A bill to be entitled
An act relating to charter schools; amending s. 1002.33, F.S.; conforming provisions relating to changes made by the act; establishing the High-Performing Charter School Council; providing the purpose of the council; providing for membership of the council; providing that applications submitted to the council must comply with specified requirements; providing the review process for applications for charter schools submitted to the council; providing the process for approving or denying a charter school application submitted to the council; requiring the council to submit a written recommendation to the State Board of Education as to whether an application should be approved or denied within a specified timeframe; providing requirements for such recommendation; providing construction; requiring the state board to accept or deny such recommendation within a specified timeframe; providing the process for the acceptance or denial of such recommendation; providing construction; authorizing charter school sponsors and applicants to provide input to the state board regarding the council’s recommendation; requiring the Commissioner of Education to receive and make such input available to the state board within a specified timeframe; providing grounds on which the council may recommend denial of, or the state board may deny, an application submitted by a high-performing charter school or a high-performing charter
school system; providing construction; amending s. 1002.331, F.S.; conforming a provision to changes made by the act; deleting a requirement that the commissioner provide a letter to the sponsor verifying that a charter school meets specified criteria; amending s. 1002.332, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Present paragraphs (f) and (g) of subsection (6) of section 1002.33, Florida Statutes, are redesignated as paragraphs (g) and (h), respectively, a new paragraph (f) is added to that subsection, and paragraph (b) of that subsection is amended, to read:

1002.33 Charter schools.—

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

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district’s next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses. Beginning in 2018 and thereafter, a sponsor shall receive and
consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district’s school year, or to be opened at a time determined by the applicant. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

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

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

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

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

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

(II) The charter school proposed in the application does
not materially comply with the requirements in paragraphs (9)(a)-(f); (III) The proposed charter school’s educational program does not substantially replicate that of the applicant or one of the applicant’s high-performing charter schools; (IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or (V) The proposed charter school’s educational program and financial management practices do not materially comply with the requirements of this section.

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

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

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

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

(f)1. The High-Performing Charter School Council is established to review and recommend approval or denial to the state board of applications submitted by high-performing charter schools, pursuant to s. 1002.331, and by high-performing charter school systems, pursuant to s. 1002.332.

2. The commissioner shall appoint a sufficient number of members to the council to ensure a fair and impartial review of applications. Members shall serve without compensation but may be reimbursed for travel and per diem expenses in conjunction with their service. Of the members reviewing an application, one-half must represent currently operating charter schools and one-half must represent sponsors. At least one of the members
representing charter schools must be from a high-performing charter school or a high-performing charter school system. The commissioner or a named designee shall chair the council.

3.a. Applications submitted to the council by high-performing charter schools and high-performing charter school systems must comply with the application format developed by the department and the applicant must provide a copy of the application to the sponsor within 3 days after it is submitted to the council. Applications are subject to the requirements of paragraph (a), which the council shall consider in making its recommendation to approve or deny an application.

b. The council shall review applications for a high-performing charter school using the evaluation instrument developed by the department. The council shall consider high-performing charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district’s school year, or to be opened at a time determined by the applicant. The council may receive an application submitted after February 1 if the council chooses. The council shall allow an applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantial corrections and clarifications if such errors may cause the council to recommend denial of the application.

c. A sponsor shall provide input to the council within 15 days after receiving a copy of the final application submitted to the council. The sponsor shall articulate in writing the specific reasons, based upon good cause shown, for its recommendation for denial or approval of the application and
shall provide supporting documentation to the applicant. The
input provided by the sponsor must be included in the
application that is provided to the state board.

4.a. The council shall recommend to approve or deny an
application by majority vote no later than 30 calendar days
after the final application is received, unless the council and
the applicant mutually agree in writing to temporarily postpone
the vote to a specific date. If the council fails to act on the
application within 30 days after receipt, the application must
be submitted to the state board for action.

   b. The council shall submit a written recommendation, which
must include fact-based justification, to the state board as to
whether an application should be approved or denied within 10
days after its decision. If the council recommends denial of the
application, the council must state in writing the specific
reasons, based on the criteria in sub-subparagraph 5.c.,
supporting its denial of the application. The council shall also
provide the written recommendation and justification to the
applicant and the sponsor within 10 days after it makes its
decision. The recommendation of the council is not subject to
chapter 120.

5.a. The state board shall accept or deny the
recommendation of the council by majority vote no later than 60
calendar days after it receives the recommendation of the
council. If the state board approves an application, the sponsor
must begin development of the charter pursuant to subsection (7)
within 30 days. If the state board denies an application
submitted by a high-performing charter school or a high-
performing charter school system, the state board must identify
in writing the specific reasons, based upon the criteria in sub-
paragraph c., for its denial of the application. The state
board’s decision is a final action subject to judicial review in
the district court of appeal. The decision of the state board is
not subject to chapter 120.

b. No later than 30 days after receipt of the council’s
decision, the sponsor and applicant may provide input to the
state board regarding the council’s recommendation. The
commissioner shall receive and make such input available to the
state board at least 7 calendar days before the date on which
the recommendation by the council is considered.

c. An application submitted by a high-performing charter
school identified pursuant to s. 1002.331 or a high-performing
charter school system identified pursuant to s. 1002.332 may be
recommended for denial by the council or denied by the state
board only if the council or state board demonstrates by clear
and convincing evidence that:

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

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

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

(IV) The applicant has made a material misrepresentation or
false statement or concealed an essential or material fact
262 during the application process; or
263 (V) The proposed charter school’s educational program and
264 financial management practices do not materially comply with the
265 requirements of this section.
266
267 Material noncompliance is a failure to follow requirements or a
268 violation of prohibitions applicable to charter school
269 applications, which failure is quantitatively or qualitatively
270 significant either individually or when aggregated with other
271 noncompliance. An applicant is considered to be replicating a
272 high-performing charter school if the proposed school is
273 substantially similar to at least one of the applicant’s high-
274 performing charter schools and the organization or individuals
275 involved in the establishment and operation of the proposed
276 school are significantly involved in the operation of replicated
277 schools.

Section 2. Paragraph (a) of subsection (3) and subsection
279 (4) of section 1002.331, Florida Statutes, are amended to read:
280
281 1002.331 High-performing charter schools.—
282 (3)(a) A high-performing charter school may submit an
283 application to the High-Performing Charter School Council
284 pursuant to s. 1002.33(6) to operate in any school district in
285 the state to establish and operate a new charter school that
286 will substantially replicate its educational program. An
287 application submitted by a high-performing charter school must
288 state that the application is being submitted pursuant to this
289 paragraph and must include the verification letter provided by
290 the Commissioner of Education pursuant to subsection (4).
291
292 2. If the sponsor fails to act on the application within 90
days after receipt, the application is deemed approved and the procedure in s. 1002.33(7) applies.

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

Section 3. Paragraphs (b) and (c) of subsection (2) of section 1002.332, Florida Statutes, are amended to read:

1002.332 High-performing charter school system.—

(2)

(b) A high-performing charter school system may replicate its high-performing charter schools in any school district in the state. The applicant must submit an application to the High-Performing Charter School Council using the standard application form prepared by the Department of Education which:

1. Contains goals and objectives for improving student learning and a process for measuring student improvement. These goals and objectives must indicate how much academic improvement students are expected to demonstrate each year, how success will be evaluated, and the specific results to be attained through
2. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenue and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

3. Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the High-Performing Charter School Council sponsor shall consider when deciding whether to recommend approval or denial of the application.

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

Section 4. This act shall take effect July 1, 2020.