

By Senator Farmer

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1                   A bill to be entitled  
2       An act relating to charter school employees; amending  
3       s. 1002.33, F.S.; requiring each charter school  
4       principal, governing board member, chief financial  
5       officer, or their equivalent, to meet certain  
6       certification requirements; amending s. 1012.32, F.S.;  
7       conforming a cross-reference; providing an effective  
8       date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12       Section 1. Present paragraphs (g), (h), and (i) of  
13       subsection (12) of section 1002.33, Florida Statutes, are  
14       redesignated as paragraphs (h), (i), and (j), respectively, a  
15       new paragraph (g) is added to subsection (12), and paragraph (a)  
16       of subsection (7) of that section is amended, to read:

17       1002.33 Charter schools.—

18       (7) CHARTER.—The terms and conditions for the operation of  
19       a charter school shall be set forth by the sponsor and the  
20       applicant in a written contractual agreement, called a charter.  
21       The sponsor and the governing board of the charter school shall  
22       use the standard charter contract pursuant to subsection (21),  
23       which shall incorporate the approved application and any addenda  
24       approved with the application. Any term or condition of a  
25       proposed charter contract that differs from the standard charter  
26       contract adopted by rule of the State Board of Education shall  
27       be presumed a limitation on charter school flexibility. The  
28       sponsor may not impose unreasonable rules or regulations that  
29       violate the intent of giving charter schools greater flexibility

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30 to meet educational goals. The charter shall be signed by the  
31 governing board of the charter school and the sponsor, following  
32 a public hearing to ensure community input.

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

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

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

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

51 b. In order to provide students with access to diverse  
52 instructional delivery models, to facilitate the integration of  
53 technology within traditional classroom instruction, and to  
54 provide students with the skills they need to compete in the  
55 21st century economy, the Legislature encourages instructional  
56 methods for blended learning courses consisting of both  
57 traditional classroom and online instructional techniques.  
58 Charter schools may implement blended learning courses which

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59 combine traditional classroom instruction and virtual  
60 instruction. Students in a blended learning course must be full-  
61 time students of the charter school pursuant to s.  
62 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
63 1012.55 who provide virtual instruction for blended learning  
64 courses may be employees of the charter school or may be under  
65 contract to provide instructional services to charter school  
66 students. At a minimum, such instructional personnel must hold  
67 an active state or school district adjunct certification under  
68 s. 1012.57 for the subject area of the blended learning course.  
69 The funding and performance accountability requirements for  
70 blended learning courses are the same as those for traditional  
71 courses.

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

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

78 b. How these baseline rates will be compared to rates of  
79 academic progress achieved by these same students while  
80 attending the charter school.

81 c. To the extent possible, how these rates of progress will  
82 be evaluated and compared with rates of progress of other  
83 closely comparable student populations.

84  
85 The district school board is required to provide academic  
86 student performance data to charter schools for each of their  
87 students coming from the district school system, as well as

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88 rates of academic progress of comparable student populations in  
89 the district school system.

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

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

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

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

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

111 9. The financial and administrative management of the  
112 school, including a reasonable demonstration of the professional  
113 experience or competence of those individuals or organizations  
114 applying to operate the charter school or those hired or  
115 retained to perform such professional services and the  
116 description of clearly delineated responsibilities and the

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117 policies and practices needed to effectively manage the charter  
118 school. A description of internal audit procedures and  
119 establishment of controls to ensure that financial resources are  
120 properly managed must be included. Both public sector and  
121 private sector professional experience shall be equally valid in  
122 such a consideration.

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

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

135 12. The term of the charter which shall provide for  
136 cancellation of the charter if insufficient progress has been  
137 made in attaining the student achievement objectives of the  
138 charter and if it is not likely that such objectives can be  
139 achieved before expiration of the charter. The initial term of a  
140 charter shall be for 5 years, excluding 2 planning years. In  
141 order to facilitate access to long-term financial resources for  
142 charter school construction, charter schools that are operated  
143 by a municipality or other public entity as provided by law are  
144 eligible for up to a 15-year charter, subject to approval by the  
145 district school board. A charter lab school is eligible for a

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146 charter for a term of up to 15 years. In addition, to facilitate  
147 access to long-term financial resources for charter school  
148 construction, charter schools that are operated by a private,  
149 not-for-profit, s. 501(c)(3) status corporation are eligible for  
150 up to a 15-year charter, subject to approval by the district  
151 school board. Such long-term charters remain subject to annual  
152 review and may be terminated during the term of the charter, but  
153 only according to the provisions set forth in subsection (8).

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

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

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

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

169 17. In the case of an existing public school that is being  
170 converted to charter status, alternative arrangements for  
171 current students who choose not to attend the charter school and  
172 for current teachers who choose not to teach in the charter  
173 school after conversion in accordance with the existing  
174 collective bargaining agreement or district school board rule in

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175 the absence of a collective bargaining agreement. However,  
176 alternative arrangements shall not be required for current  
177 teachers who choose not to teach in a charter lab school, except  
178 as authorized by the employment policies of the state university  
179 which grants the charter to the lab school.

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

192 19. Implementation of the activities authorized under s.  
193 1002.331 by the charter school when it satisfies the eligibility  
194 requirements for a high-performing charter school. A high-  
195 performing charter school shall notify its sponsor in writing by  
196 March 1 if it intends to increase enrollment or expand grade  
197 levels the following school year. The written notice shall  
198 specify the amount of the enrollment increase and the grade  
199 levels that will be added, as applicable.

200 (12) EMPLOYEES OF CHARTER SCHOOLS.—

201 (g) Each charter school principal, governing board member,  
202 chief financial officer, or equivalent position must hold a  
203 valid certification issued by a third-party credentialing

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204 organization that is recognized under s. 402.40, at least 30  
205 days before the school opens or within 30 days of the first date  
206 of employment, whichever comes first. The credentialing  
207 organization must certify the individual's core competence in  
208 the administration of a charter school, including, but not  
209 limited to, developing and adjusting business plans; accurate  
210 financial planning and good business practices, including  
211 accounting for costs and income; state and federal grant and  
212 student performance accountability requirements; identification  
213 of, and application for, state and federal funding sources;  
214 governance, including government in the sunshine, conflicts of  
215 interest, ethics, and financial responsibility. An individual  
216 certified under this paragraph meets the training requirements  
217 under subparagraph (h)3., paragraph (6)(f), and subparagraph  
218 (9)(j)4.

219 Section 2. Paragraph (b) of subsection (2) of section  
220 1012.32, Florida Statutes, is amended to read:

221 1012.32 Qualifications of personnel.—

222 (2)

223 (b) Instructional and noninstructional personnel who are  
224 hired or contracted to fill positions in any charter school and  
225 members of the governing board of any charter school, in  
226 compliance with s. 1002.33(12)(h) ~~s. 1002.33(12)(g)~~, must, upon  
227 employment, engagement of services, or appointment, undergo  
228 background screening as required under s. 1012.465 or s.  
229 1012.56, whichever is applicable, by filing with the district  
230 school board for the school district in which the charter school  
231 is located a complete set of fingerprints taken by an authorized  
232 law enforcement agency or an employee of the school or school



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233 district who is trained to take fingerprints.

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235 Fingerprints shall be submitted to the Department of Law  
236 Enforcement for statewide criminal and juvenile records checks  
237 and to the Federal Bureau of Investigation for federal criminal  
238 records checks. A person subject to this subsection who is found  
239 ineligible for employment under s. 1012.315, or otherwise found  
240 through background screening to have been convicted of any crime  
241 involving moral turpitude as defined by rule of the State Board  
242 of Education, shall not be employed, engaged to provide  
243 services, or serve in any position that requires direct contact  
244 with students. Probationary persons subject to this subsection  
245 terminated because of their criminal record have the right to  
246 appeal such decisions. The cost of the background screening may  
247 be borne by the district school board, the charter school, the  
248 employee, the contractor, or a person subject to this  
249 subsection. A district school board shall reimburse a charter  
250 school the cost of background screening if it does not notify  
251 the charter school of the eligibility of a governing board  
252 member or instructional or noninstructional personnel within the  
253 earlier of 14 days after receipt of the background screening  
254 results from the Florida Department of Law Enforcement or 30  
255 days of submission of fingerprints by the governing board member  
256 or instructional or noninstructional personnel.

257 Section 3. This act shall take effect July 1, 2019.