

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.32, F.S.; providing that the limitation on lab
4 schools does not apply to a specified school; amending
5 s. 1002.33, F.S.; authorizing state universities and
6 Florida College System institutions to solicit
7 applications for and sponsor charter schools under
8 certain circumstances; authorizing a state university
9 or Florida College System institution to, at its
10 discretion, deny an application for a charter school;
11 revising the contents of an annual report that charter
12 school sponsors must provide to the Department of
13 Education; revising the date by which the department
14 must post a specified annual report; authorizing
15 certain parties to file an action with the Division of
16 Administrative Hearings to recover specified fees and
17 costs; authorizing parties to appeal without first
18 mediating in certain circumstances; providing that
19 certain changes to curriculum are deemed approved;
20 providing an exception; revising the circumstances in
21 which a charter may be immediately terminated;
22 providing that certain information must be provided to
23 specified entities upon immediate termination;
24 authorizing the of award specified fees and costs in
25 certain circumstances; authorizing a sponsor to seek

26 | an injunction in certain circumstances; revising
27 | provisions related to sponsor assumption of operation;
28 | revising provisions relating to Florida College System
29 | institutions that are operating charter schools;
30 | requiring the board of trustees of a state university
31 | or Florida College System institution that is
32 | sponsoring a charter school to serve as the local
33 | educational agency for such school; prohibiting
34 | certain charter school students from being included in
35 | specified school district grade calculations;
36 | requiring the department to develop a sponsor
37 | evaluation framework; providing requirements for the
38 | framework; deleting obsolete language; revising the
39 | student populations for which a charter school is
40 | authorized to give enrollment preference and limit the
41 | enrollment process; providing a calculation for the
42 | operational funding for a charter school sponsored by
43 | a state university or Florida College System
44 | institution; requiring the department to develop a
45 | tool for state universities and Florida College System
46 | institutions for specified purposes relating to
47 | certain funding calculations; providing that such
48 | funding must be appropriated to the charter school;
49 | providing for capital outlay funding for such schools;
50 | specifying an administrative fee for certain schools;

51 conforming provisions to changes made by the act;
52 amending s. 1002.331, F.S.; revising a limitation on
53 the expansion of high-performing charter schools;
54 amending s. 1003.493, F.S.; authorizing a career and
55 professional academy to be offered by a charter
56 school; amending s. 1008.3415, F.S.; authorizing
57 certain exceptional student education centers to
58 replicate their educational programs; requiring the
59 Commissioner of Education to verify certain
60 information and provide a letter to specified
61 entities; providing an effective date.

62
63 Be It Enacted by the Legislature of the State of Florida:

64
65 Section 1. Subsection (2) of section 1002.32, Florida
66 Statutes, is amended to read:

67 1002.32 Developmental research (laboratory) schools.—
68 (2) ESTABLISHMENT.—There is established a category of
69 public schools to be known as developmental research
70 (laboratory) schools (lab schools). Each lab school shall
71 provide sequential instruction and shall be affiliated with the
72 college of education within the state university of closest
73 geographic proximity. A lab school to which a charter has been
74 issued under s. 1002.33(5)(a) 2. must be affiliated with the
75 college of education within the state university that issued the

76 | charter, but is not subject to the requirement that the state
77 | university be of closest geographic proximity. For the purpose
78 | of state funding, Florida Agricultural and Mechanical
79 | University, Florida Atlantic University, Florida State
80 | University, the University of Florida, and other universities
81 | approved by the State Board of Education and the Legislature are
82 | authorized to sponsor a lab school. The limitation of one lab
83 | school per university shall not apply to the following charter
84 | lab schools authorized prior to June 1, 2003: Florida State
85 | University Charter Lab K-12 School in Broward County, Florida
86 | Atlantic University Charter Lab 9-12 High School in Palm Beach
87 | County, and Florida Atlantic University Charter Lab K-12 School
88 | in St. Lucie County. The limitation of one lab school per
89 | university shall not apply to a charter lab school for the
90 | Florida State University Charter Lab K-12 School at Tyndall Air
91 | Force Base.

92 | Section 2. Paragraph (c) of subsection (2), subsection
93 | (5), paragraphs (b) and (d) of subsection (6), paragraphs (a),
94 | (b), and (d) of subsection (7), paragraphs (c), (d) and (e) of
95 | subsection (8), paragraphs (g) and (n) of subsection (9),
96 | paragraphs (d) and (e) of subsection (10), subsection (14),
97 | paragraph (c) of subsection (15), subsection (17), paragraph (e)
98 | of subsection (18), subsections (20) and (21), paragraph (a) of
99 | subsection (25), and subsection (28) of section 1002.33, Florida
100 | Statutes, are amended to read:

101 1002.33 Charter schools.—

102 (2) GUIDING PRINCIPLES; PURPOSE.—

103 (c) Charter schools may fulfill the following purposes:

104 1. Create innovative measurement tools.

105 2. Provide rigorous competition within the public school

106 system ~~district~~ to stimulate continual improvement in all public

107 schools.

108 3. Expand the capacity of the public school system.

109 4. Mitigate the educational impact created by the

110 development of new residential dwelling units.

111 5. Create new professional opportunities for teachers,

112 including ownership of the learning program at the school site.

113 (5) SPONSOR; DUTIES.—

114 (a) Sponsoring entities.—

115 1. A district school board may sponsor a charter school in

116 the county over which the district school board has

117 jurisdiction.

118 2. A state university may grant a charter to a lab school

119 created under s. 1002.32 and shall be considered to be the

120 school's sponsor. Such school shall be considered a charter lab

121 school.

122 3. Because needs relating to educational capacity,

123 workforce qualifications, and career education opportunities are

124 constantly changing and extend beyond school district

125 boundaries:

126 a. A state university may, upon approval by the Department
 127 of Education, solicit applications and sponsor a charter school
 128 to meet regional education or workforce demands by serving
 129 students from multiple school districts.

130 b. A Florida College System institution may, upon approval
 131 by the Department of Education, solicit applications and sponsor
 132 a charter school in any county within its service area to meet
 133 workforce demands and may offer postsecondary programs leading
 134 to industry certifications to eligible charter school students.
 135 A charter school established under subparagraph (b)4. may not be
 136 sponsored by a Florida College System institution until its
 137 existing charter with the school district expires as provided
 138 under subsection (7).

139 c. Notwithstanding subsection (6) (b), a state university
 140 or Florida College System institution may, at its discretion,
 141 deny an application for a charter school.

142 (b) Sponsor duties.—

143 1.a. The sponsor shall monitor and review the charter
 144 school in its progress toward the goals established in the
 145 charter.

146 b. The sponsor shall monitor the revenues and expenditures
 147 of the charter school and perform the duties provided in s.
 148 1002.345.

149 c. The sponsor may approve a charter for a charter school
 150 before the applicant has identified space, equipment, or

151 personnel, if the applicant indicates approval is necessary for
152 it to raise working funds.

153 d. The sponsor shall not apply its policies to a charter
154 school unless mutually agreed to by both the sponsor and the
155 charter school. If the sponsor subsequently amends any agreed-
156 upon sponsor policy, the version of the policy in effect at the
157 time of the execution of the charter, or any subsequent
158 modification thereof, shall remain in effect and the sponsor may
159 not hold the charter school responsible for any provision of a
160 newly revised policy until the revised policy is mutually agreed
161 upon.

162 e. The sponsor shall ensure that the charter is innovative
163 and consistent with the state education goals established by s.
164 1000.03(5).

165 f. The sponsor shall ensure that the charter school
166 participates in the state's education accountability system. If
167 a charter school falls short of performance measures included in
168 the approved charter, the sponsor shall report such shortcomings
169 to the Department of Education.

170 g. The sponsor shall not be liable for civil damages under
171 state law for personal injury, property damage, or death
172 resulting from an act or omission of an officer, employee,
173 agent, or governing body of the charter school.

174 h. The sponsor shall not be liable for civil damages under
175 state law for any employment actions taken by an officer,

176 employee, agent, or governing body of the charter school.

177 i. The sponsor's duties to monitor the charter school

178 shall not constitute the basis for a private cause of action.

179 j. The sponsor shall not impose additional reporting

180 requirements on a charter school without providing reasonable

181 and specific justification in writing to the charter school.

182 k. The sponsor shall submit an annual report to the

183 Department of Education in a web-based format to be determined

184 by the department.

185 (I) The report shall include the following information:

186 ~~(A) The number of draft applications received on or before~~

187 ~~May 1 and each applicant's contact information.~~

188 (A)~~(B)~~ The number of ~~final~~ applications received on or

189 before February ~~August~~ 1 and each applicant's contact

190 information.

191 (B)~~(C)~~ The date each application was approved, denied, or

192 withdrawn.

193 (C)~~(D)~~ The date each final contract was executed.

194 (II) Annually, by November 1 ~~Beginning August 31, 2013,~~

195 ~~and each year thereafter,~~ the sponsor shall submit to the

196 department the information for the applications submitted the

197 previous year.

198 (III) The department shall compile an annual report, by

199 sponsor district, and post the report on its website by January

200 15 ~~November 1~~ of each year.

201 2. Immunity for the sponsor of a charter school under
202 subparagraph 1. applies only with respect to acts or omissions
203 not under the sponsor's direct authority as described in this
204 section.

205 3. This paragraph does not waive a sponsor's ~~district~~
206 ~~school board's~~ sovereign immunity.

207 4. A Florida College System institution may work with the
208 school district or school districts in its designated service
209 area to develop charter schools that offer secondary education.
210 These charter schools must include an option for students to
211 receive an associate degree upon high school graduation. If a
212 Florida College System institution operates an approved teacher
213 preparation program under s. 1004.04 or s. 1004.85, the
214 institution may operate ~~no more than one~~ charter schools ~~school~~
215 that serve ~~serves~~ students in kindergarten through grade 12 in
216 any school district within the service area of the institution.
217 ~~In kindergarten through grade 8, the charter school shall~~
218 ~~implement innovative blended learning instructional models in~~
219 ~~which, for a given course, a student learns in part through~~
220 ~~online delivery of content and instruction with some element of~~
221 ~~student control over time, place, path, or pace and in part at a~~
222 ~~supervised brick-and-mortar location away from home. A student~~
223 ~~in a blended learning course must be a full-time student of the~~
224 ~~charter school and receive the online instruction in a classroom~~
225 ~~setting at the charter school.~~ District school boards shall

226 cooperate with and assist the Florida College System institution
227 on the charter application. Florida College System institution
228 applications for charter schools are not subject to the time
229 deadlines outlined in subsection (6) and may be approved by the
230 district school board at any time during the year. Florida
231 College System institutions may not report FTE for any students
232 participating under this subparagraph who receive FTE funding
233 through the Florida Education Finance Program.

234 5. A school district may enter into nonexclusive
235 interlocal agreements with federal and state agencies, counties,
236 municipalities, and other governmental entities that operate
237 within the geographical borders of the school district to act on
238 behalf of such governmental entities in the inspection,
239 issuance, and other necessary activities for all necessary
240 permits, licenses, and other permissions that a charter school
241 needs in order for development, construction, or operation. A
242 charter school may use, but may not be required to use, a school
243 district for these services. The interlocal agreement must
244 include, but need not be limited to, the identification of fees
245 that charter schools will be charged for such services. The fees
246 must consist of the governmental entity's fees plus a fee for
247 the school district to recover no more than actual costs for
248 providing such services. These services and fees are not
249 included within the services to be provided pursuant to
250 subsection (20).

251 6. The board of trustees of a sponsoring state university
252 or Florida College System institution under paragraph (a) is the
253 local educational agency for all charter schools it sponsors for
254 purposes of receiving federal funds and accepts full
255 responsibility for all local educational agency requirements and
256 the schools for which it will perform local educational agency
257 responsibilities. A student enrolled in a charter school that is
258 sponsored by a state university or Florida College System
259 institution may not be included in the calculation of the school
260 district's grade under s. 1008.34(5) for the school district in
261 which he or she resides.

262 (c) Sponsor accountability.—

263 1. The department shall, in collaboration with charter
264 school sponsors and charter school operators, develop a sponsor
265 evaluation framework that must address, at a minimum:

266 a. The sponsor's strategic vision for charter school
267 authorizing and the sponsor's progress toward that vision.

268 b. The alignment of the sponsor's policies and practices
269 to best practices for charter school authorizing.

270 c. The academic and financial performance of all operating
271 charter schools overseen by the sponsor.

272 d. The status of charter schools authorized by the
273 sponsor, including approved, operating, and closed schools.

274 2. The department shall compile the results, by sponsor,
275 and include the results in the report required under sub-sub-

276 subparagraph (b)1.k.(III).

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

279 (b) A sponsor shall receive and review all applications
280 for a charter school using the evaluation instrument developed
281 by the Department of Education. ~~A sponsor shall receive and~~
282 ~~consider charter school applications received on or before~~
283 ~~August 1 of each calendar year for charter schools to be opened~~
284 ~~at the beginning of the school district's next school year, or~~
285 ~~to be opened at a time agreed to by the applicant and the~~
286 ~~sponsor. A sponsor may not refuse to receive a charter school~~
287 ~~application submitted before August 1 and may receive an~~
288 ~~application submitted later than August 1 if it chooses.~~
289 ~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and
290 consider charter school applications received on or before
291 February 1 of each calendar year for charter schools to be
292 opened 18 months later at the beginning of the ~~school district's~~
293 school year, or to be opened at a time determined by the
294 applicant. A sponsor may not refuse to receive a charter school
295 application submitted before February 1 and may receive an
296 application submitted later than February 1 if it chooses. A
297 sponsor may not charge an applicant for a charter any fee for
298 the processing or consideration of an application, and a sponsor
299 may not base its consideration or approval of a final
300 application upon the promise of future payment of any kind.

301 Before approving or denying any application, the sponsor shall
302 allow the applicant, upon receipt of written notification, at
303 least 7 calendar days to make technical or nonsubstantive
304 corrections and clarifications, including, but not limited to,
305 corrections of grammatical, typographical, and like errors or
306 missing signatures, if such errors are identified by the sponsor
307 as cause to deny the final application.

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

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

324 3.a. A sponsor shall by a majority vote approve or deny an
325 application no later than 90 calendar days after the application

326 is received, unless the sponsor and the applicant mutually agree
327 in writing to temporarily postpone the vote to a specific date,
328 at which time the sponsor shall by a majority vote approve or
329 deny the application. If the sponsor fails to act on the
330 application, an applicant may appeal to the State Board of
331 Education as provided in paragraph (c). If an application is
332 denied, the sponsor shall, within 10 calendar days after such
333 denial, articulate in writing the specific reasons, based upon
334 good cause, supporting its denial of the application and shall
335 provide the letter of denial and supporting documentation to the
336 applicant and to the Department of Education.

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

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

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

349 (III) The proposed charter school's educational program
350 does not substantially replicate that of the applicant or one of

351 the applicant's high-performing charter schools;

352 (IV) The applicant has made a material misrepresentation
353 or false statement or concealed an essential or material fact
354 during the application process; or

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

358

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

370 c. If the sponsor denies an application submitted by a
371 high-performing charter school or a high-performing charter
372 school system, the sponsor must, within 10 calendar days after
373 such denial, state in writing the specific reasons, based upon
374 the criteria in sub-subparagraph b., supporting its denial of
375 the application and must provide the letter of denial and

376 supporting documentation to the applicant and to the Department
377 of Education. The applicant may appeal the sponsor's denial of
378 the application in accordance with paragraph (c).

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

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

393 (d) The sponsor shall act upon the decision of the State
394 Board of Education within 30 calendar days after it is received.
395 The State Board of Education's decision is a final action
396 subject to judicial review in the district court of appeal. A
397 prevailing party may file an action with the Division of
398 Administrative Hearings to recover reasonable attorney fees and
399 costs incurred during the denial of the application and any
400 appeals.

401 (7) CHARTER.—The terms and conditions for the operation of
402 a charter school shall be set forth by the sponsor and the
403 applicant in a written contractual agreement, called a charter.
404 The sponsor and the governing board of the charter school shall
405 use the standard charter contract pursuant to subsection (21),
406 which shall incorporate the approved application and any addenda
407 approved with the application. Any term or condition of a
408 proposed charter contract that differs from the standard charter
409 contract adopted by rule of the State Board of Education shall
410 be presumed a limitation on charter school flexibility. The
411 sponsor may not impose unreasonable rules or regulations that
412 violate the intent of giving charter schools greater flexibility
413 to meet educational goals. The charter shall be signed by the
414 governing board of the charter school and the sponsor, following
415 a public hearing to ensure community input.

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

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

420 2. The focus of the curriculum, the instructional methods
421 to be used, any distinctive instructional techniques to be
422 employed, and identification and acquisition of appropriate
423 technologies needed to improve educational and administrative
424 performance which include a means for promoting safe, ethical,
425 and appropriate uses of technology which comply with legal and

426 professional standards.

427 a. The charter shall ensure that reading is a primary
428 focus of the curriculum and that resources are provided to
429 identify and provide specialized instruction for students who
430 are reading below grade level. The curriculum and instructional
431 strategies for reading must be consistent with the Next
432 Generation Sunshine State Standards and grounded in
433 scientifically based reading research.

434 b. In order to provide students with access to diverse
435 instructional delivery models, to facilitate the integration of
436 technology within traditional classroom instruction, and to
437 provide students with the skills they need to compete in the
438 21st century economy, the Legislature encourages instructional
439 methods for blended learning courses consisting of both
440 traditional classroom and online instructional techniques.
441 Charter schools may implement blended learning courses which
442 combine traditional classroom instruction and virtual
443 instruction. Students in a blended learning course must be full-
444 time students of the charter school pursuant to s.
445 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
446 1012.55 who provide virtual instruction for blended learning
447 courses may be employees of the charter school or may be under
448 contract to provide instructional services to charter school
449 students. At a minimum, such instructional personnel must hold
450 an active state or school district adjunct certification under

451 s. 1012.57 for the subject area of the blended learning course.
452 The funding and performance accountability requirements for
453 blended learning courses are the same as those for traditional
454 courses.

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

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

461 b. How these baseline rates will be compared to rates of
462 academic progress achieved by these same students while
463 attending the charter school.

464 c. To the extent possible, how these rates of progress
465 will be evaluated and compared with rates of progress of other
466 closely comparable student populations.

467

468 A ~~The~~ district school board is required to provide academic
469 student performance data to charter schools for each of their
470 students coming from the district school system, as well as
471 rates of academic progress of comparable student populations in
472 the district school system.

473 4. The methods used to identify the educational strengths
474 and needs of students and how well educational goals and
475 performance standards are met by students attending the charter

476 school. The methods shall provide a means for the charter school
477 to ensure accountability to its constituents by analyzing
478 student performance data and by evaluating the effectiveness and
479 efficiency of its major educational programs. Students in
480 charter schools shall, at a minimum, participate in the
481 statewide assessment program created under s. 1008.22.

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

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

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

490 8. The ways by which the school will achieve a
491 racial/ethnic balance reflective of the community it serves or
492 within the racial/ethnic range of other nearby public schools ~~in~~
493 ~~the same school district.~~

494 9. The financial and administrative management of the
495 school, including a reasonable demonstration of the professional
496 experience or competence of those individuals or organizations
497 applying to operate the charter school or those hired or
498 retained to perform such professional services and the
499 description of clearly delineated responsibilities and the
500 policies and practices needed to effectively manage the charter

501 school. A description of internal audit procedures and
502 establishment of controls to ensure that financial resources are
503 properly managed must be included. Both public sector and
504 private sector professional experience shall be equally valid in
505 such a consideration.

506 10. The asset and liability projections required in the
507 application which are incorporated into the charter and shall be
508 compared with information provided in the annual report of the
509 charter school.

510 11. A description of procedures that identify various
511 risks and provide for a comprehensive approach to reduce the
512 impact of losses; plans to ensure the safety and security of
513 students and staff; plans to identify, minimize, and protect
514 others from violent or disruptive student behavior; and the
515 manner in which the school will be insured, including whether or
516 not the school will be required to have liability insurance,
517 and, if so, the terms and conditions thereof and the amounts of
518 coverage.

519 12. The term of the charter which shall provide for
520 cancellation of the charter if insufficient progress has been
521 made in attaining the student achievement objectives of the
522 charter and if it is not likely that such objectives can be
523 achieved before expiration of the charter. The initial term of a
524 charter shall be for 5 years, excluding 2 planning years. In
525 order to facilitate access to long-term financial resources for

526 charter school construction, charter schools that are operated
527 by a municipality or other public entity as provided by law are
528 eligible for up to a 15-year charter, subject to approval by the
529 sponsor ~~district school board~~. A charter lab school is eligible
530 for a charter for a term of up to 15 years. In addition, to
531 facilitate access to long-term financial resources for charter
532 school construction, charter schools that are operated by a
533 private, not-for-profit, s. 501(c)(3) status corporation are
534 eligible for up to a 15-year charter, subject to approval by the
535 sponsor ~~district school board~~. Such long-term charters remain
536 subject to annual review and may be terminated during the term
537 of the charter, but only according to the provisions set forth
538 in subsection (8).

539 13. The facilities to be used and their location. The
540 sponsor may not require a charter school to have a certificate
541 of occupancy or a temporary certificate of occupancy for such a
542 facility earlier than 15 calendar days before the first day of
543 school.

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

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

550 16. A timetable for implementing the charter which

551 addresses the implementation of each element thereof and the
552 date by which the charter shall be awarded in order to meet this
553 timetable.

554 17. In the case of an existing public school that is being
555 converted to charter status, alternative arrangements for
556 current students who choose not to attend the charter school and
557 for current teachers who choose not to teach in the charter
558 school after conversion in accordance with the existing
559 collective bargaining agreement or district school board rule in
560 the absence of a collective bargaining agreement. However,
561 alternative arrangements shall not be required for current
562 teachers who choose not to teach in a charter lab school, except
563 as authorized by the employment policies of the state university
564 which grants the charter to the lab school.

565 18. Full disclosure of the identity of all relatives
566 employed by the charter school who are related to the charter
567 school owner, president, chairperson of the governing board of
568 directors, superintendent, governing board member, principal,
569 assistant principal, or any other person employed by the charter
570 school who has equivalent decisionmaking authority. For the
571 purpose of this subparagraph, the term "relative" means father,
572 mother, son, daughter, brother, sister, uncle, aunt, first
573 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
574 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
575 stepfather, stepmother, stepson, stepdaughter, stepbrother,

576 | stepsister, half brother, or half sister.

577 | 19. Implementation of the activities authorized under s.
578 | 1002.331 by the charter school when it satisfies the eligibility
579 | requirements for a high-performing charter school. A high-
580 | performing charter school shall notify its sponsor in writing by
581 | March 1 if it intends to increase enrollment or expand grade
582 | levels the following school year. The written notice shall
583 | specify the amount of the enrollment increase and the grade
584 | levels that will be added, as applicable.

585 | (b) The sponsor has 30 days after approval of the
586 | application to provide an initial proposed charter contract to
587 | the charter school. The applicant and the sponsor have 40 days
588 | thereafter to negotiate and notice the charter contract for
589 | final approval by the sponsor unless both parties agree to an
590 | extension. The proposed charter contract shall be provided to
591 | the charter school at least 7 calendar days before the date of
592 | the meeting at which the charter is scheduled to be voted upon
593 | by the sponsor. The Department of Education shall provide
594 | mediation services for any dispute regarding this section
595 | subsequent to the approval of a charter application and for any
596 | dispute relating to the approved charter, except a dispute
597 | regarding a charter school application denial. If either the
598 | charter school or the sponsor indicates in writing that the
599 | party does not desire to settle any dispute arising under this
600 | section through mediation procedures offered by the Department

601 of Education, a charter school may immediately appeal any formal
602 or informal decision by the sponsor to an administrative law
603 judge appointed by the Division of Administrative Hearings. If
604 the Commissioner of Education determines that the dispute cannot
605 be settled through mediation, the dispute may also be appealed
606 to an administrative law judge appointed by the Division of
607 Administrative Hearings. The administrative law judge has final
608 order authority to rule on issues of equitable treatment of the
609 charter school as a public school, whether proposed provisions
610 of the charter violate the intended flexibility granted charter
611 schools by statute, or any other matter regarding this section,
612 except a dispute regarding charter school application denial, a
613 charter termination, or a charter nonrenewal. The administrative
614 law judge shall award the prevailing party reasonable attorney
615 fees and costs incurred during the mediation process,
616 administrative proceeding, and any appeals, to be paid by the
617 party whom the administrative law judge rules against.

618 (d) A charter may be modified during its initial term or
619 any renewal term upon the recommendation of the sponsor or the
620 charter school's governing board and the approval of both
621 parties to the agreement. Changes to curriculum that are
622 consistent with state standards and are necessary to implement
623 blended learning shall be deemed approved unless the sponsor
624 determines in writing that the curriculum is inconsistent with
625 state standards. Modification during any term may include, but

626 is not limited to, consolidation of multiple charters into a
627 single charter if the charters are operated under the same
628 governing board, regardless of the renewal cycle. A charter
629 school that is not subject to a school improvement plan and that
630 closes as part of a consolidation shall be reported by the
631 sponsor ~~school district~~ as a consolidation.

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

633 (c) A charter may be terminated immediately if the sponsor
634 sets forth in writing the particular facts and circumstances
635 demonstrating ~~indicating~~ that an immediate and serious danger to
636 the health, safety, or welfare of the charter school's students
637 exists, that the immediate and serious danger is likely to
638 continue, and that an immediate termination of the charter is
639 necessary. The sponsor's determination is subject to the
640 procedures set forth in paragraph (b), except that the hearing
641 may take place after the charter has been terminated. The
642 sponsor shall notify in writing the charter school's governing
643 board, the charter school principal, and the department of the
644 facts and circumstances supporting the immediate termination ~~if~~
645 ~~a charter is terminated immediately~~. The sponsor shall clearly
646 identify the specific issues that resulted in the immediate
647 termination and provide evidence of prior notification of issues
648 resulting in the immediate termination, if applicable ~~when~~
649 ~~appropriate~~. Upon receiving written notice from the sponsor, the
650 charter school's governing board has 10 calendar days to request

651 a hearing. A requested hearing must be expedited and the final
652 order must be issued within 60 days after the date of request.
653 The administrative law judge shall award reasonable attorney
654 fees and costs to the prevailing party of any injunction,
655 administrative proceeding, or appeal. The sponsor may seek an
656 injunction in the circuit court in which the charter school is
657 located to enjoin continued operation of the charter school if
658 ~~shall assume operation of the charter school throughout the~~
659 ~~pendency of the hearing under paragraph (b) unless the continued~~
660 ~~operation of the charter school would materially threaten the~~
661 ~~health, safety, or welfare of the students. Failure by the~~
662 ~~sponsor to assume and continue operation of the charter school~~
663 ~~shall result in the awarding of reasonable costs and attorney's~~
664 ~~fees to the charter school if the charter school prevails on~~
665 ~~appeal.~~

666 (d) When a charter is not renewed or is terminated, the
667 school shall be dissolved under the provisions of law under
668 which the school was organized, and any unencumbered public
669 funds, except for capital outlay funds and federal charter
670 school program grant funds, from the charter school shall revert
671 to the sponsor. Capital outlay funds provided pursuant to s.
672 1013.62 and federal charter school program grant funds that are
673 unencumbered shall revert to the department to be redistributed
674 among eligible charter schools. In the event a charter school is
675 dissolved or is otherwise terminated, all sponsor district

676 ~~school board~~ property and improvements, furnishings, and
677 equipment purchased with public funds shall automatically revert
678 to full ownership by the sponsor ~~district school board~~, subject
679 to complete satisfaction of any lawful liens or encumbrances.
680 Any unencumbered public funds from the charter school, ~~district~~
681 ~~school board~~ property and improvements, furnishings, and
682 equipment purchased with public funds, or financial or other
683 records pertaining to the charter school, in the possession of
684 any person, entity, or holding company, other than the charter
685 school, shall be held in trust upon the sponsor's ~~district~~
686 ~~school board's~~ request, until any appeal status is resolved.

687 (e) If a charter is not renewed or is terminated, the
688 charter school is responsible for all debts of the charter
689 school. The sponsor ~~district~~ may not assume the debt from any
690 contract made between the governing body of the school and a
691 third party, except for a debt that is previously detailed and
692 agreed upon in writing by both the sponsor ~~district~~ and the
693 governing body of the school and that may not reasonably be
694 assumed to have been satisfied by the sponsor ~~district~~.

695 (9) CHARTER SCHOOL REQUIREMENTS.—

696 (g)1. In order to provide financial information that is
697 comparable to that reported for other public schools, charter
698 schools are to maintain all financial records that constitute
699 their accounting system:

700 a. In accordance with the accounts and codes prescribed in

701 the most recent issuance of the publication titled "Financial
702 and Program Cost Accounting and Reporting for Florida Schools";
703 or

704 b. At the discretion of the charter school's governing
705 board, a charter school may elect to follow generally accepted
706 accounting standards for not-for-profit organizations, but must
707 reformat this information for reporting according to this
708 paragraph.

709 2. Charter schools shall provide annual financial report
710 and program cost report information in the state-required
711 formats for inclusion in sponsor ~~district~~ reporting in
712 compliance with s. 1011.60(1). Charter schools that are operated
713 by a municipality or are a component unit of a parent nonprofit
714 organization may use the accounting system of the municipality
715 or the parent but must reformat this information for reporting
716 according to this paragraph.

717 3. A charter school shall, upon approval of the charter
718 contract, provide the sponsor with a concise, uniform, monthly
719 financial statement summary sheet that contains a balance sheet
720 and a statement of revenue, expenditures, and changes in fund
721 balance. The balance sheet and the statement of revenue,
722 expenditures, and changes in fund balance shall be in the
723 governmental funds format prescribed by the Governmental
724 Accounting Standards Board. A high-performing charter school
725 pursuant to s. 1002.331 may provide a quarterly financial

726 statement in the same format and requirements as the uniform
727 monthly financial statement summary sheet. The sponsor shall
728 review each monthly or quarterly financial statement to identify
729 the existence of any conditions identified in s. 1002.345(1)(a).

730 4. A charter school shall maintain and provide financial
731 information as required in this paragraph. The financial
732 statement required in subparagraph 3. must be in a form
733 prescribed by the Department of Education.

734 (n)1. The director and a representative of the governing
735 board of a charter school that has earned a grade of "D" or "F"
736 pursuant to s. 1008.34 shall appear before the sponsor to
737 present information concerning each contract component having
738 noted deficiencies. The director and a representative of the
739 governing board shall submit to the sponsor for approval a
740 school improvement plan to raise student performance. Upon
741 approval by the sponsor, the charter school shall begin
742 implementation of the school improvement plan. The department
743 shall offer technical assistance and training to the charter
744 school and its governing board and establish guidelines for
745 developing, submitting, and approving such plans.

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

749 (I) Contract for educational services to be provided
750 directly to students, instructional personnel, and school

751 administrators, as prescribed in state board rule;

752 (II) Contract with an outside entity that has a

753 demonstrated record of effectiveness to operate the school;

754 (III) Reorganize the school under a new director or

755 principal who is authorized to hire new staff; or

756 (IV) Voluntarily close the charter school.

757 b. The charter school must implement the corrective action

758 in the school year following receipt of a third consecutive

759 grade below a "C."

760 c. The sponsor may annually waive a corrective action if

761 it determines that the charter school is likely to improve a

762 letter grade if additional time is provided to implement the

763 intervention and support strategies prescribed by the school

764 improvement plan. Notwithstanding this sub-subparagraph, a

765 charter school that earns a second consecutive grade of "F" is

766 subject to subparagraph 3.

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

768 corrective action if it improves to a "C" or higher. However,

769 the charter school must continue to implement strategies

770 identified in the school improvement plan. The sponsor must

771 annually review implementation of the school improvement plan to

772 monitor the school's continued improvement pursuant to

773 subparagraph 4.

774 e. A charter school implementing a corrective action that

775 does not improve to a "C" or higher after 2 full school years of

776 implementing the corrective action must select a different
777 corrective action. Implementation of the new corrective action
778 must begin in the school year following the implementation
779 period of the existing corrective action, unless the sponsor
780 determines that the charter school is likely to improve to a "C"
781 or higher if additional time is provided to implement the
782 existing corrective action. Notwithstanding this sub-
783 subparagraph, a charter school that earns a second consecutive
784 grade of "F" while implementing a corrective action is subject
785 to subparagraph 3.

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

789 a. The charter school is established to turn around the
790 performance of a district public school pursuant to s.

791 1008.33(4)(b)2. Such charter schools shall be governed by s.
792 1008.33;

793 b. The charter school serves a student population the
794 majority of which resides in a school zone served by a district
795 public school subject to s. 1008.33(4) and the charter school
796 earns at least a grade of "D" in its third year of operation.
797 The exception provided under this sub-subparagraph does not
798 apply to a charter school in its fourth year of operation and
799 thereafter; or

800 c. The state board grants the charter school a waiver of

801 termination. The charter school must request the waiver within
802 15 days after the department's official release of school
803 grades. The state board may waive termination if the charter
804 school demonstrates that the Learning Gains of its students on
805 statewide assessments are comparable to or better than the
806 Learning Gains of similarly situated students enrolled in nearby
807 ~~district~~ public schools. The waiver is valid for 1 year and may
808 only be granted once. Charter schools that have been in
809 operation for more than 5 years are not eligible for a waiver
810 under this sub-subparagraph.

811
812 The sponsor shall notify the charter school's governing board,
813 the charter school principal, and the department in writing when
814 a charter contract is terminated under this subparagraph. A
815 charter terminated under this subparagraph must follow the
816 procedures for dissolution and reversion of public funds
817 pursuant to paragraphs (8) (d)-(f) and (9) (o).

818 4. The director and a representative of the governing
819 board of a graded charter school that has implemented a school
820 improvement plan under this paragraph shall appear before the
821 sponsor at least once a year to present information regarding
822 the progress of intervention and support strategies implemented
823 by the school pursuant to the school improvement plan and
824 corrective actions, if applicable. The sponsor shall communicate
825 at the meeting, and in writing to the director, the services

826 provided to the school to help the school address its
827 deficiencies.

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

831 (10) ELIGIBLE STUDENTS.—

832 (d) A charter school may give enrollment preference to the
833 following student populations:

834 1. Students who are siblings of a student enrolled in the
835 charter school.

836 2. Students who are the children of a member of the
837 governing board of the charter school.

838 3. Students who are the children of an employee of the
839 charter school.

840 4. Students who are the children of:

841 a. An employee of the business partner of a charter
842 school-in-the-workplace established under paragraph (15)(b) or a
843 resident of the municipality in which such charter school is
844 located; or

845 b. A resident or employee of a municipality that operates
846 a charter school-in-a-municipality pursuant to paragraph (15)(c)
847 or allows a charter school to use a school facility or portion
848 of land provided by the municipality for the operation of the
849 charter school.

850 5. Students who have successfully completed, during the

851 previous year, a voluntary prekindergarten education program
852 under ss. 1002.51-1002.79 provided by the charter school, ~~or~~ the
853 charter school's governing board, or a voluntary prekindergarten
854 provider that has a written agreement with the governing board
855 ~~during the previous year.~~

856 6. Students who are the children of an active duty member
857 of any branch of the United States Armed Forces.

858 7. Students who attended or are assigned to failing
859 schools pursuant to s. 1002.38(2).

860 (e) A charter school may limit the enrollment process only
861 to target the following student populations:

862 1. Students within specific age groups or grade levels.

863 2. Students considered at risk of dropping out of school
864 or academic failure. Such students shall include exceptional
865 education students.

866 3. Students enrolling in a charter school-in-the-workplace
867 or charter school-in-a-municipality established pursuant to
868 subsection (15).

869 4. Students residing within a reasonable distance of the
870 charter school, as described in paragraph (20)(c). Such students
871 shall be subject to a random lottery and to the racial/ethnic
872 balance provisions described in subparagraph (7)(a)8. or any
873 federal provisions that require a school to achieve a
874 racial/ethnic balance reflective of the community it serves or
875 within the racial/ethnic range of other nearby public schools ~~in~~

876 ~~the same school district.~~

877 5. Students who meet reasonable academic, artistic, or
878 other eligibility standards established by the charter school
879 and included in the charter school application and charter or,
880 in the case of existing charter schools, standards that are
881 consistent with the school's mission and purpose. Such standards
882 shall be in accordance with current state law and practice in
883 public schools and may not discriminate against otherwise
884 qualified individuals.

885 6. Students articulating from one charter school to
886 another pursuant to an articulation agreement between the
887 charter schools that has been approved by the sponsor.

888 7. Students living in a development in which a developer,
889 including any affiliated business entity or charitable
890 foundation, contributes to the formation, acquisition,
891 construction, or operation of one or more charter schools or
892 charter ~~provides the school facilities facility~~ and related
893 property in an amount equal to or having a total an appraised
894 value of at least \$5 million to be used as a charter schools
895 ~~school~~ to mitigate the educational impact created by the
896 development of new residential dwelling units. Students living
897 in the development are ~~shall be~~ entitled to ~~no more than~~ 50
898 percent of the student stations in the charter schools ~~school~~.
899 The students who are eligible for enrollment are subject to a
900 random lottery, the racial/ethnic balance provisions, or any

901 federal provisions, as described in subparagraph 4. The
902 remainder of the student stations must ~~shall~~ be filled in
903 accordance with subparagraph 4.

904 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
905 INDEMNIFICATION OF THE STATE AND SPONSOR ~~SCHOOL DISTRICT~~; CREDIT
906 OR TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into
907 to borrow or otherwise secure funds for a charter school
908 authorized in this section from a source other than the state or
909 a sponsor ~~school district~~ shall indemnify the state and the
910 sponsor ~~school district~~ from any and all liability, including,
911 but not limited to, financial responsibility for the payment of
912 the principal or interest. Any loans, bonds, or other financial
913 agreements are not obligations of the state or the sponsor
914 ~~school district~~ but are obligations of the charter school
915 authority and are payable solely from the sources of funds
916 pledged by such agreement. The credit or taxing power of the
917 state or the sponsor ~~school district~~ shall not be pledged and no
918 debts shall be payable out of any moneys except those of the
919 legal entity in possession of a valid charter approved by a
920 sponsor ~~district school board~~ pursuant to this section.

921 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
922 A-MUNICIPALITY.—

923 (c) A charter school-in-a-municipality designation may be
924 granted to a municipality that possesses a charter; enrolls
925 students based upon a random lottery that involves all of the

926 children of the residents of that municipality who are seeking
927 enrollment, as provided for in subsection (10); and enrolls
928 students according to the racial/ethnic balance provisions
929 described in subparagraph (7)(a)8. When a municipality has
930 submitted charter applications for the establishment of a
931 charter school feeder pattern, consisting of elementary, middle,
932 and senior high schools, and each individual charter application
933 is approved by the sponsor ~~district school board~~, such schools
934 shall then be designated as one charter school for all purposes
935 listed pursuant to this section. Any portion of the land and
936 facility used for a public charter school shall be exempt from
937 ad valorem taxes, as provided for in s. 1013.54, for the
938 duration of its use as a public school.

939 (17) FUNDING.—Students enrolled in a charter school,
940 regardless of the sponsorship, shall be funded as if they are in
941 a basic program or a special program, the same as students
942 enrolled in other public schools in a ~~the~~ school district.
943 Funding for a charter lab school shall be as provided in s.
944 1002.32.

945 (a) Each charter school shall report its student
946 enrollment to the sponsor as required in s. 1011.62, and in
947 accordance with the definitions in s. 1011.61. The sponsor shall
948 include each charter school's enrollment in the sponsor's
949 ~~district's~~ report of student enrollment. All charter schools
950 submitting student record information required by the Department

951 of Education shall comply with the Department of Education's
952 guidelines for electronic data formats for such data, and all
953 sponsors ~~districts~~ shall accept electronic data that complies
954 with the Department of Education's electronic format.

955 (b)1. The basis for the agreement for funding students
956 enrolled in a charter school shall be the sum of the school
957 district's operating funds from the Florida Education Finance
958 Program as provided in s. 1011.62 and the General Appropriations
959 Act, including gross state and local funds, discretionary
960 lottery funds, and funds from the school district's current
961 operating discretionary millage levy; divided by total funded
962 weighted full-time equivalent students in the school district;
963 and multiplied by the weighted full-time equivalent students for
964 the charter school. Charter schools whose students or programs
965 meet the eligibility criteria in law are entitled to their
966 proportionate share of categorical program funds included in the
967 total funds available in the Florida Education Finance Program
968 by the Legislature, including transportation, the research-based
969 reading allocation, and the Florida digital classrooms
970 allocation. Total funding for each charter school shall be
971 recalculated during the year to reflect the revised calculations
972 under the Florida Education Finance Program by the state and the
973 actual weighted full-time equivalent students reported by the
974 charter school during the full-time equivalent student survey
975 periods designated by the Commissioner of Education. For charter

976 schools operated by a not-for-profit or municipal entity, any
977 unrestricted current and capital assets identified in the
978 charter school's annual financial audit may be used for other
979 charter schools operated by the not-for-profit or municipal
980 entity within the school district. Unrestricted current assets
981 shall be used in accordance with s. 1011.62, and any
982 unrestricted capital assets shall be used in accordance with s.
983 1013.62(2).

984 2.a. Students enrolled in a charter school sponsored by a
985 state university or Florida College System institution pursuant
986 to paragraph (5)(a) shall be funded as if they are in a basic
987 program or a special program in the school district. The basis
988 for funding these students is the sum of the total operating
989 funds from the Florida Education Finance Program for the school
990 district in which the school is located as provided in s.
991 1011.62 and the General Appropriations Act, including gross
992 state and local funds, discretionary lottery funds, and funds
993 from each school district's current operating discretionary
994 millage levy; divided by total funded weighted full-time
995 equivalent students in the district; and multiplied by the full-
996 time equivalent membership of the charter school. The Department
997 of Education shall develop a tool that each state university or
998 Florida College System institution sponsoring a charter school
999 shall use for purposes of calculating the funding amount for
1000 each eligible charter school student. The total amount obtained

1001 from the calculation must be appropriated from state funds in
 1002 the General Appropriations Act to the charter school.

1003 b. Capital outlay funding for a charter school sponsored
 1004 by a state university or Florida College System institution
 1005 pursuant to paragraph (5) (a) is determined pursuant to s.
 1006 1013.62 and the General Appropriations Act.

1007 (c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter
 1008 schools shall receive all federal funding for which the school
 1009 is otherwise eligible, including Title I funding, not later than
 1010 5 months after the charter school first opens and within 5
 1011 months after any subsequent expansion of enrollment. Unless
 1012 otherwise mutually agreed to by the charter school and its
 1013 sponsor, and consistent with state and federal rules and
 1014 regulations governing the use and disbursement of federal funds,
 1015 the sponsor shall reimburse the charter school on a monthly
 1016 basis for all invoices submitted by the charter school for
 1017 federal funds available to the sponsor for the benefit of the
 1018 charter school, the charter school's students, and the charter
 1019 school's students as public school students in the school
 1020 district. Such federal funds include, but are not limited to,
 1021 Title I, Title II, and Individuals with Disabilities Education
 1022 Act (IDEA) funds. To receive timely reimbursement for an
 1023 invoice, the charter school must submit the invoice to the
 1024 sponsor at least 30 days before the monthly date of
 1025 reimbursement set by the sponsor. In order to be reimbursed, any

1026 expenditures made by the charter school must comply with all
 1027 applicable state rules and federal regulations, including, but
 1028 not limited to, the applicable federal Office of Management and
 1029 Budget Circulars; the federal Education Department General
 1030 Administrative Regulations; and program-specific statutes,
 1031 rules, and regulations. Such funds may not be made available to
 1032 the charter school until a plan is submitted to the sponsor for
 1033 approval of the use of the funds in accordance with applicable
 1034 federal requirements. The sponsor has 30 days to review and
 1035 approve any plan submitted pursuant to this paragraph.

1036 (d) Charter schools shall be included by the Department of
 1037 Education and the district school board in requests for federal
 1038 stimulus funds in the same manner as district school board-
 1039 operated public schools, including Title I and IDEA funds and
 1040 shall be entitled to receive such funds. Charter schools are
 1041 eligible to participate in federal competitive grants that are
 1042 available as part of the federal stimulus funds.

1043 (e) Sponsors ~~District school boards~~ shall make timely and
 1044 efficient payment and reimbursement to charter schools,
 1045 including processing paperwork required to access special state
 1046 and federal funding for which they may be eligible. Payments of
 1047 funds under paragraph (b) shall be made monthly or twice a
 1048 month, beginning with the start of the sponsor's ~~district school~~
 1049 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one
 1050 twenty-fourth, as applicable, of the total state and local funds

1051 described in paragraph (b) and adjusted as set forth therein.
1052 For the first 2 years of a charter school's operation, if a
1053 minimum of 75 percent of the projected enrollment is entered
1054 into the sponsor's student information system by the first day
1055 of the current month, the sponsor ~~district school board~~ shall
1056 distribute funds to the school for the months of July through
1057 October based on the projected full-time equivalent student
1058 membership of the charter school as submitted in the approved
1059 application. If less than 75 percent of the projected enrollment
1060 is entered into the sponsor's student information system by the
1061 first day of the current month, the sponsor shall base payments
1062 on the actual number of student enrollment entered into the
1063 sponsor's student information system. Thereafter, the results of
1064 full-time equivalent student membership surveys shall be used in
1065 adjusting the amount of funds distributed monthly to the charter
1066 school for the remainder of the fiscal year. The payments shall
1067 be issued no later than 10 working days after the sponsor
1068 ~~district school board~~ receives a distribution of state or
1069 federal funds or the date the payment is due pursuant to this
1070 subsection. If a warrant for payment is not issued within 10
1071 working days after receipt of funding by the sponsor ~~district~~
1072 ~~school board~~, the sponsor ~~school district~~ shall pay to the
1073 charter school, in addition to the amount of the scheduled
1074 disbursement, interest at a rate of 1 percent per month
1075 calculated on a daily basis on the unpaid balance from the

1076 expiration of the 10 working days until such time as the warrant
 1077 is issued. The district school board may not delay payment to a
 1078 charter school of any portion of the funds provided in paragraph
 1079 (b) based on the timing of receipt of local funds by the
 1080 district school board.

1081 (f) Funding for a virtual charter school shall be as
 1082 provided in s. 1002.45(7).

1083 (g) To be eligible for public education capital outlay
 1084 (PECO) funds, a charter school must be located in the State of
 1085 Florida.

1086 (h) A charter school that implements a schoolwide standard
 1087 student attire policy pursuant to s. 1011.78 is eligible to
 1088 receive incentive payments.

1089 (18) FACILITIES.—

1090 (e) If a district school board facility or property is
 1091 available because it is surplus, marked for disposal, or
 1092 otherwise unused, it shall be provided for a charter school's
 1093 use on the same basis as it is made available to other public
 1094 schools in the district. A charter school receiving property
 1095 from the sponsor ~~school district~~ may not sell or dispose of such
 1096 property without written permission of the sponsor ~~school~~
 1097 ~~district~~. Similarly, for an existing public school converting to
 1098 charter status, no rental or leasing fee for the existing
 1099 facility or for the property normally inventoried to the
 1100 conversion school may be charged by the district school board to

1101 the parents and teachers organizing the charter school. The
1102 charter school shall agree to reasonable maintenance provisions
1103 in order to maintain the facility in a manner similar to
1104 district school board standards. The Public Education Capital
1105 Outlay maintenance funds or any other maintenance funds
1106 generated by the facility operated as a conversion school shall
1107 remain with the conversion school.

1108 (20) SERVICES.—

1109 (a)1. A sponsor shall provide certain administrative and
1110 educational services to charter schools. These services shall
1111 include contract management services; full-time equivalent and
1112 data reporting services; exceptional student education
1113 administration services; services related to eligibility and
1114 reporting duties required to ensure that school lunch services
1115 under the National School Lunch Program, consistent with the
1116 needs of the charter school, are provided by the sponsor ~~school~~
1117 ~~district~~ at the request of the charter school, that any funds
1118 due to the charter school under the National School Lunch
1119 Program be paid to the charter school as soon as the charter
1120 school begins serving food under the National School Lunch
1121 Program, and that the charter school is paid at the same time
1122 and in the same manner under the National School Lunch Program
1123 as other public schools serviced by the sponsor or the school
1124 district; test administration services, including payment of the
1125 costs of state-required or district-required student

1126 assessments; processing of teacher certificate data services;
1127 and information services, including equal access to the
1128 sponsor's student information systems that are used by public
1129 schools in the district in which the charter school is located
1130 or by schools in the sponsor's portfolio of charter schools if
1131 the sponsor is not a school district. Student performance data
1132 for each student in a charter school, including, but not limited
1133 to, FCAT scores, standardized test scores, previous public
1134 school student report cards, and student performance measures,
1135 shall be provided by the sponsor to a charter school in the same
1136 manner provided to other public schools in the district or by
1137 schools in the sponsor's portfolio of charter schools if the
1138 sponsor is not a school district.

1139 2. A sponsor may withhold an administrative fee for the
1140 provision of such services which shall be a percentage of the
1141 available funds defined in paragraph (17)(b) calculated based on
1142 weighted full-time equivalent students. If the charter school
1143 serves 75 percent or more exceptional education students as
1144 defined in s. 1003.01(3), the percentage shall be calculated
1145 based on unweighted full-time equivalent students. The
1146 administrative fee shall be calculated as follows:

1147 a. Up to 5 percent for:

1148 (I) Enrollment of up to and including 250 students in a
1149 charter school as defined in this section.

1150 (II) Enrollment of up to and including 500 students within

1151 a charter school system which meets all of the following:

1152 (A) Includes conversion charter schools and nonconversion

1153 charter schools.

1154 (B) Has all of its schools located in the same county.

1155 (C) Has a total enrollment exceeding the total enrollment

1156 of at least one school district in the state.

1157 (D) Has the same governing board for all of its schools.

1158 (E) Does not contract with a for-profit service provider

1159 for management of school operations.

1160 (III) Enrollment of up to and including 250 students in a

1161 virtual charter school.

1162 b. Up to 2 percent for enrollment of up to and including

1163 250 students in a high-performing charter school as defined in

1164 s. 1002.331.

1165 c. Up to 2 percent for enrollment of up to and including

1166 250 students in an exceptional student education center that

1167 meets the requirements of s. 1008.3415(3).

1168 3. A sponsor may not charge charter schools any additional

1169 fees or surcharges for administrative and educational services

1170 in addition to the maximum percentage of administrative fees

1171 withheld pursuant to this paragraph.

1172 4. A sponsor shall provide to the department by September

1173 15 of each year the total amount of funding withheld from

1174 charter schools pursuant to this subsection for the prior fiscal

1175 year. The department must include the information in the report

1176 required under sub-sub-subparagraph (5) (b)1.k.(III).

1177 (b) If goods and services are made available to the
1178 charter school through the contract with the sponsor ~~school~~
1179 ~~district~~, they shall be provided to the charter school at a rate
1180 no greater than the sponsor's ~~district's~~ actual cost unless
1181 mutually agreed upon by the charter school and the sponsor in a
1182 contract negotiated separately from the charter. When mediation
1183 has failed to resolve disputes over contracted services or
1184 contractual matters not included in the charter, an appeal may
1185 be made to an administrative law judge appointed by the Division
1186 of Administrative Hearings. The administrative law judge has
1187 final order authority to rule on the dispute. The administrative
1188 law judge shall award the prevailing party reasonable attorney
1189 fees and costs incurred during the mediation process,
1190 administrative proceeding, and any appeals, to be paid by the
1191 party whom the administrative law judge rules against. To
1192 maximize the use of state funds, sponsors ~~school districts~~ shall
1193 allow charter schools to participate in the sponsor's bulk
1194 purchasing program if applicable.

1195 (c) Transportation of charter school students shall be
1196 provided by the charter school consistent with the requirements
1197 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
1198 body of the charter school may provide transportation through an
1199 agreement or contract with the sponsor ~~district school board~~, a
1200 private provider, or parents. The charter school and the sponsor

1201 shall cooperate in making arrangements that ensure that
1202 transportation is not a barrier to equal access for all students
1203 residing within a reasonable distance of the charter school as
1204 determined in its charter.

1205 (d) Each charter school shall annually complete and submit
1206 a survey, provided in a format specified by the Department of
1207 Education, to rate the timeliness and quality of services
1208 provided by the sponsor ~~district~~ in accordance with this
1209 section. The department shall compile the results, by sponsor
1210 ~~district~~, and include the results in the report required under
1211 sub-sub-subparagraph (5) (b)1.k. (III).

1212 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1213 (a) The Department of Education shall provide information
1214 to the public, directly and through sponsors, on how to form and
1215 operate a charter school and how to enroll in a charter school
1216 once it is created. This information shall include the standard
1217 application form, standard charter contract, standard evaluation
1218 instrument, and standard charter renewal contract, which shall
1219 include the information specified in subsection (7) and shall be
1220 developed by consulting and negotiating with both sponsors
1221 ~~school districts~~ and charter schools before implementation. The
1222 charter and charter renewal contracts shall be used by charter
1223 school sponsors.

1224 (b)1. The Department of Education shall report to each
1225 charter school receiving a school grade pursuant to s. 1008.34

1226 or a school improvement rating pursuant to s. 1008.341 the
 1227 school's student assessment data.

1228 2. The charter school shall report the information in
 1229 subparagraph 1. to each parent of a student at the charter
 1230 school, the parent of a child on a waiting list for the charter
 1231 school, the sponsor ~~district in which the charter school is~~
 1232 ~~located~~, and the governing board of the charter school. This
 1233 paragraph does not abrogate the provisions of s. 1002.22,
 1234 relating to student records, or the requirements of 20 U.S.C. s.
 1235 1232g, the Family Educational Rights and Privacy Act.

1236 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
 1237 SCHOOL SYSTEMS.—

1238 (a) A charter school system's governing board shall be
 1239 designated a local educational agency for the purpose of
 1240 receiving federal funds, the same as though the charter school
 1241 system were a school district, if the governing board of the
 1242 charter school system has adopted and filed a resolution with
 1243 its sponsor ~~sponsoring district school board~~ and the Department
 1244 of Education in which the governing board of the charter school
 1245 system accepts the full responsibility for all local education
 1246 agency requirements and the charter school system meets all of
 1247 the following:

- 1248 1. Has all schools located in the same county;
- 1249 2. Has a total enrollment exceeding the total enrollment
- 1250 of at least one school district in the state; and

1251 3. Has the same governing board.

1252

1253 Such designation does not apply to other provisions unless
1254 specifically provided in law.

1255 (28) RULEMAKING.—The Department of Education, after
1256 consultation with sponsors ~~school districts~~ and charter school
1257 directors, shall recommend that the State Board of Education
1258 adopt rules to implement specific subsections of this section.
1259 Such rules shall require minimum paperwork and shall not limit
1260 charter school flexibility authorized by statute. The State
1261 Board of Education shall adopt rules, pursuant to ss. 120.536(1)
1262 and 120.54, to implement a standard charter application form,
1263 standard application form for the replication of charter schools
1264 in a high-performing charter school system, standard evaluation
1265 instrument, and standard charter and charter renewal contracts
1266 in accordance with this section.

1267 Section 3. Paragraph (a) of subsection (2) of section
1268 1002.331, Florida Statutes, is amended to read:

1269 1002.331 High-performing charter schools.—

1270 (2) A high-performing charter school is authorized to:

1271 (a) Increase its student enrollment once per school year
1272 to more than the capacity identified in the charter, but student
1273 enrollment may not exceed the capacity of the facility at the
1274 time the enrollment increase will take effect. Facility capacity
1275 for purposes of ~~grade-level~~ expansion shall include any

1276 improvements to an existing facility or any new facility in
1277 which ~~a majority of~~ the students of the high-performing charter
1278 school will enroll.

1279
1280 A high-performing charter school shall notify its sponsor in
1281 writing by March 1 if it intends to increase enrollment or
1282 expand grade levels the following school year. The written
1283 notice shall specify the amount of the enrollment increase and
1284 the grade levels that will be added, as applicable. If a charter
1285 school notifies the sponsor of its intent to expand, the sponsor
1286 shall modify the charter within 90 days to include the new
1287 enrollment maximum and may not make any other changes. The
1288 sponsor may deny a request to increase the enrollment of a high-
1289 performing charter school if the commissioner has declassified
1290 the charter school as high-performing. If a high-performing
1291 charter school requests to consolidate multiple charters, the
1292 sponsor shall have 40 days after receipt of that request to
1293 provide an initial draft charter to the charter school. The
1294 sponsor and charter school shall have 50 days thereafter to
1295 negotiate and notice the charter contract for final approval by
1296 the sponsor.

1297 Section 4. Paragraph (a) of subsection (1) of section
1298 1003.493, Florida Statutes, is amended to read:

1299 1003.493 Career and professional academies and career-
1300 themed courses.—

1301 (1) (a) A "career and professional academy" is a research-
1302 based program that integrates a rigorous academic curriculum
1303 with an industry-specific curriculum aligned directly to
1304 priority workforce needs established by the local workforce
1305 development board or the Department of Economic Opportunity.
1306 Career and professional academies shall be offered by public
1307 schools and school districts. Career and professional academies
1308 may be offered by charter schools. The Florida Virtual School is
1309 encouraged to develop and offer rigorous career and professional
1310 courses as appropriate. Students completing career and
1311 professional academy programs must receive a standard high
1312 school diploma, the highest available industry certification,
1313 and opportunities to earn postsecondary credit if the academy
1314 partners with a postsecondary institution approved to operate in
1315 the state.

1316 Section 5. Subsection (3) of section 1008.3415, Florida
1317 Statutes, is renumbered as subsection (4), and a new subsection
1318 (3) is added to that section to read:

1319 1008.3415 School grade or school improvement rating for
1320 exceptional student education centers.—

1321 (3) A charter school that is an exceptional student
1322 education center and that receives two consecutive ratings of
1323 "maintaining" or higher may replicate its educational program
1324 under s. 1002.331(3). The Commissioner of Education, upon
1325 request by the charter school, shall verify that the charter

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1326 | school meets the requirements of this subsection and provide a
1327 | letter to the charter school and the sponsor stating that the
1328 | charter school may replicate its educational program in the same
1329 | manner as a high-performing charter school under s. 1002.331(3).

1330 | Section 6. This act shall take effect July 1, 2021.