment maximum and may not make any other changes. The
sponsor may deny a request to increase the enrollment of a high-
performing charter school if the commissioner has declassified
the charter school as high-performing. If a high-performing
charter school requests to consolidate multiple charters, the
sponsor shall have 40 days after receipt of that request to
provide an initial draft charter to the charter school. The
sponsor and charter school shall have 50 days thereafter to
negotiate and notice the charter contract for final approval by
the sponsor.

(3)  
(b) A high-performing charter school may not establish
more than one charter school within the state under paragraph
(a) in any year. A subsequent application to establish a charter
school under paragraph (a) may not be submitted unless each
charter school established in this manner achieves high-
performing charter school status. This paragraph does not apply
to charter schools established by a high-performing charter
school in the attendance zone of a public school that earns a
grade of "F" or three consecutive grades of "D" pursuant to s.
1008.34 or to meet capacity needs or needs for innovative school
choice options identified by the district school board.

(4) A high-performing charter school may not increase enrollment or expand grade levels following any school year in which it receives a school grade of "C" or below. If the charter school receives a school grade of "C" or below in any 2 years during the term of the charter awarded under subsection (2), the term of the charter may be modified by the sponsor and the charter school loses its high-performing charter school status until it regains that status under subsection (1).

(4)(5) The Commissioner of Education, upon request by a charter school, shall verify that the charter school meets the criteria in subsection (1) and provide a letter to the charter school and the sponsor stating that the charter school is a high-performing charter school pursuant to this section. The commissioner shall annually determine whether a high-performing charter school under subsection (1) continues to meet the criteria in that subsection. Such high-performing charter school shall maintain its high-performing status unless the commissioner determines that the charter school no longer meets the criteria in subsection (1), at which time the commissioner shall send a letter to the charter school and its sponsor providing notification that the charter school has been declassified of its declassification as a high-performing charter school.

Section 3. Section 1002.333, Florida Statutes, is created to read:
1002.333 High Impact Charter Network.—
(1) As used in this section, the term:

(a) "Critical need area" means an area that is served by one or more nonalternative, traditional public schools that received a school grade of "D" or "F" pursuant to s. 1008.34 in 4 of the most recent 5 years.

(b) "Entity" means a nonprofit organization with tax exempt status under s. 501(c)(3) of the Internal Revenue Code that is authorized by law to operate a public charter school.

(2) An entity that successfully operates a system of charter schools that primarily serves the children described in 20 U.S.C. s. 6315(b)(2), which is redesignated by s. 1009 of the Every Student Succeeds Act, Pub. L. No. 114-95, as 20 U.S.C. s. 6315(c)(2), may apply to the state board for status as a High Impact Charter Network. The state board shall adopt rules prescribing a process for determining whether the entity meets the requirements of this subsection by reviewing student demographic, academic, and financial performance data. The process shall include a review of all schools currently or previously operated by the entity, including schoolwide and subgroup performance on all statewide, standardized assessments for the most recent 3 years as compared to all students at the same grade level, and as compared with other schools serving similar demographics of students, and school-level financial performance. The review may also include performance on nationally norm-referenced assessments, student attendance and...
retention rates, graduation rates, college attendance rates, college persistence rates, and other outcome measures as determined by the state board.

(3) An entity that is designated as a High Impact Charter Network pursuant to this subsection may submit an application pursuant to s. 1002.33 to establish and operate charter schools in critical need areas. Notwithstanding s. 1013.62(1)(a), a charter school operated by a High Impact Charter Network in a critical need area is eligible to receive charter school capital outlay.

(4) The administrative fee provided for in s. 1002.33(20)(a) shall be waived for a charter school established by a High Impact Charter Network in a critical need area as long as the network maintains its status as a High Impact Charter Network.

(5) The department shall give priority to charter schools operated by a High Impact Charter Network in the department's Public Charter School Grant Program competitions. Priority shall only be provided for new charter schools that will operate in a critical need area.

(6) The initial High Impact Charter Network status is valid for up to 4 years. If an entity seeks renewal of its status, the state board shall review the academic and financial performance of the charter schools established in areas of critical need pursuant to subsection (2).

(7) For purposes of determining areas of critical need,
school grades issued for the 2014-2015 school year may not be considered.

(8) The State Board of Education shall adopt rules to administer this section.

Section 4. Paragraph (a) of subsection (3) and paragraph (a) of subsection (8) of section 1002.37, Florida Statutes, are amended to read:

1002.37  The Florida Virtual School.—

(3) Funding for the Florida Virtual School shall be provided as follows:

(a)1.  The calculation of "full-time equivalent student" shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject to s. 1011.61(4) For a student in grades 9 through 12, a "full-time equivalent student" is one student who has successfully completed six full-credit courses that count toward the minimum number of credits required for high school graduation. A student who completes fewer than six full-credit courses is a fraction of a full-time equivalent student. Half-credit course completions shall be included in determining a full-time equivalent student.

2.  For a student in kindergarten through grade 8, a "full-time equivalent student" is one student who has successfully completed six courses or the prescribed level of content that counts toward promotion to the next grade. A student who completes fewer than six courses or the prescribed level of content shall be a fraction of a full-time equivalent student.
2.3. For a student in a home education program, funding shall be provided in accordance with this subsection upon course completion if the parent verifies, upon enrollment for each course, that the student is registered with the school district as a home education student pursuant to s. 1002.41(1)(a).

Beginning in the 2016-2017 fiscal year, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if the student does not pass the end-of-course assessment. However, no adjustment shall be made for home education program students who choose not to take an end-of-course assessment or for a student who enrolls in a segmented remedial course delivered online.

For purposes of this paragraph, the calculation of "full-time equivalent student" shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject to the requirements in s. 1011.61(4).

(8)(a) The Florida Virtual School may provide full-time and part-time instruction for students in kindergarten through grade 12. To receive part-time instruction in kindergarten through grade 5, a student must meet at least one of the eligibility criteria in s. 1002.455(2).

Section 5. Subsection (5), paragraph (e) of subsection (7), and paragraphs (c) and (d) of subsection (8) of section
1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(5) STUDENT ELIGIBILITY.—Students in kindergarten through grade 12 A student may enroll in a virtual instruction program provided by the school district or by a virtual charter school operated in the district in which he or she resides if the student meets eligibility requirements for virtual instruction pursuant to s. 1002.455.

(7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL FUNDING.—

(e) Beginning in the 2016-2017 fiscal year, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end of course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if the student does not pass the end of course assessment. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.

(8) ASSESSMENT AND ACCOUNTABILITY.—

(c) An approved provider that receives a school grade of "D" or "F" under s. 1008.34 or a school improvement rating of "Unsatisfactory" "Declining" under s. 1008.341 must file a school improvement plan with the department for consultation to determine the causes for low performance and to develop a plan for correction and improvement.

(d) An approved provider's contract must automatically

CODING: Words stricken are deletions; words underlined are additions.
be terminated if the provider earns two consecutive school
grades of receives a school grade of "D" or "F" under s. 1008.34
after all school grade appeals are final, receives two
consecutive or a school improvement ratings rating of
"unsatisfactory" "Declining" under s. 1008.341, for 2 years
during any consecutive 4-year period or has violated any
qualification requirement pursuant to subsection (2). A provider
that has a contract terminated under this paragraph may not be
an approved provider for a period of at least 1 year after the
date upon which the contract was terminated and until the
department determines that the provider is in compliance with
subsection (2) and has corrected each cause of the provider's
low performance.

Section 6. Section 1002.455, Florida Statutes, is
repealed.

Section 7. Subsection (3) of section 1003.4295, Florida
Statutes, is amended to read:

1003.4295 Acceleration options.—
(3) The Credit Acceleration Program (CAP) is created for
the purpose of allowing a student to earn high school credit in
courses required for high school graduation through passage of
an end-of-course assessment Algebra I, Algebra II, geometry,
United States history, or biology if the student passes the
statewide, standardized assessment administered under s. 1008.22
or an Advanced Placement Examination. Notwithstanding s.
1003.436, a school district shall award course credit to a
student who is not enrolled in the course, or who has not completed the course, if the student attains a passing score on the corresponding end-of-course assessment or Advanced Placement Examination statewide, standardized assessment. The school district shall permit a public school or home education student who is not enrolled in the course, or who has not completed the course, to take the assessment or examination during the regular administration of the assessment or examination.

Section 8. Subsections (1) and (2) of section 1003.498, Florida Statutes, are amended to read:

1003.498 School district virtual course offerings.—

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

(2) School districts may offer virtual courses for
students enrolled in the school district. These courses must be
identified in the course code directory. Students who meet the
eligibility requirements of s. 1002.455 may participate in these
virtual course offerings.

(a) Any eligible student who is enrolled in a school
district may register and enroll in an online course offered by
his or her school district.

(b) 1. Any eligible student who is enrolled in a school
district may register and enroll in an online course offered by
any other school district in the state. The school district in
which the student completes the course shall report the
student's completion of that course for funding pursuant to s.
1011.61(1)(c)1.b.(VI), and the home school district shall not
report the student for funding for that course.

2. The full-time equivalent student membership calculated
under this subsection is subject to the requirements in s.
1011.61(4). The Department of Education shall establish
procedures to enable interdistrict coordination for the delivery
and funding of this online option.

Section 9. Subsection (1) of section 1011.61, Florida
1223 Statutes, is amended to read:
1224
1225 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the
1226 purposes of the Florida Education Finance Program:
1227
1228 (1) A "full-time equivalent student" in each program of
1229 the district is defined in terms of full-time students and part-
1230 time students as follows:
1231
1232 (a) A "full-time student" is one student on the membership
1233 roll of one school program or a combination of school programs
1234 listed in s. 1011.62(1)(c) for the school year or the equivalent
1235 for:
1236
1237 1. Instruction in a standard school, comprising not less
1238 than 900 net hours for a student in or at the grade level of 4
1239 through 12, or not less than 720 net hours for a student in or
1240 at the grade level of kindergarten through grade 3 or in an
1241 authorized prekindergarten exceptional program; or
1242
1243 2. Instruction in a double-session school or a school
1244 utilizing an experimental school calendar approved by the
1245 Department of Education, comprising not less than the equivalent
1246 of 810 net hours in grades 4 through 12 or not less than 630 net
1247 hours in kindergarten through grade 3; or
1248
1249 2. 3. Instruction comprising the appropriate number of net
1250 hours set forth in subparagraph 1. or subparagraph 2. for
1251 students who, within the past year, have moved with their
1252 parents for the purpose of engaging in the farm labor or fish
1253 industries, if a plan furnishing such an extended school day or
week, or a combination thereof, has been approved by the commissioner. Such plan may be approved to accommodate the needs of migrant students only or may serve all students in schools having a high percentage of migrant students. The plan described in this subparagraph is optional for any school district and is not mandated by the state.

(b) A "part-time student" is a student on the active membership roll of a school program or combination of school programs listed in s. 1011.62(1)(c) who is less than a full-time student. A student who receives instruction in a school that operates for less than the minimum term shall generate full-time equivalent student membership proportional to the amount of instructional hours provided by the school divided by the minimum term requirement as provided in s. 1011.60(2).

(c)(1) A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in
subparagraph (a)1. or subparagraph (a)2. The difference between
that fraction or sum of fractions and the maximum value as set
forth in subsection (4) for each full-time student is presumed
to be the balance of the student's time not spent in a special
program and shall be recorded as time in the appropriate basic
program.

(II) A prekindergarten student with a disability shall
meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in
kindergarten through grade 12 in a full-time virtual instruction
program under s. 1002.45 or a virtual charter school under s.
1002.33 shall consist of six full-credit completions or the
prescribed level of content that counts toward promotion to the
next grade in programs listed in s. 1011.62(1)(c). Credit
completions may be a combination of full-credit courses or half-
credit courses. Beginning in the 2016-2017 fiscal year, the
reported full-time equivalent students and associated funding of
students enrolled in courses requiring passage of an end of-
course assessment under s. 1003.4282 to earn a standard high
school diploma shall be adjusted if the student does not pass
the end-of-course assessment. However, no adjustment shall be
made for a student who enrolls in a segmented remedial course
delivered online.

(IV) A full-time equivalent student for students in
kindergarten through grade 12 in a part-time virtual instruction
program under s. 1002.45 shall consist of six full-credit
completions in programs listed in s. 1011.62(1)(c)1. and 3.
Credit completions may be a combination of full-credit courses or half-credit courses. Beginning in the 2016-2017 fiscal year, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if the student does not pass the end-of-course assessment. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.

(V) A Florida Virtual School full-time equivalent student shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in the programs listed in s. 1011.62(1)(c)1. and 3. for students participating in kindergarten through grade 12 part-time virtual instruction and the programs listed in s. 1011.62(1)(c) for students participating in kindergarten through grade 12 full-time virtual instruction. Credit completions may be a combination of full-credit courses or half-credit courses. Beginning in the 2016-2017 fiscal year, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if the student does not pass the end-of-course assessment. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.
(VI) Each successfully completed full-credit course earned through an online course delivered by a district other than the one in which the student resides shall be calculated as 1/6 FTE.

(VII) A full-time equivalent student for courses requiring passage of a statewide, standardized end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be defined and reported based on the number of instructional hours as provided in this subsection until the 2016-2017 fiscal year. Beginning in the 2016-2017 fiscal year, the FTE for the course shall be assessment-based and shall be equal to 1/6 FTE. The reported FTE shall be adjusted if the student does not pass the end-of-course assessment. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.

(VIII) For students enrolled in a school district as a full-time student, the district may report 1/6 FTE for each student who passes a statewide, standardized end-of-course assessment without being enrolled in the corresponding course.

2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis as specified by rules of the State Board of Education is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in
programs scheduled for more than 180 days is limited to students enrolled in:
   a. Juvenile justice education programs.
   b. The Florida Virtual School.
   c. Virtual instruction programs and virtual charter schools for the purpose of course completion and credit recovery pursuant to ss. 1002.45 and 1003.498. Course completion applies only to a student who is reported during the second or third membership surveys and who does not complete a virtual education course by the end of the regular school year. The course must be completed no later than the deadline for amending the final student enrollment survey for that year. Credit recovery applies only to a student who has unsuccessfully completed a traditional or virtual education course during the regular school year and must re-take the course in order to be eligible to graduate with the student's class.

The full-time equivalent student enrollment calculated under this subsection is subject to the requirements in subsection (4).

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum term as provided in s. 1011.60(2) school day.
Section 10. Subsection (11) of section 1011.62, Florida Statutes, is amended to read:

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

(11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may annually provide in the Florida Education Finance Program a virtual education contribution. The amount of the virtual education contribution shall be the difference between the amount per FTE established in the General Appropriations Act for virtual education and the amount per FTE for each district and the Florida Virtual School, which may be calculated by taking the sum of the base FEFP allocation, the discretionary local effort, the state-funded discretionary contribution, the discretionary millage compression supplement, the research-based reading instruction allocation, and the instructional materials allocation, and then dividing by the total unweighted FTE. This difference shall be multiplied by the virtual education unweighted FTE for programs and options identified in ss. 1002.33(1), 1002.45(1)(b), and 1003.498 and the Florida Virtual School and its franchises to equal the virtual education contribution and shall be included as a separate allocation in the funding formula.
Section 11. Paragraph (b) of subsection (8) of section 1012.56, Florida Statutes, is amended to read:

1012.56 Educator certification requirements.—
(8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION COMPETENCY PROGRAM.—

(b)1. Each school district must and a private school or state-supported public school, including a charter school, or a private school may develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional preparation and education competence as required by law. Each program must be based on classroom application of the Florida Educator Accomplished Practices and instructional performance and, for public schools, must be aligned with the district's or state-supported public school's evaluation system established approved under s. 1012.34, as applicable.

2. The Commissioner of Education shall determine the continued approval of programs implemented under this paragraph, based upon the department's review of performance data. The department shall review the performance data as a part of the periodic review of each school district's professional development system required under s. 1012.98.

Section 12. Paragraph (a) of subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.—
(1) In each year in which funds are appropriated for
charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools.

(a) To be eligible for a funding allocation, a charter school must:

1.a. Have been in operation for 3 or more years;

b. Be governed by a governing board established in the state for 3 or more years which operates both charter schools and conversion charter schools within the state;

c. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds;

d. Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools;
or

e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s. 1002.33(15)(b).

2. Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1) for the most recent fiscal year for which such audit results are available stability for future operation as a charter school.

3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.

4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

5. Serve students in facilities that are not provided by
the charter school's sponsor.

Section 13. This act shall take effect July 1, 2016.