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LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Pre-K - 12 Education (Rouson)  
recommended the following:

1           **Senate Amendment to Amendment (396932) (with title**  
2 **amendment)**

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4           Before line 5  
5 insert:

6           Section 1. Paragraph (b) of subsection (6) of section  
7 1002.33, Florida Statutes, is amended to read:

8           1002.33 Charter schools.—

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



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11 (b) A sponsor shall receive and review all applications for  
12 a charter school using the evaluation instrument developed by  
13 the Department of Education. A sponsor shall receive and  
14 consider charter school applications received on or before  
15 August 1 of each calendar year for charter schools to be opened  
16 at the beginning of the school district's next school year, or  
17 to be opened at a time agreed to by the applicant and the  
18 sponsor. A sponsor may not refuse to receive a charter school  
19 application submitted before August 1 and may receive an  
20 application submitted later than August 1 if it chooses.  
21 Beginning in 2018 and thereafter, a sponsor shall receive and  
22 consider charter school applications received on or before  
23 February 1 of each calendar year for charter schools to be  
24 opened 18 months later at the beginning of the school district's  
25 school year, or to be opened at a time agreed to by the  
26 applicant and the sponsor. A sponsor may not refuse to receive a  
27 charter school application submitted before February 1 and may  
28 receive an application submitted later than February 1 if it  
29 chooses. A sponsor may not charge an applicant for a charter any  
30 fee for the processing or consideration of an application, and a  
31 sponsor may not base its consideration or approval of a final  
32 application upon the promise of future payment of any kind.  
33 Before approving or denying any application, the sponsor shall  
34 allow the applicant, upon receipt of written notification, at  
35 least 7 calendar days to make technical or nonsubstantive  
36 corrections and clarifications, including, but not limited to,  
37 corrections of grammatical, typographical, and like errors or  
38 missing signatures, if such errors are identified by the sponsor  
39 as cause to deny the final application.



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

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

56           3.a. A sponsor shall by a majority vote approve or deny an  
57 application no later than 90 calendar days after the application  
58 is received, unless the sponsor and the applicant mutually agree  
59 in writing to temporarily postpone the vote to a specific date,  
60 at which time the sponsor shall by a majority vote approve or  
61 deny the application. If the sponsor fails to act on the  
62 application, an applicant may appeal to the State Board of  
63 Education as provided in paragraph (c). If an application is  
64 denied, the sponsor shall, within 10 calendar days after such  
65 denial, articulate in writing the specific reasons, based upon  
66 good cause, supporting its denial of the application and shall  
67 provide the letter of denial and supporting documentation to the  
68 applicant and to the Department of Education.



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69           b. An application submitted by a high-performing charter  
70 school identified pursuant to s. 1002.331 or a high-performing  
71 charter school system identified pursuant to s. 1002.332 may be  
72 denied by the sponsor only if the sponsor demonstrates by clear  
73 and convincing evidence that:

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

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

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

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

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

88  
89 Material noncompliance is a failure to follow requirements or a  
90 violation of prohibitions applicable to charter school  
91 applications, which failure is quantitatively or qualitatively  
92 significant either individually or when aggregated with other  
93 noncompliance. An applicant is considered to be replicating a  
94 high-performing charter school if the proposed school is  
95 substantially similar to at least one of the applicant's high-  
96 performing charter schools and the organization or individuals  
97 involved in the establishment and operation of the proposed



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98 school are significantly involved in the operation of replicated  
99 schools.

100 c. If the sponsor denies an application submitted by a  
101 high-performing charter school or a high-performing charter  
102 school system, the sponsor must, within 10 calendar days after  
103 such denial, state in writing the specific reasons, based upon  
104 the criteria in sub-subparagraph b., supporting its denial of  
105 the application and must provide the letter of denial and  
106 supporting documentation to the applicant and to the Department  
107 of Education. The applicant may appeal the sponsor's denial of  
108 the application in accordance with paragraph (c).

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

115 5. Upon approval of an application, the initial startup  
116 shall commence with the beginning of the public school calendar  
117 for the district in which the charter is granted. A charter  
118 school may defer the opening of the school's operations for up  
119 to 3 ~~2~~ years to provide time for adequate facility planning. The  
120 charter school must provide written notice of such intent to the  
121 sponsor and the parents of enrolled students at least 30  
122 calendar days before the first day of school.

123 Section 2. Subsection (1) of section 1002.331, Florida  
124 Statutes, is amended to read:

125 1002.331 High-performing charter schools.—

126 (1) A charter school is a high-performing charter school if



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127 it:

128 (a) Received at least two school grades of "A" and no  
129 school grade below "B," pursuant to s. 1008.34, during each of  
130 the previous 3 school years or received at least two consecutive  
131 school grades of "A" in the most recent 2 school years.

132 (b) Received an unqualified opinion on each annual  
133 financial audit required under s. 218.39 in the most recent 3  
134 fiscal years for which such audits are available.

135 (c) Did not receive a financial audit that revealed one or  
136 more of the financial emergency conditions set forth in s.  
137 218.503(1) in the most recent 3 fiscal years for which such  
138 audits are available. However, this requirement is deemed met  
139 for a charter school-in-the-workplace if there is a finding in  
140 an audit that the school has the monetary resources available to  
141 cover any reported deficiency or that the deficiency does not  
142 result in a deteriorating financial condition pursuant to s.  
143 1002.345(1)(a)3.

144  
145 For purposes of determining initial eligibility, the  
146 requirements of paragraphs (b) and (c) only apply to the most  
147 recent 2 fiscal years if the charter school earns two  
148 consecutive grades of "A". A virtual charter school established  
149 under s. 1002.33 is not eligible for designation as a high-  
150 performing charter school.

151  
152 ===== T I T L E A M E N D M E N T =====

153 And the title is amended as follows:

154 Delete line 920

155 and insert:



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156 An act relating to K-12 education; amending s.  
157 1002.33, F.S.; extending the period of time for which  
158 a charter school may defer its opening for specified  
159 reasons; amending s. 1002.331, F.S.; revising the  
160 requirements for a charter school to be considered a  
161 high-performing charter school; amending s.