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LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
02/28/2018	.	
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The Committee on Appropriations (Stargel) recommended the following:

**Senate Amendment to Amendment (240726) (with title amendment)**

Delete lines 224 - 340  
and insert:

Section 8. Paragraphs (d) through (g) of subsection (8) of section 1002.33, Florida Statutes, are redesignated as paragraphs (c) through (f), respectively, and paragraph (b) of subsection (6), paragraphs (a), (d), and (e) of subsection (7), present paragraphs (a), (b), and (c) of subsection (8),



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11 paragraph (n) of subsection (9), and paragraph (b) of subsection  
12 (20) of that section are amended, to read:

13 1002.33 Charter schools.—

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

16 (b) A sponsor shall receive and review all applications for  
17 a charter school using the evaluation instrument developed by  
18 the Department of Education. A sponsor shall receive and  
19 consider charter school applications received on or before  
20 August 1 of each calendar year for charter schools to be opened  
21 at the beginning of the school district's next school year, or  
22 to be opened at a time agreed to by the applicant and the  
23 sponsor. A sponsor may not refuse to receive a charter school  
24 application submitted before August 1 and may receive an  
25 application submitted later than August 1 if it chooses.  
26 Beginning in 2018 and thereafter, a sponsor shall receive and  
27 consider charter school applications received on or before  
28 February 1 of each calendar year for charter schools to be  
29 opened 18 months later at the beginning of the school district's  
30 school year, or to be opened at a time agreed to by the  
31 applicant and the sponsor. A sponsor may not refuse to receive a  
32 charter school application submitted before February 1 and may  
33 receive an application submitted later than February 1 if it  
34 chooses. A sponsor may not charge an applicant for a charter any  
35 fee for the processing or consideration of an application, and a  
36 sponsor may not base its consideration or approval of a final  
37 application upon the promise of future payment of any kind.  
38 Before approving or denying any application, the sponsor shall  
39 allow the applicant, upon receipt of written notification, at



40 least 7 calendar days to make technical or nonsubstantive  
41 corrections and clarifications, including, but not limited to,  
42 corrections of grammatical, typographical, and like errors or  
43 missing signatures, if such errors are identified by the sponsor  
44 as cause to deny the final application.

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

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

61 3.a. A sponsor shall by a majority vote approve or deny an  
62 application no later than 90 calendar days after the application  
63 is received, unless the sponsor and the applicant mutually agree  
64 in writing to temporarily postpone the vote to a specific date,  
65 at which time the sponsor shall by a majority vote approve or  
66 deny the application. If the sponsor fails to act on the  
67 application, an applicant may appeal to the State Board of  
68 Education as provided in paragraph (c). If an application is



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69 denied, the sponsor shall, within 10 calendar days after such  
70 denial, articulate in writing the specific reasons, based upon  
71 good cause, supporting its denial of the application and shall  
72 provide the letter of denial and supporting documentation to the  
73 applicant and to the Department of Education.

74 b. An application submitted by a high-performing charter  
75 school identified pursuant to s. 1002.331 or a high-performing  
76 charter school system identified pursuant to s. 1002.332 may be  
77 denied by the sponsor only if the sponsor demonstrates by clear  
78 and convincing evidence that:

79 (I) The application of a high-performing charter school  
80 does not materially comply with the requirements in paragraph  
81 (a) or, for a high-performing charter school system, the  
82 application does not materially comply with s. 1002.332(2)(b);

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

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

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

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

95  
96 Material noncompliance is a failure to follow requirements or a  
97 violation of prohibitions applicable to charter school



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98 applications, which failure is quantitatively or qualitatively  
99 significant either individually or when aggregated with other  
100 noncompliance. An applicant is considered to be replicating a  
101 high-performing charter school if the proposed school is  
102 substantially similar to at least one of the applicant's high-  
103 performing charter schools and the organization or individuals  
104 involved in the establishment and operation of the proposed  
105 school are significantly involved in the operation of replicated  
106 schools.

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

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

122 5. Upon approval of an application, the initial startup  
123 shall commence with the beginning of the public school calendar  
124 for the district in which the charter is granted. A charter  
125 school may defer the opening of the school's operations for up  
126 to 3 ~~2~~ years to provide time for adequate facility planning. The



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127 charter school must provide written notice of such intent to the  
128 sponsor and the parents of enrolled students at least 30  
129 calendar days before the first day of school.

130 (7) CHARTER.—The terms and conditions for the operation of  
131 a charter school shall be set forth by the sponsor and the  
132 applicant in a written contractual agreement, called a charter.  
133 The sponsor and the governing board of the charter school shall  
134 use the standard charter contract pursuant to subsection (21),  
135 which shall incorporate the approved application and any addenda  
136 approved with the application. Any term or condition of a  
137 proposed charter contract that differs from the standard charter  
138 contract adopted by rule of the State Board of Education shall  
139 be presumed a limitation on charter school flexibility. The  
140 sponsor may not impose unreasonable rules or regulations that  
141 violate the intent of giving charter schools greater flexibility  
142 to meet educational goals. The charter shall be signed by the  
143 governing board of the charter school and the sponsor, following  
144 a public hearing to ensure community input.

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

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

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



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

163           b. In order to provide students with access to diverse  
164 instructional delivery models, to facilitate the integration of  
165 technology within traditional classroom instruction, and to  
166 provide students with the skills they need to compete in the  
167 21st century economy, the Legislature encourages instructional  
168 methods for blended learning courses consisting of both  
169 traditional classroom and online instructional techniques.  
170 Charter schools may implement blended learning courses which  
171 combine traditional classroom instruction and virtual  
172 instruction. Students in a blended learning course must be full-  
173 time students of the charter school pursuant to s.

174 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
175 1012.55 who provide virtual instruction for blended learning  
176 courses may be employees of the charter school or may be under  
177 contract to provide instructional services to charter school  
178 students. At a minimum, such instructional personnel must hold  
179 an active state or school district adjunct certification under  
180 s. 1012.57 for the subject area of the blended learning course.  
181 The funding and performance accountability requirements for  
182 blended learning courses are the same as those for traditional  
183 courses.

184           3. The current incoming baseline standard of student



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185 academic achievement, the outcomes to be achieved, and the  
186 method of measurement that will be used. The criteria listed in  
187 this subparagraph shall include a detailed description of:

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

190 b. How these baseline rates will be compared to rates of  
191 academic progress achieved by these same students while  
192 attending the charter school.

193 c. To the extent possible, how these rates of progress will  
194 be evaluated and compared with rates of progress of other  
195 closely comparable student populations.

196

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

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

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





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

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

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

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

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

239           11. A description of procedures that identify various risks  
240 and provide for a comprehensive approach to reduce the impact of  
241 losses; plans to ensure the safety and security of students and  
242 staff; plans to identify, minimize, and protect others from



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243 violent or disruptive student behavior; and the manner in which  
244 the school will be insured, including whether or not the school  
245 will be required to have liability insurance, and, if so, the  
246 terms and conditions thereof and the amounts of coverage.

247       12. The term of the charter which shall provide for  
248 cancellation of the charter if insufficient progress has been  
249 made in attaining the student achievement objectives of the  
250 charter and if it is not likely that such objectives can be  
251 achieved before expiration of the charter. The initial term of a  
252 charter shall be for ~~4~~ 5 years, excluding 1 planning year. In  
253 order to facilitate access to long-term financial resources for  
254 charter school construction, charter schools that are operated  
255 by a municipality or other public entity as provided by law are  
256 eligible for up to a 15-year charter, subject to approval by the  
257 district school board. A charter lab school is eligible for a  
258 charter for a term of up to 15 years. In addition, to facilitate  
259 access to long-term financial resources for charter school  
260 construction, charter schools that are operated by a private,  
261 not-for-profit, s. 501(c) (3) status corporation are eligible for  
262 up to a 15-year charter, subject to approval by the district  
263 school board. Such long-term charters remain subject to annual  
264 review and may be terminated during the term of the charter, but  
265 only according to the provisions set forth in subsection (8).

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

271       14. The qualifications to be required of the teachers and



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272 the potential strategies used to recruit, hire, train, and  
273 retain qualified staff to achieve best value.

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

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

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

292 18. Full disclosure of the identity of all relatives  
293 employed by the charter school who are related to the charter  
294 school owner, president, chairperson of the governing board of  
295 directors, superintendent, governing board member, principal,  
296 assistant principal, or any other person employed by the charter  
297 school who has equivalent decisionmaking authority. For the  
298 purpose of this subparagraph, the term "relative" means father,  
299 mother, son, daughter, brother, sister, uncle, aunt, first  
300 cousin, nephew, niece, husband, wife, father-in-law, mother-in-



301 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
302 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
303 stepsister, half brother, or half sister.

304 19. Implementation of the activities authorized under s.  
305 1002.331 by the charter school when it satisfies the eligibility  
306 requirements for a high-performing charter school. A high-  
307 performing charter school shall notify its sponsor in writing by  
308 March 1 if it intends to increase enrollment or expand grade  
309 levels the following school year. The written notice shall  
310 specify the amount of the enrollment increase and the grade  
311 levels that will be added, as applicable.

312 (d) A charter may be modified during its initial term or  
313 any renewal term upon the recommendation of the sponsor or the  
314 charter school's governing board and the approval of both  
315 parties to the agreement. Modification during any term may  
316 include, but is not limited to, consolidation of multiple  
317 charters into a single charter if the charters are operated  
318 under the same governing board ~~and physically located on the~~  
319 ~~same campus~~, regardless of the renewal cycle. A charter school  
320 with a grade of "C" or higher that closes as part of a  
321 consolidation shall be reported by the school district as a  
322 consolidation.

323 (e) A charter may be terminated by a charter school's  
324 governing board through voluntary closure. The decision to cease  
325 operations must be determined at a public meeting. The governing  
326 board shall notify the parents and sponsor of the public meeting  
327 in writing before the public meeting. The governing board must  
328 notify the sponsor, parents of enrolled students, and the  
329 department in writing within 24 hours after the public meeting



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330 of its determination. The notice shall state the charter  
331 school's intent to continue operations or the reason for the  
332 closure and acknowledge that the governing board agrees to  
333 follow the procedures for dissolution and reversion of public  
334 funds pursuant to paragraphs (8) (d)-(f) and (9) (o) paragraphs  
335 ~~(8) (e)-(g) and (9) (e)~~.

336 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.-

337 (a) The sponsor shall make student academic achievement for  
338 all students the most important factor when determining whether  
339 to renew or terminate the charter. The sponsor may also choose  
340 not to renew or may terminate the charter if the sponsor finds  
341 that one of the grounds set forth below exists by clear and  
342 convincing evidence for any of the following grounds:

343 1. Failure to participate in the state's education  
344 accountability system created in s. 1008.31, as required in this  
345 section, or failure to meet the requirements for student  
346 performance stated in the charter.

347 2. Failure to meet generally accepted standards of fiscal  
348 management.

349 3. Material violation of law.

350 4. Other good cause shown.

351 (b) At least 90 days before renewing, nonrenewing, or  
352 terminating a charter, the sponsor shall notify the governing  
353 board of the school of the proposed action in writing. The  
354 notice shall state in reasonable detail the grounds for the  
355 proposed action and stipulate that the school's governing board  
356 may, within 14 calendar days after receiving the notice, request  
357 a hearing. The hearing shall be conducted ~~at the sponsor's~~  
358 ~~election in accordance with one of the following procedures:~~



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359 ~~1. A direct hearing conducted by the sponsor within 60 days~~  
360 ~~after receipt of the request for a hearing. The hearing shall be~~  
361 ~~conducted in accordance with ss. 120.569 and 120.57. The sponsor~~  
362 ~~shall decide upon nonrenewal or termination by a majority vote.~~  
363 ~~The sponsor's decision shall be a final order; or~~

364 ~~2. A hearing conducted by an administrative law judge~~  
365 ~~assigned by the Division of Administrative Hearings. The hearing~~  
366 ~~shall be conducted within 90 ~~60~~ days after receipt of the~~  
367 ~~request for a hearing and in accordance with chapter 120. The~~  
368 ~~administrative law judge's final ~~recommended~~ order shall be~~  
369 ~~submitted to the sponsor. The administrative law judge shall~~  
370 ~~award the prevailing party reasonable attorney fees and costs~~  
371 ~~incurred during the administrative proceeding and any appeals A~~  
372 ~~majority vote by the sponsor shall be required to adopt or~~  
373 ~~modify the administrative law judge's recommended order. The~~  
374 ~~sponsor shall issue a final order.~~

375 ~~(c) The final order shall state the specific reasons for~~  
376 ~~the sponsor's decision. The sponsor shall provide its final~~  
377 ~~order to the charter school's governing board and the Department~~  
378 ~~of Education no later than 10 calendar days after its issuance.~~  
379 ~~The charter school's governing board may, within 30 calendar~~  
380 ~~days after receiving the ~~sponsor's~~ final order, appeal the~~  
381 ~~decision pursuant to s. 120.68.~~

382 (9) CHARTER SCHOOL REQUIREMENTS.-

383 (n)1. The director and a representative of the governing  
384 board of a charter school that has earned a grade of "D" or "F"  
385 pursuant to s. 1008.34 shall appear before the sponsor to  
386 present information concerning each contract component having  
387 noted deficiencies. The director and a representative of the



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388 governing board shall submit to the sponsor for approval a  
389 school improvement plan to raise student performance. Upon  
390 approval by the sponsor, the charter school shall begin  
391 implementation of the school improvement plan. The department  
392 shall offer technical assistance and training to the charter  
393 school and its governing board and establish guidelines for  
394 developing, submitting, and approving such plans.

395 2.a. If a charter school earns three consecutive grades  
396 below a "C," the charter school governing board shall choose one  
397 of the following corrective actions:

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

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

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

405 (IV) Voluntarily close the charter school.

406 b. The charter school must implement the corrective action  
407 in the school year following receipt of a third consecutive  
408 grade below a "C."

409 c. The sponsor may annually waive a corrective action if it  
410 determines that the charter school is likely to improve a letter  
411 grade if additional time is provided to implement the  
412 intervention and support strategies prescribed by the school  
413 improvement plan. Notwithstanding this sub-subparagraph, a  
414 charter school that earns a second consecutive grade of "F" is  
415 subject to subparagraph 3.

416 d. A charter school is no longer required to implement a



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417 corrective action if it improves to a "C" or higher. However,  
418 the charter school must continue to implement strategies  
419 identified in the school improvement plan. The sponsor must  
420 annually review implementation of the school improvement plan to  
421 monitor the school's continued improvement pursuant to  
422 subparagraph 4.

423 e. A charter school implementing a corrective action that  
424 does not improve to a "C" or higher after 2 full school years of  
425 implementing the corrective action must select a different  
426 corrective action. Implementation of the new corrective action  
427 must begin in the school year following the implementation  
428 period of the existing corrective action, unless the sponsor  
429 determines that the charter school is likely to improve to a "C"  
430 or higher if additional time is provided to implement the  
431 existing corrective action. Notwithstanding this sub-  
432 subparagraph, a charter school that earns a second consecutive  
433 grade of "F" while implementing a corrective action is subject  
434 to subparagraph 3.

435 3. A charter school's charter contract is automatically  
436 terminated if the school earns two consecutive grades of "F"  
437 after all school grade appeals are final unless:

438 a. The charter school is established to turn around the  
439 performance of a district public school pursuant to s.  
440 1008.33(4)(b)2. Such charter schools shall be governed by s.  
441 1008.33;

442 b. The charter school serves a student population the  
443 majority of which resides in a school zone served by a district  
444 public school subject to s. 1008.33(4) and the charter school  
445 earns at least a grade of "D" in its third year of operation.





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446 The exception provided under this sub-subparagraph does not  
447 apply to a charter school in its fourth year of operation and  
448 thereafter; or

449 c. The state board grants the charter school a waiver of  
450 termination. The charter school must request the waiver within  
451 15 days after the department's official release of school  
452 grades. The state board may waive termination if the charter  
453 school demonstrates that the Learning Gains of its students on  
454 statewide assessments are comparable to or better than the  
455 Learning Gains of similarly situated students enrolled in nearby  
456 district public schools. The waiver is valid for 1 year and may  
457 only be granted once. Charter schools that have been in  
458 operation for more than 5 years are not eligible for a waiver  
459 under this sub-subparagraph.

460

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

469 4. The director and a representative of the governing board  
470 of a graded charter school that has implemented a school  
471 improvement plan under this paragraph shall appear before the  
472 sponsor at least once a year to present information regarding  
473 the progress of intervention and support strategies implemented  
474 by the school pursuant to the school improvement plan and



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475 corrective actions, if applicable. The sponsor shall communicate  
476 at the meeting, and in writing to the director, the services  
477 provided to the school to help the school address its  
478 deficiencies.

479 5. Notwithstanding any provision of this paragraph except  
480 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter  
481 at any time pursuant to subsection (8).

482 (20) SERVICES.—

483 (b) If goods and services are made available to the charter  
484 school through the contract with the school district, they shall  
485 be provided to the charter school at a rate no greater than the  
486 district's actual cost unless mutually agreed upon by the  
487 charter school and the sponsor in a contract negotiated  
488 separately from the charter. When mediation has failed to  
489 resolve disputes over contracted services or contractual matters  
490 not included in the charter, an appeal may be made to an  
491 administrative law judge appointed by the Division of  
492 Administrative Hearings. The administrative law judge has final  
493 order authority to rule on the dispute. The administrative law  
494 judge shall award the prevailing party reasonable attorney fees  
495 and costs incurred during the mediation process, administrative  
496 proceeding, and any appeals, to be paid by the party whom the  
497 administrative law judge rules against ~~for a dispute resolution~~  
498 ~~hearing before the Charter School Appeal Commission.~~ To maximize  
499 the use of state funds, school districts shall allow charter  
500 schools to participate in the sponsor's bulk purchasing program  
501 if applicable.

502 Section 9. Paragraph (a) of subsection (2) and paragraph  
503 (b) of subsection (3) of section 1002.331, Florida Statutes, are



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504 amended to read:

505 1002.331 High-performing charter schools.—

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

507 (a) Increase its student enrollment once per school year to  
508 more than the capacity identified in the charter, but student  
509 enrollment may not exceed the ~~current facility~~ capacity of the  
510 facility at the time of enrollment. Facility capacity for  
511 purposes of grade level expansion shall include any improvements  
512 to an existing facility or any new facility in which a majority  
513 of the students of the high-performing charter school will  
514 enroll.

515

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



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533 (3)  
534 (b) A high-performing charter school may not establish more  
535 than two ~~one~~ charter schools ~~school~~ within the state under  
536 paragraph (a) in any year. A subsequent application to establish  
537 a charter school under paragraph (a) may not be submitted unless  
538 each charter school established in this manner achieves high-  
539 performing charter school status. However, a high-performing  
540 charter school may establish more than one charter school within  
541 the state under paragraph (a) in any year if it operates in the  
542 area of a persistently low-performing school and serves students  
543 from that school.

544 Section 10. Subsection (2) of section 1012.32, Florida  
545 Statutes, is amended to read:

546 1012.32 Qualifications of personnel.—

547 (2) (a) Instructional and noninstructional personnel who are  
548 hired or contracted to fill positions that require direct  
549 contact with students in any district school system or  
550 university lab school must, upon employment or engagement to  
551 provide services, undergo background screening as required under  
552 s. 1012.465 or s. 1012.56, whichever is applicable.

553 (b) Instructional and noninstructional personnel who are  
554 hired or contracted to fill positions in any charter school and  
555 members of the governing board of any charter school, in  
556 compliance with s. 1002.33(12)(g), must, upon employment,  
557 engagement of services, or appointment, undergo background  
558 screening as required under s. 1012.465 or s. 1012.56, whichever  
559 is applicable, by filing with the district school board for the  
560 school district in which the charter school is located a  
561 complete set of fingerprints taken by an authorized law



562 enforcement agency or an employee of the school or school  
563 district who is trained to take fingerprints.

564 (c) Instructional and noninstructional personnel who are  
565 hired or contracted to fill positions that require direct  
566 contact with students in an alternative school that operates  
567 under contract with a district school system must, upon  
568 employment or engagement to provide services, undergo background  
569 screening as required under s. 1012.465 or s. 1012.56, whichever  
570 is applicable, by filing with the district school board for the  
571 school district to which the alternative school is under  
572 contract a complete set of fingerprints taken by an authorized  
573 law enforcement agency or an employee of the school or school  
574 district who is trained to take fingerprints.

575 (d) Student teachers and persons participating in a field  
576 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
577 district school system, lab school, or charter school must, upon  
578 engagement to provide services, undergo background screening as  
579 required under s. 1012.56.

580  
581 Fingerprints shall be submitted to the Department of Law  
582 Enforcement for statewide criminal and juvenile records checks  
583 and to the Federal Bureau of Investigation for federal criminal  
584 records checks. A person subject to this subsection who is found  
585 ineligible for employment under s. 1012.315, or otherwise found  
586 through background screening to have been convicted of any crime  
587 involving moral turpitude as defined by rule of the State Board  
588 of Education, shall not be employed, engaged to provide  
589 services, or serve in any position that requires direct contact  
590 with students. Probationary persons subject to this subsection



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591 terminated because of their criminal record have the right to  
592 appeal such decisions. The cost of the background screening may  
593 be borne by the district school board, the charter school, the  
594 employee, the contractor, or a person subject to this  
595 subsection. If the district school board does not notify the  
596 charter school of the eligibility of governing board members and  
597 instructional and noninstructional personnel within 14 days  
598 after the submission of the fingerprints, it shall reimburse the  
599 cost of background screening.

600 Section 11. Section 1012.562, Florida Statutes, is amended  
601 to read:

602 1012.562 Public accountability and state approval of school  
603 leader preparation programs.—The Department of Education shall  
604 establish a process for the approval of Level I and Level II  
605 school leader preparation programs that will enable aspiring  
606 school leaders to obtain their certificate in educational  
607 leadership under s. 1012.56. School leader preparation programs  
608 must be competency-based, aligned to the principal leadership  
609 standards adopted by the state board, and open to individuals  
610 employed by public schools, including charter schools and  
611 virtual schools. Level I programs ~~may be offered by school~~  
612 ~~districts or postsecondary institutions and lead to initial~~  
613 certification in educational leadership for the purpose of  
614 preparing individuals to serve as school administrators. Level  
615 II programs ~~may be offered by school districts,~~ build upon Level  
616 I training, and lead to renewal certification as a school  
617 principal.

618 (1) PURPOSE.—The purpose of school leader preparation  
619 programs are to:



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620 (a) Increase the supply of effective school leaders in the  
621 public schools of this state.

622 (b) Produce school leaders who are prepared to lead the  
623 state's diverse student population in meeting high standards for  
624 academic achievement.

625 (c) Enable school leaders to facilitate the development and  
626 retention of effective and highly effective classroom teachers.

627 (d) Produce leaders with the competencies and skills  
628 necessary to achieve the state's education goals.

629 (e) Sustain the state system of school improvement and  
630 education accountability.

631 (2) LEVEL I PROGRAMS.—

632 (a) Initial approval of a Level I program shall be for a  
633 period of 5 years. A postsecondary institution, ~~or~~ school  
634 district, charter school, or charter management organization may  
635 submit to the department in a format prescribed by the  
636 department an application to establish a Level I school leader  
637 preparation program. To be approved, a Level I program must:

638 1. Provide competency-based training aligned to the  
639 principal leadership standards adopted by the State Board of  
640 Education.

641 2. If the program is provided by a postsecondary  
642 institution, partner with at least one school district.

643 3. Describe the qualifications that will be used to  
644 determine program admission standards, including a candidate's  
645 instructional expertise and leadership potential.

646 4. Describe how the training provided through the program  
647 will be aligned to the personnel evaluation criteria under s.  
648 1012.34.



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649 (b) Renewal of a Level I program's approval shall be for a  
650 period of 5 years and shall be based upon evidence of the  
651 program's continued ability to meet the requirements of  
652 paragraph (a). A postsecondary institution or school district  
653 must submit an institutional program evaluation plan in a format  
654 prescribed by the department for a Level I program to be  
655 considered for renewal. The plan must include:

656 1. The percentage of personnel who complete the program and  
657 are placed in school leadership positions in public schools  
658 within the state.

659 2. Results from the personnel evaluations required under s.  
660 1012.34 for personnel who complete the program.

661 3. The passage rate of personnel who complete the program  
662 on the Florida Education Leadership Examination.

663 4. The impact personnel who complete the program have on  
664 student learning as measured by the formulas developed by the  
665 commissioner pursuant to s. 1012.34(7).

666 5. Strategies for continuous improvement of the program.

667 6. Strategies for involving personnel who complete the  
668 program, other school personnel, community agencies, business  
669 representatives, and other stakeholders in the program  
670 evaluation process.

671 7. Additional data included at the discretion of the  
672 postsecondary institution or school district.

673 (c) A Level I program must guarantee the high quality of  
674 personnel who complete the program for the first 2 years after  
675 program completion or the person's initial certification as a  
676 school leader, whichever occurs first. If a person who completed  
677 the program is evaluated at less than highly effective or





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678 effective under s. 1012.34 and the person's employer requests  
679 additional training, the Level I program must provide additional  
680 training at no cost to the person or his or her employer. The  
681 training must include the creation of an individualized plan  
682 agreed to by the employer that includes specific learning  
683 outcomes. The Level I program is not responsible for the  
684 person's employment contract with his or her employer.

685 (3) LEVEL II PROGRAMS.—Initial approval and subsequent  
686 renewal of a Level II program shall be for a period of 5 years.  
687 A school district, charter school, or charter management  
688 organization may submit to the department in a format prescribed  
689 by the department an application to establish a Level II school  
690 leader preparation program or for program renewal. To be  
691 approved or renewed, a Level II program must:

692 (a) Demonstrate that personnel accepted into the Level II  
693 program have:

694 1. Obtained their certificate in educational leadership  
695 under s. 1012.56.

696 2. Earned a highly effective or effective designation under  
697 s. 1012.34.

698 3. Satisfactorily performed instructional leadership  
699 responsibilities as measured by the evaluation system in s.  
700 1012.34.

701 (b) Demonstrate that the Level II program:

702 1. Provides competency-based training aligned to the  
703 principal leadership standards adopted by the State Board of  
704 Education.

705 2. Provides training aligned to the personnel evaluation  
706 criteria under s. 1012.34 and professional development program



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707 in s. 1012.986.

708 3. Provides individualized instruction using a customized  
709 learning plan for each person enrolled in the program that is  
710 based on data from self-assessment, selection, and appraisal  
711 instruments.

712 4. Conducts program evaluations and implements program  
713 improvements using input from personnel who completed the  
714 program and employers and data gathered pursuant to paragraph  
715 (2) (b).

716 (c) Gather and monitor the data specified in paragraph  
717 (2) (b).

718 (4) RULES.—The State Board of Education shall adopt rules  
719 to administer this section.

720 Section 12. Paragraph (a) of subsection (2) of section  
721 1013.28, Florida Statutes, is amended to read:

722 1013.28 Disposal of property.—

723 (2) TANGIBLE PERSONAL PROPERTY.—

724 (a) Tangible personal property that has been properly  
725 classified as surplus by a district school board or Florida  
726 College System institution board of trustees shall be disposed  
727 of in accordance with the procedure established by chapter 274.  
728 However, the provisions of chapter 274 shall not be applicable  
729 to a motor vehicle used in driver education to which title is  
730 obtained for a token amount from an automobile dealer or  
731 manufacturer. In such cases, the disposal of the vehicle shall  
732 be as prescribed in the contractual agreement between the  
733 automotive agency or manufacturer and the board. Tangible  
734 personal property that has been properly classified as surplus,  
735 marked for disposal, or otherwise unused by a district school



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736 board shall be provided for a charter school's use on the same  
737 basis as it is made available to other public schools in the  
738 district. A charter school receiving property from the school  
739 district may not sell or dispose of such property without the  
740 written permission of the school district.

741  
742 ===== T I T L E A M E N D M E N T =====

743 And the title is amended as follows:

744 Delete lines 3360 - 3362

745 and insert:

746 1002.33, F.S.; revising the criteria for denying high-  
747 performing charter school system applications;  
748 revising requirements for the term of a charter;  
749 revising provisions for the modification of and the  
750 nonrenewal or termination of a charter; revising the  
751 process for resolving contractual disputes; amending  
752 s. 1002.331, F.S.; revising the calculation used to  
753 determine facility capacity for such charter schools;  
754 revising the number of schools that can be established  
755 by a high-performing charter school; amending s.  
756 1012.32, F.S.; requiring a district school board to  
757 reimburse certain costs if it fails to notify a  
758 charter school of the eligibility status of certain  
759 persons; amending s. 1012.562, F.S.; authorizing  
760 charter schools and charter management organizations  
761 to offer school leader preparation programs; amending  
762 s. 1013.28, F.S.; requiring school districts to  
763 provide charter schools access to certain property on  
764 the same basis as public schools; prohibiting certain



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765 actions by a charter school without the written  
766 permission of the school district; amending s.  
767 1002.331, F.S.; revising the