

1                   A bill to be entitled  
2           An act relating to K-12 education; amending s.  
3           1002.33, F.S.; revising the charter school application  
4           process; revising the appeals process for a denied  
5           charter school application; requiring the use of the  
6           standard contract by specified entities; revising  
7           eligibility requirements for charter school students  
8           enrolled in blended learning courses; clarifying  
9           provisions relating to charter schools and tort  
10          liability; revising the purpose of charter school  
11          cooperatives; authorizing the use of unrestricted net  
12          assets and unrestricted surplus for specified charter  
13          schools; requiring such funds to be used in accordance  
14          with specified provisions; revising the public  
15          information disclosures of charter schools;  
16          authorizing certain entities to share facilities with  
17          charter schools without additional approval; revising  
18          the administrative fees that a district may withhold  
19          from charter schools; requiring charter schools to  
20          complete and submit an annual survey; deleting a  
21          requirement that the Department of Education compare  
22          certain data; revising eligibility criteria for  
23          designated local educational agency status; amending  
24          1002.3305, F.S.; revising the definition for the term  
25          "eligible student" for purposes of the College-

26 preparatory Boarding Academy Pilot Program; amending  
27 s. 1002.331, F.S.; conforming provisions to changes  
28 made by the act; authorizing a high-performing charter  
29 school to establish more than one charter school in  
30 any year under certain circumstances; amending s.  
31 1002.332, F.S.; authorizing a high-performing charter  
32 school system to replicate its schools in any school  
33 district and providing application requirements  
34 therefor; amending s. 1008.34, F.S.; revising the  
35 student performance data to be included in school  
36 grades; amending s. 1008.341, F.S.; including  
37 concordant scores in the calculation of an alternative  
38 school's school improvement rating; amending s.  
39 1011.62, F.S.; revising eligibility criteria for  
40 postsecondary institutions to participate in the dual  
41 enrollment and early admission programs; amending s.  
42 1011.71, F.S.; requiring district schools to share  
43 discretionary millage with charter schools-in-a-  
44 municipality and providing a distribution methodology  
45 therefor; amending s. 1013.62, F.S.; revising  
46 eligibility criteria for charter schools to receive  
47 charter school capital outlay funding; providing an  
48 effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
 52 Section 1. Subsection (1), paragraphs (a), (b), (c), and  
 53 (h) of subsection (6), subsection (7), paragraph (b) of  
 54 subsection (8), paragraph (h) of subsection (12), subsection  
 55 (13), paragraphs (b) and (c) of subsection (17), paragraph (c)  
 56 of subsection (18), subsection (20), paragraphs (a) and (b) of  
 57 subsection (21), and subsections (25) and (28) of section  
 58 1002.33, Florida Statutes, are amended to read:

59 1002.33 Charter schools.—

60 (1) AUTHORIZATION. ~~Charter schools shall be part of the~~  
 61 ~~state's program of public education.~~ All charter schools in  
 62 Florida are public schools and shall be part of the state's  
 63 program of public education. A charter school may be formed by  
 64 creating a new school or converting an existing public school to  
 65 charter status. A charter school may operate a virtual charter  
 66 school pursuant to s. 1002.45(1)(d) to provide full-time online  
 67 instruction to eligible students, pursuant to s. 1002.455, in  
 68 kindergarten through grade 12. An existing charter school that  
 69 is seeking to become a virtual charter school must amend its  
 70 charter or submit a new application pursuant to subsection (6)  
 71 to become a virtual charter school. A virtual charter school is  
 72 subject to the requirements of this section; however, a virtual  
 73 charter school is exempt from subsections (18) and (19),  
 74 ~~subparagraphs (20)(a)2., 4., 5., and 7.,~~ paragraph (20)(c), and  
 75 s. 1003.03. A public school may not use the term charter in its

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76 name unless it has been approved under this section.

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

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

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

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

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

93 4. Describes the reading curriculum and differentiated  
94 strategies that will be used for students reading at grade level  
95 or higher and a separate curriculum and strategies for students  
96 who are reading below grade level. A sponsor shall deny an  
97 application if the school does not propose a reading curriculum  
98 that is consistent with effective teaching strategies that are  
99 grounded in scientifically based reading research.

100 5. Contains an annual financial plan for each year

101 requested by the charter for operation of the school for up to 5  
102 years. This plan must contain anticipated fund balances based on  
103 revenue projections, a spending plan based on projected revenues  
104 and expenses, and a description of controls that will safeguard  
105 finances and projected enrollment trends.

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

114 7. Contains additional information a sponsor may require,  
115 which shall be attached as an addendum to the charter school  
116 application described in this paragraph.

117 8. For the establishment of a virtual charter school,  
118 documents that the applicant has contracted with a provider of  
119 virtual instruction services pursuant to s. 1002.45(1)(d).

120 (b) A sponsor shall receive and review all applications  
121 for a charter school using the evaluation instrument developed  
122 by the Department of Education. A sponsor shall receive and  
123 consider charter school applications received on or before  
124 February ~~August~~ 1 of each calendar year for charter schools to  
125 be opened 18 months later at the beginning of the school

126 district's ~~next~~ school year, or to be opened at a time agreed to  
127 by the applicant and the sponsor. A sponsor may not refuse to  
128 receive a charter school application submitted before February  
129 ~~August~~ 1 and may receive an application submitted later than  
130 February ~~August~~ 1 if it chooses. ~~In order to facilitate greater~~  
131 ~~collaboration in the application process, an applicant may~~  
132 ~~submit a draft charter school application on or before May 1~~  
133 ~~with an application fee of \$500. If a draft application is~~  
134 ~~timely submitted, the sponsor shall review and provide feedback~~  
135 ~~as to material deficiencies in the application by July 1. The~~  
136 ~~applicant shall then have until August 1 to resubmit a revised~~  
137 ~~and final application. The sponsor may approve the draft~~  
138 ~~application. Except as provided for a draft application, A~~  
139 sponsor may not charge an applicant for a charter any fee for  
140 the processing or consideration of an application, and a sponsor  
141 may not base its consideration or approval of a final  
142 application upon the promise of future payment of any kind.  
143 Before approving or denying any ~~final~~ application, the sponsor  
144 shall allow the applicant, upon receipt of written notification,  
145 at least 7 calendar days to make technical or nonsubstantive  
146 corrections and clarifications, including, but not limited to,  
147 corrections of grammatical, typographical, and like errors or  
148 missing signatures, if such errors are identified by the sponsor  
149 as cause to deny the final application.

150 1. In order to facilitate an accurate budget projection

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

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

166 3.a. A sponsor shall by a majority vote approve or deny an  
167 application no later than 90 ~~60~~ calendar days after the  
168 application is received, unless the sponsor and the applicant  
169 mutually agree in writing to temporarily postpone the vote to a  
170 specific date, at which time the sponsor shall by a majority  
171 vote approve or deny the application. If the sponsor fails to  
172 act on the application, an applicant may appeal to the State  
173 Board of Education as provided in paragraph (c). If an  
174 application is denied, the sponsor shall, within 10 calendar  
175 days after such denial, articulate in writing the specific

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176 reasons, based upon good cause, supporting its denial of the  
177 application and shall provide the letter of denial and  
178 supporting documentation to the applicant and to the Department  
179 of Education.

180 b. An application submitted by a high-performing charter  
181 school identified pursuant to s. 1002.331 or a high-performing  
182 charter school system identified pursuant to s. 1002.332 may be  
183 denied by the sponsor only if the sponsor demonstrates by clear  
184 and convincing evidence that:

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

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

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

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

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

199

200 Material noncompliance is a failure to follow requirements or a



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

211 c. If the sponsor denies an application submitted by a  
212 high-performing charter school or a high-performing charter  
213 school system, the sponsor must, within 10 calendar days after  
214 such denial, state in writing the specific reasons, based upon  
215 the criteria in sub-subparagraph b., supporting its denial of  
216 the application and must provide the letter of denial and  
217 supporting documentation to the applicant and to the Department  
218 of Education. The applicant may appeal the sponsor's denial of  
219 the application in accordance with ~~directly to the State Board~~  
220 ~~of Education and, if an appeal is filed, must provide a copy of~~  
221 ~~the appeal to the sponsor pursuant to~~ paragraph (c).

222 4. For budget projection purposes, the sponsor shall  
223 report to the Department of Education the approval or denial of  
224 an application within 10 calendar days after such approval or  
225 denial. In the event of approval, the report to the Department

226 of Education shall include the final projected FTE for the  
227 approved charter school.

228 5. Upon approval of an application, the initial startup  
229 shall commence with the beginning of the public school calendar  
230 for the district in which the charter is granted. A charter  
231 school may defer the opening of the school's operations for up  
232 to 2 years to provide time for adequate facility planning. The  
233 charter school must provide written notice of such intent to the  
234 sponsor and the parents of enrolled students at least 30  
235 calendar days before the first day of school.

236 (c)1. An applicant may appeal any denial of that  
237 applicant's application or failure to act on an application to  
238 the State Board of Education no later than 30 calendar days  
239 after receipt of the sponsor's decision or failure to act and  
240 shall notify the sponsor of its appeal. Any response of the  
241 sponsor shall be submitted to the State Board of Education  
242 within 30 calendar days after notification of the appeal. Upon  
243 receipt of notification from the State Board of Education that a  
244 charter school applicant is filing an appeal, the Commissioner  
245 of Education shall convene a meeting of the Charter School  
246 Appeal Commission to study and make recommendations to the State  
247 Board of Education regarding its pending decision about the  
248 appeal. The commission shall forward its recommendation to the  
249 state board at least 7 calendar days before the date on which  
250 the appeal is to be heard. ~~An appeal regarding the denial of an~~

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251 ~~application submitted by a high-performing charter school~~  
252 ~~pursuant to s. 1002.331 shall be conducted by the State Board of~~  
253 ~~Education in accordance with this paragraph, except that the~~  
254 ~~commission shall not convene to make recommendations regarding~~  
255 ~~the appeal. However, the Commissioner of Education shall review~~  
256 ~~the appeal and make a recommendation to the state board.~~

257 2. ~~The Charter School Appeal Commission or, in the case of~~  
258 ~~an appeal regarding an application submitted by a high-~~  
259 ~~performing charter school, the State Board of Education may~~  
260 reject an appeal submission for failure to comply with  
261 procedural rules governing the appeals process. The rejection  
262 shall describe the submission errors. The appellant shall have  
263 15 calendar days after notice of rejection in which to resubmit  
264 an appeal that meets the requirements set forth in State Board  
265 of Education rule. An appeal submitted subsequent to such  
266 rejection is considered timely if the original appeal was filed  
267 within 30 calendar days after receipt of notice of the specific  
268 reasons for the sponsor's denial of the charter application.

269 3.a. The State Board of Education shall by majority vote  
270 accept or reject the decision of the sponsor no later than 90  
271 calendar days after an appeal is filed in accordance with State  
272 Board of Education rule. The State Board of Education shall  
273 remand the application to the sponsor with its written decision  
274 that the sponsor approve or deny the application. The sponsor  
275 shall implement the decision of the State Board of Education.

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276 The decision of the State Board of Education is not subject to  
277 the provisions of the Administrative Procedure Act, chapter 120.

278 b. If an appeal concerns an application submitted by a  
279 high-performing charter school identified pursuant to s.  
280 1002.331 or a high-performing charter school system identified  
281 pursuant to s. 1002.332, the State Board of Education shall  
282 determine whether the sponsor's denial was in accordance with  
283 sub-subparagraph (6) (b) 3.b. sponsor has shown, by clear and  
284 convincing evidence, that:

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

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

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

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

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

299  
300 ~~The State Board of Education shall approve or reject the~~

301 ~~sponsor's denial of an application no later than 90 calendar~~  
302 ~~days after an appeal is filed in accordance with State Board of~~  
303 ~~Education rule. The State Board of Education shall remand the~~  
304 ~~application to the sponsor with its written decision that the~~  
305 ~~sponsor approve or deny the application. The sponsor shall~~  
306 ~~implement the decision of the State Board of Education. The~~  
307 ~~decision of the State Board of Education is not subject to the~~  
308 ~~Administrative Procedure Act, chapter 120.~~

309 ~~(h) The terms and conditions for the operation of a~~  
310 ~~charter school shall be set forth by the sponsor and the~~  
311 ~~applicant in a written contractual agreement, called a charter.~~  
312 ~~The sponsor may not impose unreasonable rules or regulations~~  
313 ~~that violate the intent of giving charter schools greater~~  
314 ~~flexibility to meet educational goals. The sponsor has 30 days~~  
315 ~~after approval of the application to provide an initial proposed~~  
316 ~~charter contract to the charter school. The applicant and the~~  
317 ~~sponsor have 40 days thereafter to negotiate and notice the~~  
318 ~~charter contract for final approval by the sponsor unless both~~  
319 ~~parties agree to an extension. The proposed charter contract~~  
320 ~~shall be provided to the charter school at least 7 calendar days~~  
321 ~~prior to the date of the meeting at which the charter is~~  
322 ~~scheduled to be voted upon by the sponsor. The Department of~~  
323 ~~Education shall provide mediation services for any dispute~~  
324 ~~regarding this section subsequent to the approval of a charter~~  
325 ~~application and for any dispute relating to the approved~~

326 ~~charter, except disputes regarding charter school application~~  
327 ~~denials. If the Commissioner of Education determines that the~~  
328 ~~dispute cannot be settled through mediation, the dispute may be~~  
329 ~~appealed to an administrative law judge appointed by the~~  
330 ~~Division of Administrative Hearings. The administrative law~~  
331 ~~judge has final order authority to rule on issues of equitable~~  
332 ~~treatment of the charter school as a public school, whether~~  
333 ~~proposed provisions of the charter violate the intended~~  
334 ~~flexibility granted charter schools by statute, or on any other~~  
335 ~~matter regarding this section except a charter school~~  
336 ~~application denial, a charter termination, or a charter~~  
337 ~~nonrenewal and shall award the prevailing party reasonable~~  
338 ~~attorney's fees and costs incurred to be paid by the losing~~  
339 ~~party. The costs of the administrative hearing shall be paid by~~  
340 ~~the party whom the administrative law judge rules against.~~

341 (7) CHARTER.—The terms and conditions for the operation of  
342 a charter school shall be set forth by the sponsor and the  
343 applicant in a written contractual agreement, called a charter.  
344 The sponsor and the governing board of the charter school shall  
345 use the standard charter contract pursuant to subsection (21),  
346 which shall incorporate the approved application and any addenda  
347 approved with the application. The standard charter contract may  
348 not be altered in any way. Any term or condition of a proposed  
349 charter contract that differs from the standard charter contract  
350 adopted by rule of the State Board of Education shall be

351 presumed a limitation on charter school flexibility. The sponsor  
352 may not impose unreasonable rules or regulations that violate  
353 the intent of giving charter schools greater flexibility to meet  
354 educational goals ~~The major issues involving the operation of a~~  
355 ~~charter school shall be considered in advance and written into~~  
356 ~~the charter.~~ The charter shall be signed by the governing board  
357 of the charter school and the sponsor, following a public  
358 hearing to ensure community input.

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

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

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

370 a. The charter shall ensure that reading is a primary  
371 focus of the curriculum and that resources are provided to  
372 identify and provide specialized instruction for students who  
373 are reading below grade level. The curriculum and instructional  
374 strategies for reading must be consistent with the Next  
375 Generation Sunshine State Standards and grounded in

376 | scientifically based reading research.

377 |       b. In order to provide students with access to diverse  
378 | instructional delivery models, to facilitate the integration of  
379 | technology within traditional classroom instruction, and to  
380 | provide students with the skills they need to compete in the  
381 | 21st century economy, the Legislature encourages instructional  
382 | methods for blended learning courses consisting of both  
383 | traditional classroom and online instructional techniques.  
384 | Charter schools may implement blended learning courses which  
385 | combine traditional classroom instruction and virtual  
386 | instruction. Students in a blended learning course must be full-  
387 | time students of the charter school pursuant to s.  
388 | 1011.61(1)(a)1. ~~and receive the online instruction in a~~  
389 | ~~classroom setting at the charter school.~~ Instructional personnel  
390 | certified pursuant to s. 1012.55 who provide virtual instruction  
391 | for blended learning courses may be employees of the charter  
392 | school or may be under contract to provide instructional  
393 | services to charter school students. At a minimum, such  
394 | instructional personnel must hold an active state or school  
395 | district adjunct certification under s. 1012.57 for the subject  
396 | area of the blended learning course. The funding and performance  
397 | accountability requirements for blended learning courses are the  
398 | same as those for traditional courses.

399 |       3. The current incoming baseline standard of student  
400 | academic achievement, the outcomes to be achieved, and the



401 method of measurement that will be used. The criteria listed in  
402 this subparagraph shall include a detailed description of:

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

405 b. How these baseline rates will be compared to rates of  
406 academic progress achieved by these same students while  
407 attending the charter school.

408 c. To the extent possible, how these rates of progress  
409 will be evaluated and compared with rates of progress of other  
410 closely comparable student populations.

411

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

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

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

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

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

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

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

450           10. The asset and liability projections required in the

451 application which are incorporated into the charter and shall be  
452 compared with information provided in the annual report of the  
453 charter school.

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

463 12. The term of the charter which shall provide for  
464 cancellation of the charter if insufficient progress has been  
465 made in attaining the student achievement objectives of the  
466 charter and if it is not likely that such objectives can be  
467 achieved before expiration of the charter. The initial term of a  
468 charter shall be for 4 or 5 years. In order to facilitate access  
469 to long-term financial resources for charter school  
470 construction, charter schools that are operated by a  
471 municipality or other public entity as provided by law are  
472 eligible for up to a 15-year charter, subject to approval by the  
473 district school board. A charter lab school is eligible for a  
474 charter for a term of up to 15 years. In addition, to facilitate  
475 access to long-term financial resources for charter school

476 construction, charter schools that are operated by a private,  
477 not-for-profit, s. 501(c)(3) status corporation are eligible for  
478 up to a 15-year charter, subject to approval by the district  
479 school board. Such long-term charters remain subject to annual  
480 review and may be terminated during the term of the charter, but  
481 only according to the provisions set forth in subsection (8).

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

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

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

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

497 17. In the case of an existing public school that is being  
498 converted to charter status, alternative arrangements for  
499 current students who choose not to attend the charter school and  
500 for current teachers who choose not to teach in the charter

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501 school after conversion in accordance with the existing  
502 collective bargaining agreement or district school board rule in  
503 the absence of a collective bargaining agreement. However,  
504 alternative arrangements shall not be required for current  
505 teachers who choose not to teach in a charter lab school, except  
506 as authorized by the employment policies of the state university  
507 which grants the charter to the lab school.

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

520 19. Implementation of the activities authorized under s.  
521 1002.331 by the charter school when it satisfies the eligibility  
522 requirements for a high-performing charter school. A high-  
523 performing charter school shall notify its sponsor in writing by  
524 March 1 if it intends to increase enrollment or expand grade  
525 levels the following school year. The written notice shall

526 specify the amount of the enrollment increase and the grade  
527 levels that will be added, as applicable.

528 (b) The sponsor has 30 days after approval of the  
529 application to provide an initial proposed charter contract to  
530 the charter school. The applicant and the sponsor have 40 days  
531 thereafter to negotiate and notice the charter contract for  
532 final approval by the sponsor unless both parties agree to an  
533 extension. The proposed charter contract shall be provided to  
534 the charter school at least 7 calendar days before the date of  
535 the meeting at which the charter is scheduled to be voted upon  
536 by the sponsor. The Department of Education shall provide  
537 mediation services for any dispute regarding this section  
538 subsequent to the approval of a charter application and for any  
539 dispute relating to the approved charter, except a dispute  
540 regarding a charter school application denial. If the  
541 Commissioner of Education determines that the dispute cannot be  
542 settled through mediation, the dispute may be appealed to an  
543 administrative law judge appointed by the Division of  
544 Administrative Hearings. The administrative law judge has final  
545 order authority to rule on issues of equitable treatment of the  
546 charter school as a public school, whether proposed provisions  
547 of the charter violate the intended flexibility granted charter  
548 schools by statute, or any other matter regarding this section,  
549 except a dispute regarding charter school application denial, a  
550 charter termination, or a charter nonrenewal. The administrative

551 law judge shall award the prevailing party reasonable attorney  
552 fees and costs incurred during the mediation process,  
553 administrative proceeding, and any appeals, to be paid by the  
554 party whom the administrative law judge rules against.

555 (c)~~(b)~~1. A charter may be renewed provided that a program  
556 review demonstrates that the criteria in paragraph (a) have been  
557 successfully accomplished and that none of the grounds for  
558 nonrenewal established by paragraph (8) (a) has been documented.  
559 In order to facilitate long-term financing for charter school  
560 construction, charter schools operating for a minimum of 3 years  
561 and demonstrating exemplary academic programming and fiscal  
562 management are eligible for a 15-year charter renewal. Such  
563 long-term charter is subject to annual review and may be  
564 terminated during the term of the charter.

565 2. The 15-year charter renewal that may be granted  
566 pursuant to subparagraph 1. shall be granted to a charter school  
567 that has received a school grade of "A" or "B" pursuant to s.  
568 1008.34 in 3 of the past 4 years and is not in a state of  
569 financial emergency or deficit position as defined by this  
570 section. Such long-term charter is subject to annual review and  
571 may be terminated during the term of the charter pursuant to  
572 subsection (8).

573 (d)~~(e)~~ A charter may be modified during its initial term  
574 or any renewal term upon the recommendation of the sponsor or  
575 the charter school's governing board and the approval of both

576 parties to the agreement. Modification may include, but is not  
577 limited to, consolidation of multiple charters into a single  
578 charter if the charters are operated under the same governing  
579 board and physically located on the same campus, regardless of  
580 the renewal cycle.

581 (e)~~(d)~~ A charter may be terminated by a charter school's  
582 governing board through voluntary closure. The decision to cease  
583 operations must be determined at a public meeting. The governing  
584 board shall notify the parents and sponsor of the public meeting  
585 in writing before the public meeting. The governing board must  
586 notify the sponsor, parents of enrolled students, and the  
587 department in writing within 24 hours after the public meeting  
588 of its determination. The notice shall state the charter  
589 school's intent to continue operations or the reason for the  
590 closure and acknowledge that the governing board agrees to  
591 follow the procedures for dissolution and reversion of public  
592 funds pursuant to paragraphs (8) (e)-(g) and (9) (o).

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

594 (b) At least 90 days before ~~prior to~~ renewing,  
595 nonrenewing, or terminating a charter, the sponsor shall notify  
596 the governing board of the school of the proposed action in  
597 writing. The notice shall state in reasonable detail the grounds  
598 for the proposed action and stipulate that the school's  
599 governing board may, within 14 calendar days after receiving the  
600 notice, request a hearing. The hearing shall be conducted at the



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601 sponsor's election in accordance with one of the following  
602 procedures:

603 1. A direct hearing conducted by the sponsor within 60  
604 days after receipt of the request for a hearing. The hearing  
605 shall be conducted in accordance with ss. 120.569 and 120.57.  
606 The sponsor shall decide upon nonrenewal or termination by a  
607 majority vote. The sponsor's decision shall be a final order; or

608 2. A hearing conducted by an administrative law judge  
609 assigned by the Division of Administrative Hearings. The hearing  
610 shall be conducted within 60 days after receipt of the request  
611 for a hearing and in accordance with chapter 120. The  
612 administrative law judge's recommended order shall be submitted  
613 to the sponsor. A majority vote by the sponsor shall be required  
614 to adopt or modify the administrative law judge's recommended  
615 order. The sponsor shall issue a final order.

616 (12) EMPLOYEES OF CHARTER SCHOOLS.—

617 (h) For the purposes of tort liability, the charter  
618 school, including its governing body and employees, ~~of a charter~~  
619 ~~school~~ shall be governed by s. 768.28.

620 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may  
621 enter into cooperative agreements to form charter school  
622 cooperative organizations that may provide ~~the following~~  
623 services to further educational, operational, and administrative  
624 initiatives in which the participating charter schools share  
625 common interests: ~~charter school planning and development,~~

626 ~~direct instructional services, and contracts with charter school~~  
627 ~~governing boards to provide personnel administrative services,~~  
628 ~~payroll services, human resource management, evaluation and~~  
629 ~~assessment services, teacher preparation, and professional~~  
630 ~~development.~~

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

636 (b) The basis for the agreement for funding students  
637 enrolled in a charter school shall be the sum of the school  
638 district's operating funds from the Florida Education Finance  
639 Program as provided in s. 1011.62 and the General Appropriations  
640 Act, including gross state and local funds, discretionary  
641 lottery funds, and funds from the school district's current  
642 operating discretionary millage levy; divided by total funded  
643 weighted full-time equivalent students in the school district;  
644 multiplied by the weighted full-time equivalent students for the  
645 charter school. Charter schools whose students or programs meet  
646 the eligibility criteria in law are entitled to their  
647 proportionate share of categorical program funds included in the  
648 total funds available in the Florida Education Finance Program  
649 by the Legislature, including transportation, the research-based  
650 reading allocation, and the Florida digital classrooms

651 allocation. Total funding for each charter school shall be  
652 recalculated during the year to reflect the revised calculations  
653 under the Florida Education Finance Program by the state and the  
654 actual weighted full-time equivalent students reported by the  
655 charter school during the full-time equivalent student survey  
656 periods designated by the Commissioner of Education. For charter  
657 schools operated by a not-for-profit or municipal entity, any  
658 unrestricted surplus or unrestricted net assets identified in  
659 the charter school's annual audit may be used for K-12  
660 educational purposes for other charter schools in the state  
661 operated by the not-for-profit or municipal entity. Surplus  
662 operating funds shall be used in accordance with s. 1011.62, and  
663 surplus capital outlay funds shall be used in accordance with s.  
664 1013.62 (2).

665 (c) ~~If the district school board is providing programs or~~  
666 ~~services to students funded by federal funds, any eligible~~  
667 ~~students enrolled in charter schools in the school district~~  
668 ~~shall be provided federal funds for the same level of service~~  
669 ~~provided students in the schools operated by the district school~~  
670 ~~board.~~ Pursuant to ~~provisions of~~ 20 U.S.C. 8061 s. 10306, all  
671 charter schools shall receive all federal funding for which the  
672 school is otherwise eligible, including Title I funding, not  
673 later than 5 months after the charter school first opens and  
674 within 5 months after any subsequent expansion of enrollment.  
675 Unless otherwise mutually agreed to by the charter school and

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676 | its sponsor, and consistent with state and federal rules and  
677 | regulations governing the use and disbursement of federal funds,  
678 | the sponsor shall reimburse the charter school on a monthly  
679 | basis for all invoices submitted by the charter school for  
680 | federal funds available to the sponsor for the benefit of the  
681 | charter school, the charter school's students, and the charter  
682 | school's students as public school students in the school  
683 | district. Such federal funds include, but are not limited to,  
684 | Title I, Title II, and Individuals with Disabilities Education  
685 | Act (IDEA) funds. To receive timely reimbursement for an  
686 | invoice, the charter school must submit the invoice to the  
687 | sponsor at least 30 days before the monthly date of  
688 | reimbursement set by the sponsor. In order to be reimbursed, any  
689 | expenditures made by the charter school must comply with all  
690 | applicable state rules and federal regulations, including, but  
691 | not limited to, the applicable federal Office of Management and  
692 | Budget Circulars; the federal Education Department General  
693 | Administrative Regulations; and program-specific statutes,  
694 | rules, and regulations. Such funds may not be made available to  
695 | the charter school until a plan is submitted to the sponsor for  
696 | approval of the use of the funds in accordance with applicable  
697 | federal requirements. The sponsor has 30 days to review and  
698 | approve any plan submitted pursuant to this paragraph.

699 |       (18) FACILITIES.—

700 |       (c) Any facility, or portion thereof, used to house a

701 charter school whose charter has been approved by the sponsor  
702 and the governing board, pursuant to subsection (7), shall be  
703 exempt from ad valorem taxes pursuant to s. 196.1983. Library,  
704 community service, museum, performing arts, theatre, cinema,  
705 church, Florida College System institution, college, and  
706 university facilities may provide space to charter schools  
707 within their facilities under their preexisting zoning and land  
708 use designations without obtaining a special exception,  
709 rezoning, a land use charter, or any other form of approval.

710 (20) SERVICES.—

711 (a)1. A sponsor shall provide certain administrative and  
712 educational services to charter schools. These services shall  
713 include contract management services; full-time equivalent and  
714 data reporting services; exceptional student education  
715 administration services; services related to eligibility and  
716 reporting duties required to ensure that school lunch services  
717 under the federal lunch program, consistent with the needs of  
718 the charter school, are provided by the school district at the  
719 request of the charter school, that any funds due to the charter  
720 school under the federal lunch program be paid to the charter  
721 school as soon as the charter school begins serving food under  
722 the federal lunch program, and that the charter school is paid  
723 at the same time and in the same manner under the federal lunch  
724 program as other public schools serviced by the sponsor or the  
725 school district; test administration services, including payment

726 of the costs of state-required or district-required student  
727 assessments; processing of teacher certificate data services;  
728 and information services, including equal access to student  
729 information systems that are used by public schools in the  
730 district in which the charter school is located. Student  
731 performance data for each student in a charter school,  
732 including, but not limited to, FCAT scores, standardized test  
733 scores, previous public school student report cards, and student  
734 performance measures, shall be provided by the sponsor to a  
735 charter school in the same manner provided to other public  
736 schools in the district.

737       2. A sponsor may withhold an administrative fee for the  
738 provision of such services which shall be a percentage of the  
739 available funds defined in paragraph (17) (b) calculated based on  
740 weighted full-time equivalent students. If the charter school  
741 serves 75 percent or more exceptional education students as  
742 defined in s. 1003.01(3), the percentage shall be calculated  
743 based on unweighted full-time equivalent students. The  
744 administrative fee shall be calculated as follows:

745       a. Up to 5 percent for:

746       (I) Enrollment of up to and including 250 students in a  
747 charter school as defined in this section.

748       (II) Enrollment of up to and including 500 students within  
749 a charter school system which meets all of the following:

750       (A) Includes conversion charter schools and nonconversion

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751 charter schools.

752 (B) Has all of its schools located in the same county.

753 (C) Has a total enrollment exceeding the total enrollment  
754 of at least one school district in the state.

755 (D) Has the same governing board for all of its schools.

756 (E) Does not contract with a for-profit service provider  
757 for management of school operations.

758 (III) Enrollment of up to and including 250 students in a  
759 virtual charter school.

760 b. Up to 2 percent for enrollment of up to and including  
761 250 students in a high-performing charter school as defined in  
762 s. 1002.331.

763 3. A sponsor may not charge charter schools any additional  
764 fees or surcharges for administrative and educational services  
765 in addition to the maximum percentage of administrative fees  
766 withheld pursuant to this paragraph ~~A total administrative fee~~  
767 ~~for the provision of such services shall be calculated based~~  
768 ~~upon up to 5 percent of the available funds defined in paragraph~~  
769 ~~(17)(b) for all students, except that when 75 percent or more of~~  
770 ~~the students enrolled in the charter school are exceptional~~  
771 ~~students as defined in s. 1003.01(3), the 5 percent of those~~  
772 ~~available funds shall be calculated based on unweighted full-~~  
773 ~~time equivalent students. However, a sponsor may only withhold~~  
774 ~~up to a 5-percent administrative fee for enrollment for up to~~  
775 ~~and including 250 students. For charter schools with a~~

776 ~~population of 251 or more students, the difference between the~~  
777 ~~total administrative fee calculation and the amount of the~~  
778 ~~administrative fee withheld may only be used for capital outlay~~  
779 ~~purposes specified in s. 1013.62(3).~~

780 ~~3. For high-performing charter schools, as defined in s.~~  
781 ~~1002.331, a sponsor may withhold a total administrative fee of~~  
782 ~~up to 2 percent for enrollment up to and including 250 students~~  
783 ~~per school.~~

784 ~~4. In addition, a sponsor may withhold only up to a 5-~~  
785 ~~percent administrative fee for enrollment for up to and~~  
786 ~~including 500 students within a system of charter schools which~~  
787 ~~meets all of the following:~~

788 ~~a. Includes both conversion charter schools and~~  
789 ~~nonconversion charter schools;~~

790 ~~b. Has all schools located in the same county;~~

791 ~~c. Has a total enrollment exceeding the total enrollment~~  
792 ~~of at least one school district in the state;~~

793 ~~d. Has the same governing board; and~~

794 ~~e. Does not contract with a for-profit service provider~~  
795 ~~for management of school operations.~~

796 ~~5. The difference between the total administrative fee~~  
797 ~~calculation and the amount of the administrative fee withheld~~  
798 ~~pursuant to subparagraph 4. may be used for instructional and~~  
799 ~~administrative purposes as well as for capital outlay purposes~~  
800 ~~specified in s. 1013.62(3).~~



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

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

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

814 (b) If goods and services are made available to the  
815 charter school through the contract with the school district,  
816 they shall be provided to the charter school at a rate no  
817 greater than the district's actual cost unless mutually agreed  
818 upon by the charter school and the sponsor in a contract  
819 negotiated separately from the charter. When mediation has  
820 failed to resolve disputes over contracted services or  
821 contractual matters not included in the charter, an appeal may  
822 be made for a dispute resolution hearing before the Charter  
823 School Appeal Commission. To maximize the use of state funds,  
824 school districts shall allow charter schools to participate in  
825 the sponsor's bulk purchasing program if applicable.

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826 (c) Transportation of charter school students shall be  
827 provided by the charter school consistent with the requirements  
828 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
829 body of the charter school may provide transportation through an  
830 agreement or contract with the district school board, a private  
831 provider, or parents. The charter school and the sponsor shall  
832 cooperate in making arrangements that ensure that transportation  
833 is not a barrier to equal access for all students residing  
834 within a reasonable distance of the charter school as determined  
835 in its charter.

836 (d) Each charter school shall annually complete and submit  
837 a survey, provided in a format specified by the Department of  
838 Education, to rate the timeliness and quality of services  
839 provided by the district in accordance with this section. The  
840 department shall compile the results, by district, and include  
841 the results in the report required under sub-sub-subparagraph  
842 (5) (b) 1.k. (III).

843 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

844 (a) The Department of Education shall provide information  
845 to the public, directly and through sponsors, on how to form and  
846 operate a charter school and how to enroll in a charter school  
847 once it is created. This information shall include the standard  
848 ~~a model~~ application form, standard charter contract, standard  
849 evaluation instrument, and standard charter renewal contract,  
850 which shall include the information specified in subsection (7)

851 and shall be developed by consulting and negotiating with both  
852 school districts and charter schools before implementation. The  
853 charter and charter renewal contracts shall be used by charter  
854 school sponsors.

855 (b)1. The Department of Education shall report to each  
856 charter school receiving a school grade pursuant to s. 1008.34  
857 or a school improvement rating pursuant to s. 1008.341 the  
858 school's student assessment data.

859 2. The charter school shall report the information in  
860 subparagraph 1. to each parent of a student at the charter  
861 school, the parent of a child on a waiting list for the charter  
862 school, the district in which the charter school is located, and  
863 the governing board of the charter school. This paragraph does  
864 not abrogate the provisions of s. 1002.22, relating to student  
865 records, or the requirements of 20 U.S.C. s. 1232g, the Family  
866 Educational Rights and Privacy Act.

867 ~~3.a. Pursuant to this paragraph, the Department of~~  
868 ~~Education shall compare the charter school student performance~~  
869 ~~data for each charter school in subparagraph 1. with the student~~  
870 ~~performance data in traditional public schools in the district~~  
871 ~~in which the charter school is located and other charter schools~~  
872 ~~in the state. For alternative charter schools, the department~~  
873 ~~shall compare the student performance data described in this~~  
874 ~~paragraph with all alternative schools in the state. The~~  
875 ~~comparative data shall be provided by the following grade~~

876 ~~groupings:~~

877 ~~(I) Grades 3 through 5;~~

878 ~~(II) Grades 6 through 8; and~~

879 ~~(III) Grades 9 through 11.~~

880 ~~b. Each charter school shall provide the information~~  
 881 ~~specified in this paragraph on its Internet website and also~~  
 882 ~~provide notice to the public at large in a manner provided by~~  
 883 ~~the rules of the State Board of Education. The State Board of~~  
 884 ~~Education shall adopt rules to administer the notice~~  
 885 ~~requirements of this subparagraph pursuant to ss. 120.536(1) and~~  
 886 ~~120.54. The website shall include, through links or actual~~  
 887 ~~content, other information related to school performance.~~

888 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
 889 SCHOOL SYSTEMS.—A charter school system's governing board shall  
 890 be designated a local educational agency for the purpose of  
 891 receiving federal funds, the same as though the charter school  
 892 system were a school district, if the governing board of the  
 893 charter school system has adopted and filed a resolution with  
 894 its sponsoring district school board and the Department of  
 895 Education in which the governing board of the charter school  
 896 system accepts the full responsibility for all local education  
 897 agency requirements and the charter school system meets all of  
 898 the following:

899 ~~(a) Includes both conversion charter schools and~~  
 900 ~~nonconversion charter schools;~~

901            (a) ~~(b)~~ Has all schools located in the same county;  
 902            (b) ~~(c)~~ Has a total enrollment exceeding the total  
 903 enrollment of at least one school district in the state; and  
 904            (c) ~~(d)~~ Has the same governing board; ~~and~~  
 905            ~~(e) Does not contract with a for-profit service provider~~  
 906 ~~for management of school operations.~~

907  
 908 Such designation does not apply to other provisions unless  
 909 specifically provided in law.

910            (28) RULEMAKING.—The Department of Education, after  
 911 consultation with school districts and charter school directors,  
 912 shall recommend that the State Board of Education adopt rules to  
 913 implement specific subsections of this section. Such rules shall  
 914 require minimum paperwork and shall not limit charter school  
 915 flexibility authorized by statute. The State Board of Education  
 916 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
 917 implement a standard charter ~~model~~ application form, standard  
 918 application form for the replication of charter schools in a  
 919 high-performing charter school system, standard evaluation  
 920 instrument, and standard charter and charter renewal contracts  
 921 in accordance with this section.

922            Section 2. Paragraph (b) of subsection (2) of section  
 923 1002.3305, Florida Statutes, is amended to read:

924            1002.3305 College-preparatory Boarding Academy Pilot  
 925 Program for at-risk students.—

926 (2) DEFINITIONS.—As used in this section, the term:  
 927 (b) "Eligible student" means a student who is a resident  
 928 of the state and entitled to attend school in a participating  
 929 school district, is at risk of academic failure, is currently  
 930 enrolled in grades 5-12, if it is determined by the operator  
 931 that a seat is available ~~grade 5 or 6~~, is from a family whose  
 932 gross income is at or below 200 percent of the federal poverty  
 933 guidelines, is eligible for benefits or services funded by  
 934 Temporary Assistance for Needy Families (TANF) or Title IV-E of  
 935 the Social Security Act, and meets at least one of the following  
 936 additional risk factors:  
 937 1. The child is in foster care or has been declared an  
 938 adjudicated dependent by a court.  
 939 2. The student's head of household is not the student's  
 940 custodial parent.  
 941 3. The student resides in a household that receives a  
 942 housing voucher or has been determined eligible for public  
 943 housing assistance.  
 944 4. A member of the student's immediate family has been  
 945 incarcerated.  
 946 5. The child is covered under the terms of the state's  
 947 Child Welfare Waiver Demonstration project with the United  
 948 States Department of Health and Human Services.  
 949 Section 3. Subsection (3) of section 1002.331, Florida  
 950 Statutes, is amended to read:

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951 1002.331 High-performing charter schools.-

952 (3) (a) 1. A high-performing charter school may submit an  
953 application pursuant to s. 1002.33(6) in any school district in  
954 the state to establish and operate a new charter school that  
955 will substantially replicate its educational program. An  
956 application submitted by a high-performing charter school must  
957 state that the application is being submitted pursuant to this  
958 paragraph and must include the verification letter provided by  
959 the Commissioner of Education pursuant to subsection (4).

960 2. If the sponsor fails to act on the application within  
961 90 ~~60~~ days after receipt, the application is deemed approved and  
962 the procedure in s. 1002.33(7) ~~1002.33(6)(h)~~ applies. ~~If the~~  
963 ~~sponsor denies the application, the high-performing charter~~  
964 ~~school may appeal pursuant to s. 1002.33(6).~~

965 (b) A high-performing charter school may not establish  
966 more than one charter school within the state under paragraph  
967 (a) in any year. A subsequent application to establish a charter  
968 school under paragraph (a) may not be submitted unless each  
969 charter school established in this manner achieves high-  
970 performing charter school status. However, a high-performing  
971 charter school may establish more than one charter school within  
972 the state under paragraph (a) in any year if it operates in the  
973 area of a persistently low-performing school and serves students  
974 from that school.

975 Section 4. Paragraph (b) of subsection (2) of section

976 1002.332, Florida Statutes is amended, and paragraph (c) is  
977 added to that subsection, to read:

978 1002.332 High-performing charter school system.—

979 (2) (b) A high-performing charter school system may  
980 replicate its high-performing charter schools in any school  
981 district in the state. The applicant must submit an application  
982 using the standard application form prepared by the Department  
983 of Education which:

984 1. Contains goals and objectives for improving student  
985 learning and a process for measuring student improvement. These  
986 goals and objectives must indicate how much academic improvement  
987 students are expected to demonstrate each year, how success will  
988 be evaluated, and the specific results to be attained through  
989 instruction.

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

996 3. Discloses the name of each applicant, governing board  
997 member, and all proposed education services providers; the name  
998 and sponsor of any charter school operated by each applicant,  
999 each governing board member, and each proposed education  
1000 services provider that has closed and the reasons for the



1001 closure; and the academic and financial history of such charter  
 1002 schools, which the sponsor shall consider when deciding whether  
 1003 to approve or deny the application.

1004 (c) An application submitted by a high-performing charter  
 1005 school system must state that the application is being submitted  
 1006 pursuant to this section and must include the verification  
 1007 letter provided by the Commissioner of Education pursuant to  
 1008 this subsection. If the sponsor fails to act on the application  
 1009 within 90 days after receipt, the application is deemed approved  
 1010 and the procedure in s. 1002.33(7) applies ~~pursuant to s.~~  
 1011 ~~1002.331(3).~~

1012 Section 5. Paragraph (d) of subsection (3) of section  
 1013 1008.34, Florida Statutes, is amended to read:

1014 1008.34 School grading system; school report cards;  
 1015 district grade.—

1016 (3) DESIGNATION OF SCHOOL GRADES.—

1017 (d) The performance of students attending alternative  
 1018 schools and students designated as hospital or homebound shall  
 1019 be factored into a school grade as follows:

1020 1. The student performance data for eligible students  
 1021 attending alternative schools, including charter alternative  
 1022 schools, that provide dropout prevention and academic  
 1023 intervention services pursuant to s. 1003.53 shall be included  
 1024 in the calculation of the home school's grade. The term  
 1025 "eligible students" in this subparagraph does not include

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1026 students attending an alternative school who are subject to  
1027 district school board policies for expulsion for repeated or  
1028 serious offenses, who are in dropout retrieval programs serving  
1029 students who have officially been designated as dropouts, or who  
1030 are in programs operated or contracted by the Department of  
1031 Juvenile Justice. As used in this subparagraph, the term "home  
1032 school" means the school to which the student would be assigned  
1033 if the student were not assigned to an alternative school. If an  
1034 alternative school chooses to be graded under this section,  
1035 student performance data for eligible students identified in  
1036 this subparagraph shall not be included in the home school's  
1037 grade but shall be included only in the calculation of the  
1038 alternative school's grade. A school district that fails to  
1039 assign statewide, standardized end-of-course assessment scores  
1040 of each of its students to his or her home school or to the  
1041 alternative school that receives a grade shall forfeit Florida  
1042 School Recognition Program funds for one fiscal year. School  
1043 districts must require collaboration between the home school and  
1044 the alternative school in order to promote student success. This  
1045 collaboration must include an annual discussion between the  
1046 principal of the alternative school and the principal of each  
1047 student's home school concerning the most appropriate school  
1048 assignment of the student.

1049       2. Student performance data for students designated as  
1050 hospital or homebound shall be assigned to their home school for

1051 the purposes of school grades. As used in this subparagraph, the  
 1052 term "home school" means the school to which a student would be  
 1053 assigned if the student were not assigned to a hospital or  
 1054 homebound program.

1055 3. Student performance data for a high school student who  
 1056 transfers to a private school that has a contractual  
 1057 relationship with the school district shall be assigned to the  
 1058 school in which the student was last enrolled.

1059 Section 6. Subsection (3) of section 1008.341, Florida  
 1060 Statutes, is amended to read:

1061 1008.341 School improvement rating for alternative  
 1062 schools.—

1063 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student  
 1064 Learning Gains based on statewide, standardized assessments,  
 1065 including retakes, administered under s. 1008.22 for all  
 1066 eligible students who were assigned to and enrolled in the  
 1067 school during the October or February FTE count and who have  
 1068 assessment scores, concordant scores, or comparable scores for  
 1069 the preceding school year shall be used in determining an  
 1070 alternative school's school improvement rating. An alternative  
 1071 school's rating shall be based on the following components:

1072 (a) The percentage of eligible students who make Learning  
 1073 Gains in English Language Arts as measured by statewide,  
 1074 standardized assessments under s. 1008.22(3).

1075 (b) The percentage of eligible students who make Learning

1076 Gains in mathematics as measured by statewide, standardized  
 1077 assessments under s. 1008.22(3).

1078  
 1079 Student performance results of students who are subject to  
 1080 district school board policies for expulsion for repeated or  
 1081 serious offenses, who are in dropout retrieval programs serving  
 1082 students who have officially been designated as dropouts, or who  
 1083 are in programs operated or contracted by the Department of  
 1084 Juvenile Justice may not be included in an alternative school's  
 1085 school improvement rating.

1086 Section 7. Paragraph (i) of subsection (1) of section  
 1087 1011.62, Florida Statutes, is amended to read:

1088 1011.62 Funds for operation of schools.—If the annual  
 1089 allocation from the Florida Education Finance Program to each  
 1090 district for operation of schools is not determined in the  
 1091 annual appropriations act or the substantive bill implementing  
 1092 the annual appropriations act, it shall be determined as  
 1093 follows:

1094 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 1095 OPERATION.—The following procedure shall be followed in  
 1096 determining the annual allocation to each district for  
 1097 operation:

1098 (i) Calculation of full-time equivalent membership with  
 1099 respect to dual enrollment instruction.—Students enrolled in  
 1100 dual enrollment instruction pursuant to s. 1007.271 may be

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1101 included in calculations of full-time equivalent student  
1102 memberships for basic programs for grades 9 through 12 by a  
1103 district school board. Instructional time for dual enrollment  
1104 may vary from 900 hours; however, the full-time equivalent  
1105 student membership value shall be subject to the provisions in  
1106 s. 1011.61(4). Dual enrollment full-time equivalent student  
1107 membership shall be calculated in an amount equal to the hours  
1108 of instruction that would be necessary to earn the full-time  
1109 equivalent student membership for an equivalent course if it  
1110 were taught in the school district. Students in dual enrollment  
1111 courses may also be calculated as the proportional shares of  
1112 full-time equivalent enrollments they generate for a Florida  
1113 College System institution or university conducting the dual  
1114 enrollment instruction. Early admission students shall be  
1115 considered dual enrollments for funding purposes. Students may  
1116 be enrolled in dual enrollment instruction provided by an  
1117 eligible independent college or university and may be included  
1118 in calculations of full-time equivalent student memberships for  
1119 basic programs for grades 9 through 12 by a district school  
1120 board. However, those provisions of law which exempt dual  
1121 enrolled and early admission students from payment of  
1122 instructional materials and tuition and fees, including  
1123 laboratory fees, shall not apply to students who select the  
1124 option of enrolling in an eligible independent institution. An  
1125 independent college or university, which is located and

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1126 | ~~chartered in Florida,~~ is not for profit, is accredited by a  
1127 | regional or national accrediting agency recognized by the United  
1128 | States Department of Education ~~the Commission on Colleges of the~~  
1129 | ~~Southern Association of Colleges and Schools or the Accrediting~~  
1130 | ~~Council for Independent Colleges and Schools,~~ and confers  
1131 | degrees as defined in s. 1005.02 shall be eligible for inclusion  
1132 | in the dual enrollment or early admission program. Students  
1133 | enrolled in dual enrollment instruction shall be exempt from the  
1134 | payment of tuition and fees, including laboratory fees. No  
1135 | student enrolled in college credit mathematics or English dual  
1136 | enrollment instruction shall be funded as a dual enrollment  
1137 | unless the student has successfully completed the relevant  
1138 | section of the entry-level examination required pursuant to s.  
1139 | 1008.30.

1140 | Section 8. Subsection (2) of section 1011.71, Florida  
1141 | Statutes, is amended, and subsection (10) is added to that  
1142 | section, to read:

1143 | 1011.71 District school tax.—

1144 | (2) In addition to the maximum millage levy as provided in  
1145 | subsection (1), each school board may levy not more than 1.5  
1146 | mills against the taxable value for school purposes for district  
1147 | schools and charter schools-in-a-municipality, including charter  
1148 | schools at the discretion of the school board, to fund:

1149 | (a) New construction and remodeling projects, as set forth  
1150 | in s. 1013.64(3)(b) and (6)(b) and included in the district's

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1151 educational plant survey pursuant to s. 1013.31, without regard  
1152 to prioritization, sites and site improvement or expansion to  
1153 new sites, existing sites, auxiliary facilities, athletic  
1154 facilities, or ancillary facilities.

1155 (b) Maintenance, renovation, and repair of existing school  
1156 plants or of leased facilities to correct deficiencies pursuant  
1157 to s. 1013.15(2).

1158 (c) The purchase, lease-purchase, or lease of school  
1159 buses.

1160 (d) The purchase, lease-purchase, or lease of new and  
1161 replacement equipment; computer hardware, including electronic  
1162 hardware and other hardware devices necessary for gaining access  
1163 to or enhancing the use of electronic content and resources or  
1164 to facilitate the access to and the use of a school district's  
1165 digital classrooms plan pursuant to s. 1011.62, excluding  
1166 software other than the operating system necessary to operate  
1167 the hardware or device; and enterprise resource software  
1168 applications that are classified as capital assets in accordance  
1169 with definitions of the Governmental Accounting Standards Board,  
1170 have a useful life of at least 5 years, and are used to support  
1171 districtwide administration or state-mandated reporting  
1172 requirements.

1173 (e) Payments for educational facilities and sites due  
1174 under a lease-purchase agreement entered into by a district  
1175 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not

1176 | exceeding, in the aggregate, an amount equal to three-fourths of  
1177 | the proceeds from the millage levied by a district school board  
1178 | pursuant to this subsection. The three-fourths limit is waived  
1179 | for lease-purchase agreements entered into before June 30, 2009,  
1180 | by a district school board pursuant to this paragraph.

1181 |       (f) Payment of loans approved pursuant to ss. 1011.14 and  
1182 | 1011.15.

1183 |       (g) Payment of costs directly related to complying with  
1184 | state and federal environmental statutes, rules, and regulations  
1185 | governing school facilities.

1186 |       (h) Payment of costs of leasing relocatable educational  
1187 | facilities, of renting or leasing educational facilities and  
1188 | sites pursuant to s. 1013.15(2), or of renting or leasing  
1189 | buildings or space within existing buildings pursuant to s.  
1190 | 1013.15(4).

1191 |       (i) Payment of the cost of school buses when a school  
1192 | district contracts with a private entity to provide student  
1193 | transportation services if the district meets the requirements  
1194 | of this paragraph.

1195 |       1. The district's contract must require that the private  
1196 | entity purchase, lease-purchase, or lease, and operate and  
1197 | maintain, one or more school buses of a specific type and size  
1198 | that meet the requirements of s. 1006.25.

1199 |       2. Each such school bus must be used for the daily  
1200 | transportation of public school students in the manner required



1201 by the school district.

1202 3. Annual payment for each such school bus may not exceed  
1203 10 percent of the purchase price of the state pool bid.

1204 4. The proposed expenditure of the funds for this purpose  
1205 must have been included in the district school board's notice of  
1206 proposed tax for school capital outlay as provided in s.  
1207 200.065(10).

1208 (j) Payment of the cost of the opening day collection for  
1209 the library media center of a new school.

1210 (10) A school board that levies the discretionary millage  
1211 authorized in subsection (2) shall use the following methodology  
1212 to determine the amount of revenue that must be shared with a  
1213 charter school-in-a-municipality:

1214 (a) Reduce the total discretionary millage revenue by the  
1215 school district's annual debt service obligation incurred as of  
1216 March 1, 2017.

1217 (b) Divide the sum of the school district's adjusted  
1218 discretionary millage revenue by the school district's total  
1219 capital outlay full-time equivalent membership and the total  
1220 number of unweighted full-time equivalent students of each  
1221 eligible charter school-in-a-municipality to determine a capital  
1222 outlay allocation per full-time equivalent student.

1223 (c) Multiply the capital outlay allocation per full-time  
1224 equivalent student by the total number of full-time equivalent  
1225 students of each eligible charter school-in-a-municipality to

1226 determine the capital outlay allocation for each charter school-  
1227 in-a-municipality.

1228 (d) If applicable, adjust the capital outlay allocation  
1229 identified in paragraph (c) by the total amount of state funds  
1230 allocated to each eligible charter school-in-a-municipality in  
1231 s. 1013.62(2) to determine the maximum calculated capital outlay  
1232 allocation.

1233  
1234 The school district shall distribute capital outlay funds to  
1235 charter schools-in-a-municipality no later than February 1 of  
1236 each year, beginning on February 1, 2018, for the 2017-2018  
1237 fiscal year.

1238 Section 9. Paragraph (a) of subsection (1) of section  
1239 1013.62, Florida Statutes, is amended to read:

1240 1013.62 Charter schools capital outlay funding.-

1241 (1) In each year in which funds are appropriated for  
1242 charter school capital outlay purposes, the Commissioner of  
1243 Education shall allocate the funds among eligible charter  
1244 schools as specified in this section.

1245 (a) To be eligible for a funding allocation, a charter  
1246 school must:

1247 1.a. Have been in operation for 2 or more years;

1248 b. Be governed by a governing board established in the  
1249 state for 3 or more years which operates both charter schools  
1250 and conversion charter schools within the state;

1251 c. Be an expanded feeder chain of a charter school within  
 1252 the same school district that is currently receiving charter  
 1253 school capital outlay funds;

1254 d. Have been accredited by the Commission on Schools of  
 1255 the Southern Association of Colleges and Schools; or

1256 e. Serve students in facilities that are provided by a  
 1257 business partner for a charter school-in-the-workplace pursuant  
 1258 to s. 1002.33(15) (b).

1259 2. Have an annual audit that does not reveal any of the  
 1260 financial emergency conditions provided in s. 218.503(1) for the  
 1261 most recent fiscal year for which such audit results are  
 1262 available.

1263 ~~3. Have satisfactory student achievement based on state~~  
 1264 ~~accountability standards applicable to the charter school.~~

1265 3.4. Have received final approval from its sponsor  
 1266 pursuant to s. 1002.33 for operation during that fiscal year.

1267 4.5. Serve students in facilities that are not provided by  
 1268 the charter school's sponsor.

1269 Section 10. This act shall take effect July 1, 2017.